

SB0109S01 compared with SB0109

~~deleted text~~ shows text that was in SB0109 but was deleted in SB0109S01.

inserted text shows text that was not in SB0109 but was inserted into SB0109S01.

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Senator Wayne A. Harper proposes the following substitute bill:

EMERGENCY SERVICES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: ~~_____~~ Stephen G. Handy

LONG TITLE

General Description:

This bill modifies certification provisions for emergency medical responders.

Highlighted Provisions:

This bill:

- ▶ directs the State Emergency Medical Services Committee to establish certification requirements;
- ▶ applies existing liability protections to individuals certified by the State Emergency Medical Services Committee;
- ▶ amends the background check requirements for individuals certified by the State Emergency Medical Services Committee;
- ▶ addresses the certification and accreditation authority of the Utah Fire Prevention Board; and

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- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 26-8a-102**, as last amended by Laws of Utah 2019, Chapter 265
- 26-8a-103**, as last amended by Laws of Utah 2017, Chapters 326 and 336
- 26-8a-104**, as last amended by Laws of Utah 2017, Chapter 326
- 26-8a-301**, as last amended by Laws of Utah 2019, Chapter 265
- 26-8a-302**, as last amended by Laws of Utah 2017, Chapter 326
- 26-8a-306**, as enacted by Laws of Utah 1999, Chapter 141
- 26-8a-310**, as last amended by Laws of Utah 2020, Chapter 150
- 26-8a-502**, as last amended by Laws of Utah 2017, Chapter 326
- 26-8a-601**, as last amended by Laws of Utah 2019, Chapter 349
- 53-7-204**, as last amended by Laws of Utah 2020, Chapters 365, 403 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 403

ENACTS:

[26-8a-310.5, Utah Code Annotated 1953](#)

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

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

26-8a-102. Definitions.

As used in this chapter:

- (1) (a) "911 ambulance or paramedic services" means:
 - (i) either:
 - (A) 911 ambulance service;
 - (B) 911 paramedic service; or
 - (C) both 911 ambulance and paramedic service; and
 - (ii) a response to a 911 call received by a designated dispatch center that receives 911

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or E911 calls.

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

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

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

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

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

(a) transports and provides emergency medical care to patients; and

(b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

(4) "Committee" means the State Emergency Medical Services Committee created by Section 26-1-7.

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

(6) "Emergency medical condition" means:

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

(i) placing the individual's health in serious jeopardy;

(ii) serious impairment to bodily functions; or

(iii) serious dysfunction of any bodily organ or part; or

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

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

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

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

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(8) "Emergency medical service providers" means:

(a) licensed ambulance providers and paramedic providers;

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

(c) emergency medical service personnel.

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

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

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

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

(11) "Governing body":

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

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

(12) "Interested party" means:

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

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

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

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

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

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

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

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- (i) is not required to be transported by an ambulance under Section 26-8a-305; and
- (ii) requires behavioral health observation during transport between any of the following facilities:
 - (A) a licensed acute care hospital;
 - (B) an emergency patient receiving facility;
 - (C) a licensed mental health facility; and
 - (D) the office of a licensed health care provider; and
- (b) is required to be designated under Section 26-8a-303.
- (16) "Paramedic provider" means an entity that:
 - (a) employs emergency medical service personnel; and
 - (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
- (17) "Patient" means an individual who, as the result of illness or injury, meets any of the criteria in Section 26-8a-305.
- (18) "Political subdivision" means:
 - (a) a city or town located in a county of the first or second class as defined in Section 17-50-501;
 - (b) a county of the first or second class;
 - (c) the following districts located in a county of the first or second class:
 - (i) a special service district created under Title 17D, Chapter 1, Special Service District Act; or
 - (ii) a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, for the purpose of providing fire protection, paramedic, and emergency services;
 - (d) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);
 - (e) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act; or
 - (f) a special service district for fire protection service under Subsection 17D-1-201(9).
- (19) "Trauma" means an injury requiring immediate medical or surgical intervention.
- (20) "Trauma system" means a single, statewide system that:
 - (a) organizes and coordinates the delivery of trauma care within defined geographic areas from the time of injury through transport and rehabilitative care; and
 - (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in delivering care for trauma patients, regardless of severity.

