

30 **26-8a-301**, as last amended by Laws of Utah 2019, Chapter 265
 31 **26-8a-302**, as last amended by Laws of Utah 2017, Chapter 326
 32 **26-8a-306**, as enacted by Laws of Utah 1999, Chapter 141
 33 **26-8a-310**, as last amended by Laws of Utah 2020, Chapter 150
 34 **26-8a-502**, as last amended by Laws of Utah 2017, Chapter 326
 35 **26-8a-601**, as last amended by Laws of Utah 2019, Chapter 349
 36 **53-7-204**, as last amended by Laws of Utah 2020, Chapters 365, 403 and last amended
 37 by Coordination Clause, Laws of Utah 2020, Chapter 403

38 ENACTS:

39 **26-8a-310.5**, Utah Code Annotated 1953



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

42 Section 1. Section **26-8a-102** is amended to read:

43 **26-8a-102. Definitions.**

44 As used in this chapter:

45 (1) (a) "911 ambulance or paramedic services" means:

46 (i) either:

47 (A) 911 ambulance service;

48 (B) 911 paramedic service; or

49 (C) both 911 ambulance and paramedic service; and

50 (ii) a response to a 911 call received by a designated dispatch center that receives 911
51 or E911 calls.

52 (b) "911 ambulance or paramedic service" does not mean a seven or ten digit telephone
53 call received directly by an ambulance provider licensed under this chapter.

54 (2) "Ambulance" means a ground, air, or water vehicle that:

55 (a) transports patients and is used to provide emergency medical services; and

56 (b) is required to obtain a permit under Section **26-8a-304** to operate in the state.

57 (3) "Ambulance provider" means an emergency medical service provider that:

58 (a) transports and provides emergency medical care to patients; and
59 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
60 (4) "Committee" means the State Emergency Medical Services Committee created by
61 Section 26-1-7.

62 (5) "Direct medical observation" means in-person observation of a patient by a
63 physician, registered nurse, physician's assistant, or individual licensed under Section
64 26-8a-302.

65 (6) "Emergency medical condition" means:
66 (a) a medical condition that manifests itself by symptoms of sufficient severity,
67 including severe pain, that a prudent layperson, who possesses an average knowledge of health
68 and medicine, could reasonably expect the absence of immediate medical attention to result in:

- 69 (i) placing the individual's health in serious jeopardy;
- 70 (ii) serious impairment to bodily functions; or
- 71 (iii) serious dysfunction of any bodily organ or part; or

72 (b) a medical condition that in the opinion of a physician or ~~[his]~~ the physician's
73 designee requires direct medical observation during transport or may require the intervention of
74 an individual licensed under Section 26-8a-302 during transport.

75 ~~[(7) "Emergency medical service personnel":]~~

76 ~~[(a)]~~ (7) (a) "Emergency medical service personnel" means an individual who provides
77 emergency medical services to a patient and is required to be licensed or certified under
78 Section 26-8a-302~~[:and]~~.

79 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
80 licensed emergency medical service provider, emergency medical service instructor, ~~[and]~~
81 other categories established by the committee, and a certified emergency medical dispatcher.

82 (8) "Emergency medical service providers" means:

83 (a) licensed ambulance providers and paramedic providers;

84 (b) a facility or provider that is required to be designated under Subsection
85 26-8a-303(1)(a); and

86 (c) emergency medical service personnel.

87 (9) "Emergency medical services" means medical services, transportation services, or
88 both rendered to a patient.

89 (10) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

90 (a) maintained and used for the transportation of emergency medical personnel,
91 equipment, and supplies to the scene of a medical emergency; and

92 (b) required to be permitted under Section 26-8a-304.

93 (11) "Governing body":

94 (a) ~~[is as]~~ means the same as that term is defined in Section 11-42-102; and

95 (b) for purposes of a "special service district" under Section 11-42-102, means a
96 special service district that has been delegated the authority to select a provider under this
97 chapter by the special service district's legislative body or administrative control board.

98 (12) "Interested party" means:

99 (a) a licensed or designated emergency medical services provider that provides
100 emergency medical services within or in an area that abuts an exclusive geographic service area
101 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic
102 Providers;

103 (b) any municipality, county, or fire district that lies within or abuts a geographic
104 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and
105 Paramedic Providers; or

106 (c) the department when acting in the interest of the public.

