

HB0148S01 compared with HB0148

~~text~~ shows text that was in HB0148 but was deleted in HB0148S01.

text shows text that was not in HB0148 but was inserted into HB0148S01.

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Representative Jeffrey D. Stenquist proposes the following substitute bill:

ALCOHOL EDUCATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: ~~_____~~ Jacob L. Anderegg

LONG TITLE

General Description:

This bill ~~amends the Alcoholic Beverage Control Act regarding deposits to~~ creates the Drinking While Pregnant Prevention Media and Education Campaign Restricted Account and provides for the use and oversight of account funds.

Highlighted Provisions:

This bill:

- ▶ amends provisions regarding what the Drinking While Pregnant Prevention Media and Education Campaign Restricted Account consists of;
- ▶ requires deposits into the Drinking While Pregnant Prevention Media and Education Campaign Restricted Account of a percentage of the total gross revenue from the sale of liquor;
- ▶ moves the Drinking While Pregnant Prevention Media and Education Campaign

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Restricted Account from the Department of Health to the Division of Substance Abuse and Mental Health:

- ▶ requires the Utah Substance Use and Mental Health Advisory Council to provide oversight of the Drinking While Pregnant Prevention Media and Education Campaign;
- ▶ requires the Division of Substance Abuse and Mental health to provide an annual report to the Utah Substance Use and Mental Health Advisory Council; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32B-2-308, as enacted by Laws of Utah 2020, Chapter 186

63J-1-602.1, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

63M-7-303, as last amended by Laws of Utah 2018, Chapter 414

RENUMBERS AND AMENDS:

62A-15-403, (Renumbered from 26-7-12, as enacted by Laws of Utah 2020, Chapter 186)

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **32B-2-308** is amended to read:

32B-2-308. Drinking While Pregnant Prevention Media and Education

Campaign Restricted Account.

(1) As used in this section ~~["~~

~~"]~~ (a) ~~["~~ "Department of Health" means the Department of Health created in Section 26-1-4. ~~["~~

~~"]~~ (b) ~~["~~ "Restricted", "restricted account" means the Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in this section.

(2) (a) There is created a restricted account within the General Fund known as the

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"Drinking While Pregnant Prevention Media and Education Campaign Restricted Account."

(b) The restricted account consists of:

(i) ~~[money the Legislature appropriates to the restricted account]~~ deposits made under Subsection (3); and

(ii) interest earned on the restricted account.

(3) (a) The department shall deposit the amounts described in Subsection (3)(b) of the total gross revenue from sales of liquor with the state treasurer, as determined by the total gross revenue collected for the fiscal year two years preceding the fiscal year for which the deposit is made, to be credited to the restricted account and to be used by the Department of Substance Abuse and Mental Health as provided in Section ~~26-7-12~~ 62A-15-403.

(b) In accordance with Subsection (3)(a), the department shall deposit during the fiscal years:

(i) beginning July 1, 2021, and ending June 30, 2023, .2% of the total gross revenue;

(ii) beginning July 1, 2023, and ending June 30, 2025, .3% of the total gross revenue;

and

(iii) beginning after June 30, 2025, .4% of the total gross revenue.

Section 2. Section 62A-15-403, which is renumbered from Section 26-7-12 is renumbered and amended to read:

~~26-7-12~~. 62A-15-403. 26-7-12. Drinking while pregnant prevention media and education campaign.

(1) As used in this section ~~[, "restricted"]~~:

(a) "Advisory council" means the Utah Substance Use and Mental Health Advisory Council created in Section 63M-7-301.

(b) "Restricted account" means the Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in Section 32B-2-308.

~~[(2) The department shall:]~~

~~[(a) create guidelines for how money in the restricted account for a media and education campaign can be used;]~~

~~[(b) include in the guidelines established under this Subsection (2) that a media and education campaign is:]~~

~~[(i) carefully researched and developed; and]~~

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~~[(ii)]~~ appropriate for target groups.

~~}]~~

(2) The advisory council shall:

(a) provide ongoing oversight of a media and education campaign funded through the restricted account;

(b) create a drinking while pregnant prevention workgroup consistent with guidelines the advisory council proposes related to the membership and duties of the drinking while pregnant prevention workgroup;

(c) create guidelines for how money appropriated for a media and education campaign can be used;

(d) include in the guidelines established under this subsection (2) that a media and education campaign funded through the restricted account is carefully researched and developed and appropriate for target groups; and

(e) approve plans the division submits in accordance with Subsection (3).

(3) (a) Subject to appropriation from the Legislature and in cooperation with the advisory council, the ~~[department]~~ division shall expend money from the restricted account to direct and fund one or more media and education campaigns designed to reduce the consumption of alcohol while pregnant.