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

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

- (a) direct the care of patients; and
- (b) are adopted by the medical staff of an emergency patient receiving facility, trauma center, or an emergency medical service provider.

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

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

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

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

- (i) one surgeon who actively provides trauma care at a hospital;
- (ii) one rural physician involved in emergency medical care;
- (iii) two physicians who practice in the emergency department of a general acute hospital; and
- (iv) one pediatrician who practices in the emergency department or critical care unit of a general acute hospital or a children's specialty hospital;

(b) two representatives from private ambulance providers;

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

(d) two chief officers from fire agencies operated by the following classes of licensed or designated emergency medical services providers: municipality, county, and fire district, provided that no class of medical services providers may have more than one representative under this Subsection (1)(d);

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

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(f) one hospital administrator;
(g) one emergency care nurse;
(h) one paramedic in active field practice;
(i) one emergency medical technician in active field practice;
(j) one [~~licensed~~] certified emergency medical dispatcher affiliated with an emergency medical dispatch center; and

(k) one consumer.

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

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

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

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

(iii) shall:

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

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

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

(3) (a) (i) Each January, the committee shall organize and select one of [~~its~~] the committee's members as chair and one member as vice chair.

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

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

(ii) The chair may call special meetings.

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

(c) (i) Nine members of the committee constitute a quorum for the transaction of

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business ~~and the~~.

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

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

(a) Section 63A-3-106;

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

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

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

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

26-8a-104. Committee advisory duties.

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

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

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

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

(4) establish insurance requirements for ambulance providers;

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

(6) establish criteria for awarding grants under Section 26-8a-207;

(7) establish requirements for the coordination of emergency medical services and the medical supervision of emergency medical service providers under Section 26-8a-306; ~~and~~

(8) select appropriate vendors to establish certification requirements for emergency medical dispatchers; and

~~(8)~~ (9) are necessary to carry out the responsibilities of the committee as specified in other sections of this chapter.

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

26-8a-301. General requirement.

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

(a) an individual may not provide emergency medical services without a license or

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~~{certificate}~~certification issued under Section 26-8a-302;

(b) a facility or provider may not hold itself out as a designated emergency medical service provider or nonemergency secured behavioral health transport provider without a designation issued under Section 26-8a-303;

(c) a vehicle may not operate as an ambulance, emergency response vehicle, or nonemergency secured behavioral health transport vehicle without a permit issued under Section 26-8a-304; and

(d) an entity may not respond as an ambulance or paramedic provider without the appropriate license issued under Part 4, Ambulance and Paramedic Providers.

(2) Section 26-8a-502 applies to violations of this section.

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

26-8a-302. Licensure or ~~{certificate}~~certification of emergency medical service personnel.

(1) To promote the availability of comprehensive emergency medical services throughout the state, the committee shall establish:

(a) initial and ongoing licensure and training requirements for emergency medical service personnel in the following categories:

(i) paramedic;

(ii) medical director;

(iii) emergency medical service instructor; and

(iv) except emergency medical dispatchers, other types of emergency medical service personnel as the committee considers necessary; [~~and~~]

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

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

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

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

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

(c) ~~{issue a certificate and certificate renewals to}~~verify the certification of emergency

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medical dispatchers.

(3) As provided in Section 26-8a-502, an individual issued a license ~~or fa certificate~~ certified under this section may only provide emergency medical services to the extent allowed by the license ~~or the certificate~~.

~~(4) certification.~~

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

(5) An individual may not be issued or retain a ~~license or a certificate~~ certification under this section unless the individual obtains and retains background clearance ~~under~~ in accordance with Section 26-8a-310.5.

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

26-8a-306. Medical control.