107 (13) "Medical control" means a person who provides medical supervision to an
108 emergency medical service provider.

109 (14) "Non-911 service" means transport of a patient that is not 911 transport under
110 Subsection (1).

111 (15) "Nonemergency secured behavioral health transport" means an entity that:

112 (a) provides nonemergency secure transportation services for an individual who:

113 (i) is not required to be transported by an ambulance under Section 26-8a-305; and

- 114 (ii) requires behavioral health observation during transport between any of the
- 115 following facilities:
- 116 (A) a licensed acute care hospital;
- 117 (B) an emergency patient receiving facility;
- 118 (C) a licensed mental health facility; and
- 119 (D) the office of a licensed health care provider; and
- 120 (b) is required to be designated under Section [26-8a-303](#).
- 121 (16) "Paramedic provider" means an entity that:
- 122 (a) employs emergency medical service personnel; and
- 123 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
- 124 (17) "Patient" means an individual who, as the result of illness or injury, meets any of
- 125 the criteria in Section [26-8a-305](#).
- 126 (18) "Political subdivision" means:
- 127 (a) a city or town located in a county of the first or second class as defined in Section
- 128 [17-50-501](#);
- 129 (b) a county of the first or second class;
- 130 (c) the following districts located in a county of the first or second class:
- 131 (i) a special service district created under Title 17D, Chapter 1, Special Service District
- 132 Act; or
- 133 (ii) a local district under Title 17B, Limited Purpose Local Government Entities - Local
- 134 Districts, for the purpose of providing fire protection, paramedic, and emergency services;
- 135 (d) areas coming together as described in Subsection [26-8a-405.2\(2\)\(b\)\(ii\)](#);
- 136 (e) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act; or
- 137 (f) a special service district for fire protection service under Subsection [17D-1-201\(9\)](#).
- 138 (19) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 139 (20) "Trauma system" means a single, statewide system that:
- 140 (a) organizes and coordinates the delivery of trauma care within defined geographic
- 141 areas from the time of injury through transport and rehabilitative care; and

142 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
143 delivering care for trauma patients, regardless of severity.

144 (21) "Triage" means the sorting of patients in terms of disposition, destination, or
145 priority. For prehospital trauma victims, triage requires a determination of injury severity to
146 assess the appropriate level of care according to established patient care protocols.

147 (22) "Triage, treatment, transportation, and transfer guidelines" means written
148 procedures that:

149 (a) direct the care of patients; and

150 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
151 center, or an emergency medical service provider.

152 Section 2. Section **26-8a-103** is amended to read:

153 **26-8a-103. State Emergency Medical Services Committee -- Membership --**
154 **Expenses.**

155 (1) The State Emergency Medical Services Committee created by Section **26-1-7** shall
156 be composed of the following 17 members appointed by the governor, at least six of whom
157 shall reside in a county of the third, fourth, fifth, or sixth class:

158 (a) five physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
159 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as follows:

160 (i) one surgeon who actively provides trauma care at a hospital;

161 (ii) one rural physician involved in emergency medical care;

162 (iii) two physicians who practice in the emergency department of a general acute
163 hospital; and

164 (iv) one pediatrician who practices in the emergency department or critical care unit of
165 a general acute hospital or a children's specialty hospital;

166 (b) two representatives from private ambulance providers;

167 (c) one representative from an ambulance provider that is neither privately owned nor
168 operated by a fire department;

169 (d) two chief officers from fire agencies operated by the following classes of licensed

170 or designated emergency medical services providers: municipality, county, and fire district,
171 provided that no class of medical services providers may have more than one representative
172 under this Subsection (1)(d);

173 (e) one director of a law enforcement agency that provides emergency medical
174 services;

175 (f) one hospital administrator;

176 (g) one emergency care nurse;

177 (h) one paramedic in active field practice;

178 (i) one emergency medical technician in active field practice;

179 (j) one [~~licensed~~] certified emergency medical dispatcher affiliated with an emergency
180 medical dispatch center; and

181 (k) one consumer.

182 (2) (a) Except as provided in Subsection (2)(b), members shall be appointed to a
183 four-year term beginning July 1.