(b) The ~~[department]~~ shall:

~~—~~ (i)] division shall:

(i) in cooperation with the drinking while pregnant prevention workgroup created under Subsection (2), prepare and submit a plan to the advisory council detailing the intended use of the money in the restricted account;

[(i)] (ii) upon receiving approval from the advisory council for the plan submitted under Subsection (3)(b)(i), conduct the media and education campaign in accordance with the guidelines established under Subsection (2); and

[(ii)] (iii) submit to the Health and Human Services Interim Committee and the Utah Substance Use and Mental Health Advisory Council created in Section 63M-7-301 annually by no later than October 1, a written report detailing:

(A) the use of the money for the media and education campaigns conducted under this Subsection (3); and

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(B) the impact and result of the use of the money during the previous fiscal year ending June 30.

Section ~~2~~3. Section **63J-1-602.1** is amended to read:

63J-1-602.1. List of nonlapsing appropriations from accounts and funds.

Appropriations made from the following accounts or funds are nonlapsing:

- (1) The Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102.
- (2) The Native American Repatriation Restricted Account created in Section 9-9-407.
- (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.
- (4) The National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102.
- (5) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.
- (6) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- (7) The "Latino Community Support Restricted Account" created in Section 13-1-16.
- (8) The Clean Air Support Restricted Account created in Section 19-1-109.
- (9) The "Support for State-Owned Shooting Ranges Restricted Account" created in Section 23-14-13.5.
- (10) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.
- (11) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26-1-38.
- (12) The Children with Cancer Support Restricted Account created in Section 26-21a-304.
- (13) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26-40-108.
- (14) The Children with Heart Disease Support Restricted Account created in Section 26-58-102.
- (15) The Nurse Home Visiting Restricted Account created in Section 26-63-601.

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- (16) The Technology Development Restricted Account created in Section 31A-3-104.
- (17) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- (18) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- (19) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- (20) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.
- (21) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- (22) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.
- (23) The School Readiness Restricted Account created in Section 35A-15-203.
- (24) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.
- (25) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- (26) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- (27) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.
- (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.
- (29) The Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.
- (30) The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.
- (31) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.
- (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- (33) The DNA Specimen Restricted Account created in Section 53-10-407.

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(34) The Canine Body Armor Restricted Account created in Section 53-16-201.

(35) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

(36) The Higher Education Capital Projects Fund created in Section 53B-22-202.

(37) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

(38) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

(39) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-3a-105.

(40) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.

(41) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.

(42) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.

(43) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-56-3.5.

(44) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

(45) The Relative Value Study Restricted Account created in Section 59-9-105.

(46) The Cigarette Tax Restricted Account created in Section 59-14-204.

(47) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.

(48) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.

(49) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.

(50) The National Professional Men's Basketball Team Support of Women and

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Children Issues Restricted Account created in Section 62A-1-202.

(51) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.

(52) The Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.

(53) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

(54) The Immigration Act Restricted Account created in Section 63G-12-103.

(55) Money received by the military installation development authority, as provided in Section 63H-1-504.

(56) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

(57) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.

(58) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.

(59) The Employability to Careers Program Restricted Account created in Section 63J-4-703.

(60) The Motion Picture Incentive Account created in Section 63N-8-103.

(61) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided under Section 63N-10-301.

(62) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).

(63) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.

(64) The Transportation of Veterans to Memorials Support Restricted Account created in Section 71-14-102.

(65) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.

(66) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.

(67) The Water Resources Conservation and Development Fund, as provided in

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Section 73-23-2.

(68) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).

(69) Fees for certificate of admission created under Section 78A-9-102.

(70) Funds collected for adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

(71) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

(72) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, Jordan River State Park, and Green River State Park, as provided under Section 79-4-403.

(73) Certain funds received by the Division of Parks and Recreation from the sale or disposal of buffalo, as provided under Section 79-4-1001.

~~[(74) The Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in Section 32B-2-308.]~~

Section 4. Section 63M-7-303 is amended to read:

63M-7-303. Duties of council.

(1) The Utah Substance Use and Mental Health Advisory Council shall:

(a) provide leadership and generate unity for Utah's ongoing efforts to reduce and eliminate the impact of substance use and mental health disorders in Utah through a comprehensive and evidence-based prevention, treatment, and justice strategy;

(b) recommend and coordinate the creation, dissemination, and implementation of statewide policies to address substance use and mental health disorders;

(c) facilitate planning for a balanced continuum of substance use and mental health disorder prevention, treatment, and justice services;

(d) promote collaboration and mutually beneficial public and private partnerships;

(e) coordinate recommendations made by any committee created under Section 63M-7-302;

(f) analyze and provide an objective assessment of all proposed legislation concerning substance use, mental health, and related issues;

(g) coordinate the implementation of Section 77-18-1.1 and related provisions in

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Subsections 77-18-1(5)(b)(iii) and (iv), as provided in Section 63M-7-305;

(h) comply with [Section] Sections 32B-2-306 and 62A-15-403; and

(i) oversee coordination for the funding, implementation, and evaluation of suicide prevention efforts described in Section 62A-15-1101.

(2) The council shall meet quarterly or more frequently as determined necessary by the chair.

(3) The council shall report its recommendations annually to the commission, governor, the Legislature, and the Judicial Council.