184 (b) Notwithstanding Subsection (2)(a), the governor:

185 (i) shall, at the time of appointment or reappointment, adjust the length of terms to
186 ensure that the terms of committee members are staggered so that approximately half of the
187 committee is appointed every two years;

188 (ii) may not reappoint a member for more than two consecutive terms; and

189 (iii) shall:

190 (A) initially appoint the second member under Subsection (1)(b) from a different
191 private provider than the private provider currently serving under Subsection (1)(b); and

192 (B) thereafter stagger each replacement of a member in Subsection (1)(b) so that the
193 member positions under Subsection (1)(b) are not held by representatives of the same private
194 provider.

195 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
196 appointed by the governor for the unexpired term.

197 (3) (a) (i) Each January, the committee shall organize and select one of [its] the

198 committee's members as chair and one member as vice chair.

199 (ii) The committee may organize standing or ad hoc subcommittees, which shall
200 operate in accordance with guidelines established by the committee.

201 (b) (i) The chair shall convene a minimum of four meetings per year.

202 (ii) The chair may call special meetings.

203 (iii) The chair shall call a meeting upon request of five or more members of the
204 committee.

205 (c) (i) Nine members of the committee constitute a quorum for the transaction of
206 business [~~and the~~].

207 (ii) The action of a majority of the members present is the action of the committee.

208 (4) A member may not receive compensation or benefits for the member's service, but
209 may receive per diem and travel expenses in accordance with:

210 (a) Section 63A-3-106;

211 (b) Section 63A-3-107; and

212 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
213 63A-3-107.

214 (5) Administrative services for the committee shall be provided by the department.

215 Section 3. Section 26-8a-104 is amended to read:

216 **26-8a-104. Committee advisory duties.**

217 The committee shall adopt rules, with the concurrence of the department, in accordance
218 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

219 (1) establish licensure, certification, and reciprocity requirements under Section
220 26-8a-302;

221 (2) establish designation requirements under Section 26-8a-303;

222 (3) promote the development of a statewide emergency medical services system under
223 Section 26-8a-203;

224 (4) establish insurance requirements for ambulance providers;

225 (5) provide guidelines for requiring patient data under Section 26-8a-203;

- 226 (6) establish criteria for awarding grants under Section 26-8a-207;
- 227 (7) establish requirements for the coordination of emergency medical services and the
- 228 medical supervision of emergency medical service providers under Section 26-8a-306; [and]
- 229 (8) select appropriate vendors to establish certification requirements for emergency
- 230 medical dispatchers; and
- 231 [~~(8)~~] (9) are necessary to carry out the responsibilities of the committee as specified in
- 232 other sections of this chapter.

233 Section 4. Section 26-8a-301 is amended to read:

234 **26-8a-301. General requirement.**

235 (1) Except as provided in Section 26-8a-308 or 26-8b-201:

- 236 (a) an individual may not provide emergency medical services without a license or
- 237 certification issued under Section 26-8a-302;
- 238 (b) a facility or provider may not hold itself out as a designated emergency medical
- 239 service provider or nonemergency secured behavioral health transport provider without a
- 240 designation issued under Section 26-8a-303;
- 241 (c) a vehicle may not operate as an ambulance, emergency response vehicle, or
- 242 nonemergency secured behavioral health transport vehicle without a permit issued under
- 243 Section 26-8a-304; and
- 244 (d) an entity may not respond as an ambulance or paramedic provider without the
- 245 appropriate license issued under Part 4, Ambulance and Paramedic Providers.
- 246 (2) Section 26-8a-502 applies to violations of this section.

247 Section 5. Section 26-8a-302 is amended to read:

248 **26-8a-302. Licensure or certification of emergency medical service personnel.**

- 249 (1) To promote the availability of comprehensive emergency medical services
- 250 throughout the state, the committee shall establish:
- 251 (a) initial and ongoing licensure and training requirements for emergency medical
- 252 service personnel in the following categories:
- 253 (i) paramedic;

254 (ii) medical director;
255 (iii) emergency medical service instructor; and
256 (iv) except emergency medical dispatchers, other types of emergency medical service
257 personnel as the committee considers necessary; [~~and~~]

258 (b) a method to monitor the certification status and continuing medical education hours
259 for emergency medical dispatchers; and

260 [~~(b)~~] (c) guidelines for giving credit for out-of-state training and experience.

261 (2) The department shall, based on the requirements established in Subsection (1):

262 (a) develop, conduct, and authorize training and testing for emergency medical service
263 personnel; [~~and~~]

264 (b) issue a license and license renewals to emergency medical service personnel[~~;~~]
265 other than emergency medical dispatchers; and

266 (c) verify the certification of emergency medical dispatchers.

267 (3) As provided in Section [26-8a-502](#), an individual issued a license or certified under
268 this section may only provide emergency medical services to the extent allowed by the license
269 or certification.

270 (4) An individual may not be issued or retain a license under this section unless the
271 individual obtains and retains background clearance under Section [26-8a-310](#).

272 (5) An individual may not be issued or retain a certification under this section unless
273 the individual obtains and retains background clearance in accordance with Section
274 [26-8a-310.5](#).

275 Section 6. Section **26-8a-306** is amended to read:

276 **26-8a-306. Medical control.**

277 (1) The committee shall establish requirements for the coordination of emergency
278 medical services rendered by emergency medical service providers, including the coordination
279 between prehospital providers, hospitals, emergency patient receiving facilities, and other
280 appropriate destinations.

281 (2) The committee [~~may~~] shall establish requirements for the medical supervision of

282 emergency medical service providers to assure adequate physician oversight of emergency
283 medical services and quality improvement.

284 Section 7. Section **26-8a-310** is amended to read:

285 **26-8a-310. Background clearance for emergency medical service personnel.**

286 (1) [~~The~~] Subject to Section 26-8a-310.5, the department shall determine whether to
287 grant background clearance for an individual seeking licensure or certification under Section
288 26-8a-302 from whom [~~it~~] the department receives:

289 (a) the individual's social security number, fingerprints, and other personal
290 identification information specified by the department under Subsection (4); and

291 (b) any fees established by the department under Subsection (10).

292 (2) The department shall determine whether to deny or revoke background clearance
293 for individuals for whom [~~it~~] the department has previously granted background clearance.

294 (3) The department shall determine whether to grant, deny, or revoke background
295 clearance for an individual based on an initial and ongoing evaluation of information the
296 department obtains under Subsections (5) and (11), which, at a minimum, shall include an
297 initial criminal background check of state, regional, and national databases using the
298 individual's fingerprints.

299 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
300 Administrative Rulemaking Act, that specify:

301 (a) the criteria the department will use under Subsection (3) to determine whether to
302 grant, deny, or revoke background clearance; and

303 (b) the other personal identification information an individual seeking licensure or
304 certification under Section 26-8a-302 must submit under Subsection (1).

305 (5) To determine whether to grant, deny, or revoke background clearance, the
306 department may access and evaluate any of the following:

307 (a) Department of Public Safety arrest, conviction, and disposition records described in
308 Title 53, Chapter 10, Criminal Investigations and Technical Services Act, including
309 information in state, regional, and national records files;

310 (b) adjudications by a juvenile court of committing an act that if committed by an adult
311 would be a felony or misdemeanor, if:

312 (i) the applicant is under 28 years [~~of age~~] old; or

313 (ii) the applicant:

314 (A) is over 28 years [~~of age~~] old; and

315 (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in
316 abeyance or diversion agreement for a felony or misdemeanor;

317 (c) juvenile court arrest, adjudication, and disposition records, other than those under
318 Subsection (5)(b), as allowed under Section [78A-6-209](#);

319 (d) child abuse or neglect findings described in Section [78A-6-323](#);

320 (e) the Department of Human Services' Division of Child and Family Services
321 Licensing Information System described in Section [62A-4a-1006](#);

322 (f) the Department of Human Services' Division of Aging and Adult Services database
323 of reports of vulnerable adult abuse, neglect, or exploitation, described in Section [62A-3-311.1](#);

324 (g) Division of Occupational and Professional Licensing records of licensing and
325 certification under Title 58, Occupations and Professions;

326 (h) records in other federal criminal background databases available to the state; and

327 (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance,
328 pending diversion agreements, or dispositions.

329 (6) Except for the Department of Public Safety, an agency may not charge the
330 department for information accessed under Subsection (5).

331 (7) When evaluating information under Subsection (3), the department shall classify a
332 crime committed in another state according to the closest matching crime under Utah law,
333 regardless of how the crime is classified in the state where the crime was committed.

334 (8) The department shall adopt measures to protect the security of information [~~it~~] the
335 department accesses under Subsection (5), which shall include limiting access by department
336 employees to those responsible for acquiring, evaluating, or otherwise processing the
337 information.

338 (9) The department may disclose personal identification information [it] the
339 department receives under Subsection (1) to the Department of Human Services to verify that
340 the subject of the information is not identified as a perpetrator or offender in the information
341 sources described in Subsections (5)(d) through (f).

342 (10) The department may charge fees, in accordance with Section 63J-1-504, to pay
343 for:

344 (a) the cost of obtaining, storing, and evaluating information needed under Subsection
345 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke
346 background clearance; and

347 (b) other department costs related to granting, denying, or revoking background
348 clearance.

349 (11) The Criminal Investigations and Technical Services Division within the
350 Department of Public Safety shall:

351 (a) retain, separate from other division records, personal information under Subsection
352 (1), including any fingerprints sent to it by the Department of Health; and

353 (b) notify the Department of Health upon receiving notice that an individual for whom
354 personal information has been retained is the subject of:

355 (i) a warrant for arrest;

356 (ii) an arrest;

357 (iii) a conviction, including a plea in abeyance; or

358 (iv) a pending diversion agreement.

359 (12) The department shall use the Direct Access Clearance System database created
360 under Section 26-21-209 to manage information about the background clearance status of each
361 individual for whom the department is required to make a determination under Subsection (1).

362 (13) Clearance granted for an individual licensed or certified under Section 26-8a-302
363 is valid until two years after the day on which the individual is no longer licensed or certified in
364 Utah as emergency medical service personnel.

365 Section 8. Section 26-8a-310.5 is enacted to read:

366 **26-8a-310.5. Background check requirements for emergency medical dispatchers.**

367 An emergency medical dispatcher seeking certification under Section 26-8a-302 shall
368 undergo the background clearance process described in Subsection 26-8a-310 unless the
369 emergency medical dispatcher can demonstrate that the emergency medical dispatcher has
370 received and currently holds an approved Department of Public Safety background clearance.

371 Section 9. Section **26-8a-502** is amended to read:

372 **26-8a-502. Illegal activity.**

373 (1) Except as provided in Section 26-8a-308 or 26-8b-201, a person may not:

374 (a) practice or engage in the practice, represent that the person is practicing or engaging
375 in the practice, or attempt to practice or engage in the practice of any activity that requires a
376 license, certification, or designation under this chapter unless that person is licensed, certified,
377 or designated under this chapter; or

378 (b) offer an emergency medical service that requires a license, certification, or
379 designation under this chapter unless the person is licensed, certified, or designated under this
380 chapter.

381 (2) A person may not advertise or represent that the person holds a license,
382 certification, or designation required under this chapter, unless that person holds the license,
383 certification, or designation under this chapter.

384 (3) A person may not employ or permit any employee to perform any service for which
385 a license or certification is required by this chapter, unless the person performing the service
386 possesses the required license or certification under this chapter.

387 (4) A person may not wear, display, sell, reproduce, or otherwise use any Utah
388 Emergency Medical Services insignia without authorization from the department.

389 (5) A person may not reproduce or otherwise use materials developed by the
390 department for licensure or certification testing or examination without authorization from the
391 department.

392 (6) A person may not willfully summon an ambulance or emergency response vehicle
393 or report that one is needed when the person knows that the ambulance or emergency response

394 vehicle is not needed.

395 (7) A person who violates this section is subject to Section 26-23-6.

396 Section 10. Section 26-8a-601 is amended to read:

397 **26-8a-601. Persons and activities exempt from civil liability.**

398 (1) (a) Except as provided in Subsection (1)(b), a licensed physician, physician's
399 assistant, or licensed registered nurse who, gratuitously and in good faith, gives oral or written
400 instructions to any of the following is not liable for any civil damages as a result of issuing the
401 instructions:

402 (i) an individual licensed or certified under Section 26-8a-302;

403 (ii) [~~a person~~] an individual who uses a fully automated external defibrillator, as
404 defined in Section 26-8b-102; or

405 (iii) [~~a person~~] an individual who administers CPR, as defined in Section 26-8b-102.

406 (b) The liability protection described in Subsection (1)(a) does not apply if the
407 instructions given were the result of gross negligence or willful misconduct.

408 (2) An individual licensed or certified under Section 26-8a-302, during either training
409 or after licensure or certification, a licensed physician, a physician assistant, or a registered
410 nurse who, gratuitously and in good faith, provides emergency medical instructions or renders
411 emergency medical care authorized by this chapter is not liable for any civil damages as a result
412 of any act or omission in providing the emergency medical instructions or medical care, unless
413 the act or omission is the result of gross negligence or willful misconduct.

414 (3) An individual licensed or certified under Section 26-8a-302 is not subject to civil
415 liability for failure to obtain consent in rendering emergency medical services authorized by
416 this chapter to any individual who is unable to give his consent, regardless of the individual's
417 age, where there is no other person present legally authorized to consent to emergency medical
418 care, provided that the licensed individual acted in good faith.

419 (4) A principal, agent, contractor, employee, or representative of an agency,
420 organization, institution, corporation, or entity of state or local government that sponsors,
421 authorizes, supports, finances, or supervises any functions of an individual licensed or certified

422 under Section 26-8a-302 is not liable for any civil damages for any act or omission in
423 connection with [~~such~~] the sponsorship, authorization, support, finance, or supervision of the
424 licensed or certified individual where the act or omission occurs in connection with the
425 licensed or certified individual's training or occurs outside a hospital where the life of a patient
426 is in immediate danger, unless the act or omission is inconsistent with the training of the
427 licensed or certified individual, and unless the act or omission is the result of gross negligence
428 or willful misconduct.

429 (5) A physician or physician assistant who gratuitously and in good faith arranges for,
430 requests, recommends, or initiates the transfer of a patient from a hospital to a critical care unit
431 in another hospital is not liable for any civil damages as a result of such transfer where:

432 (a) sound medical judgment indicates that the patient's medical condition is beyond the
433 care capability of the transferring hospital or the medical community in which that hospital is
434 located; and

435 (b) the physician or physician assistant has secured an agreement from the receiving
436 facility to accept and render necessary treatment to the patient.

437 (6) [~~A person~~] An individual who is a registered member of the National Ski Patrol
438 System (NSPS) or a member of a ski patrol who has completed a course in winter emergency
439 care offered by the NSPS combined with CPR for medical technicians offered by the American
440 Red Cross or American Heart Association, or an equivalent course of instruction, and who in
441 good faith renders emergency care in the course of ski patrol duties is not liable for civil
442 damages as a result of any act or omission in rendering the emergency care, unless the act or
443 omission is the result of gross negligence or willful misconduct.

444 (7) An emergency medical service provider who, in good faith, transports an individual
445 against his will but at the direction of a law enforcement officer pursuant to Section
446 62A-15-629 is not liable for civil damages for transporting the individual.

447 Section 11. Section 53-7-204 is amended to read:

448 **53-7-204. Duties of Utah Fire Prevention Board -- Unified Code Analysis Council**
449 **-- Local administrative duties.**

- 450 (1) The board shall:
- 451 (a) administer the state fire code as the standard in the state;
- 452 (b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3,
- 453 Utah Administrative Rulemaking Act:
- 454 (i) establishing standards for the prevention of fire and for the protection of life and
- 455 property against fire and panic in any:
- 456 (A) publicly owned building, including all public and private schools, colleges, and
- 457 university buildings;
- 458 (B) building or structure used or intended for use as an asylum, a mental hospital, a
- 459 hospital, a sanitarium, a home for the elderly, an assisted living facility, a children's home or
- 460 day care center, or any building or structure used for a similar purpose; or
- 461 (C) place of assemblage where 50 or more persons may gather together in a building,
- 462 structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;
- 463 (ii) establishing safety and other requirements for placement and discharge of display
- 464 fireworks on the basis of:
- 465 (A) the state fire code; and
- 466 (B) relevant publications of the National Fire Protection Association;
- 467 (iii) establishing safety standards for retail storage, handling, and sale of class C
- 468 common state approved explosives;
- 469 (iv) defining methods to establish proof of competence to place and discharge display
- 470 fireworks, special effects fireworks, and flame effects;
- 471 (v) subject to Subsection (2), creating a uniform statewide policy regarding a state,
- 472 county, special district, and local government entity's safe seizure, storage, and repurposing,
- 473 destruction, or disposal of a firework, class A explosive, or class B explosive that:
- 474 (A) is illegal; or
- 475 (B) a person uses or handles in an illegal manner;
- 476 (vi) deputizing qualified persons to act as deputy fire marshals, and to secure special
- 477 services in emergencies;

- 478 (vii) implementing Section 15A-1-403;
- 479 [~~viii) setting guidelines for use of funding;~~]
- 480 (viii) establishing criteria for the certification of firefighters, pump operators,
- 481 instructors, fire officers, fire investigators, and rescue personnel not certified or licensed under
- 482 any other section of the Utah Code;
- 483 (ix) establishing criteria for training and safety equipment grants for fire departments
- 484 enrolled in firefighter certification;
- 485 (x) establishing ongoing training standards for hazardous materials emergency
- 486 response agencies; [~~and~~]
- 487 (xi) establishing criteria for the fire safety inspection of a food truck; and
- 488 (xii) establishing criteria for the accreditation and reaccreditation of fire service
- 489 training organizations;
- 490 (c) recommend to the commissioner a state fire marshal;
- 491 (d) develop policies under which the state fire marshal and the state fire marshal's
- 492 authorized representatives will perform;
- 493 (e) provide for the employment of field assistants and other salaried personnel as
- 494 required;
- 495 (f) prescribe the duties of the state fire marshal and the state fire marshal's authorized
- 496 representatives;
- 497 (g) provide technical expertise, advice, and support to Utah Valley University in the
- 498 establishment and operation of the fire and rescue training program described in Section
- 499 53B-29-202;
- 500 (h) establish a statewide fire statistics program for the purpose of gathering fire data
- 501 from all political subdivisions of the state;
- 502 (i) coordinate the efforts of all people engaged in fire suppression in the state;
- 503 (j) work aggressively with the local political subdivisions to reduce fire losses;
- 504 (k) regulate the sale and servicing of portable fire extinguishers and automatic fire
- 505 suppression systems in the interest of safeguarding lives and property;

506 (l) establish a certification program for persons who inspect and test automatic fire
507 sprinkler systems;

508 (m) establish a certification program for persons who inspect and test fire alarm
509 systems;

510 (n) establish a certification for persons who provide response services regarding
511 hazardous materials emergencies;

512 (o) in accordance with Sections 15A-1-403 and 68-3-14, submit a written report to the
513 Business and Labor Interim Committee; and

514 (p) jointly create the Unified Code Analysis Council with the Uniform Building Code
515 Commission in accordance with Section 15A-1-203.

516 (2) (a) In the rules that the board makes under Subsection (1)(b)(v), the board shall
517 include a provision prohibiting a state, county, special district, or local government entity from
518 disposing of an item described in Subsection (1)(b)(v) by means of open burning, except under
519 circumstances described in the rule.

520 (b) When making a rule under Subsection (1)(b)(v), the board shall:

521 (i) review and include applicable references to:

522 (A) requirements described in Title 15A, Chapter 5, State Fire Code Act; and

523 (B) provisions of the International Fire Code; and

524 (ii) consider the appropriate role of the following in relation to the rule:

525 (A) the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

526 (B) a firework wholesaler or distributor.

527 (3) The board may incorporate in its rules by reference, in whole or in part:

528 (a) the state fire code; or

529 (b) subject to the state fire code, a nationally recognized and readily available standard
530 pertaining to the protection of life and property from fire, explosion, or panic.

531 (4) The following functions shall be administered locally by a city, county, or fire
532 protection district:

533 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and

534 19-2-114;
535 (b) creating a local board of appeals in accordance with the state fire code; and
536 (c) subject to the state fire code and the other provisions of this chapter, establishing,
537 modifying, or deleting fire flow and water supply requirements.