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

(2) The committee ~~may~~ shall establish requirements for the medical supervision of emergency medical service providers to assure adequate physician oversight of emergency medical services and quality improvement.

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

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

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

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

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

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

(3) The department shall determine whether to grant, deny, or revoke background clearance for an individual based on an initial and ongoing evaluation of information the

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department obtains under Subsections (5) and (11), which, at a minimum, shall include an initial criminal background check of state, regional, and national databases using the individual's fingerprints.

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

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

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

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

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

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

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

(ii) the applicant:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a warrant for arrest;

(ii) an arrest;

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

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(iv) a pending diversion agreement.

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

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

Section 8. Section ~~{26-8a-502}~~ 26-8a-310.5 is ~~{amended to read:~~
~~}~~ enacted to read:

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

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

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

26-8a-502. Illegal activity.

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

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

(b) offer an emergency medical service that requires a license, ~~{certificate}~~ certification, or designation under this chapter unless the person is licensed, certified, or designated under this chapter.

(2) A person may not advertise or represent that the person holds a license, ~~{certificate}~~ certification, or designation required under this chapter, unless that person holds the license, ~~{certificate}~~ certification, or designation under this chapter.

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

(4) A person may not wear, display, sell, reproduce, or otherwise use any Utah

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Emergency Medical Services insignia without authorization from the department.

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

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

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

Section ~~9~~10. Section **26-8a-601** is amended to read:

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

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

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

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

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

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

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

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

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(4) A principal, agent, contractor, employee, or representative of an agency, organization, institution, corporation, or entity of state or local government that sponsors, authorizes, supports, finances, or supervises any functions of an individual licensed or certified under Section 26-8a-302 is not liable for any civil damages for any act or omission in connection with [~~such~~] the sponsorship, authorization, support, finance, or supervision of the licensed or certified individual where the act or omission occurs in connection with the licensed or certified individual's training or occurs outside a hospital where the life of a patient is in immediate danger, unless the act or omission is inconsistent with the training of the licensed or certified individual, and unless the act or omission is the result of gross negligence or willful misconduct.

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

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

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

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

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

Section ~~10~~ 11. Section **53-7-204** is amended to read:

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

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(1) The board shall:

(a) administer the state fire code as the standard in the state;

(b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(i) establishing standards for the prevention of fire and for the protection of life and property against fire and panic in any:

(A) publicly owned building, including all public and private schools, colleges, and university buildings;

(B) building or structure used or intended for use as an asylum, a mental hospital, a hospital, a sanitarium, a home for the elderly, an assisted living facility, a children's home or day care center, or any building or structure used for a similar purpose; or

(C) place of assemblage where 50 or more persons may gather together in a building, structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;

(ii) establishing safety and other requirements for placement and discharge of display fireworks on the basis of:

(A) the state fire code; and

(B) relevant publications of the National Fire Protection Association;

(iii) establishing safety standards for retail storage, handling, and sale of class C common state approved explosives;

(iv) defining methods to establish proof of competence to place and discharge display fireworks, special effects fireworks, and flame effects;

(v) subject to Subsection (2), creating a uniform statewide policy regarding a state, county, special district, and local government entity's safe seizure, storage, and repurposing, destruction, or disposal of a firework, class A explosive, or class B explosive that:

(A) is illegal; or

(B) a person uses or handles in an illegal manner;

(vi) deputizing qualified persons to act as deputy fire marshals, and to secure special services in emergencies;

(vii) implementing Section 15A-1-403;

~~[(viii) setting guidelines for use of funding;]~~

(viii) establishing criteria for the certification of firefighters, pump operators,

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instructors, fire officers, fire investigators, and rescue personnel not certified or licensed under any other section of the Utah Code;

(ix) establishing criteria for training and safety equipment grants for fire departments enrolled in firefighter certification;

(x) establishing ongoing training standards for hazardous materials emergency response agencies; [~~and~~]

(xi) establishing criteria for the fire safety inspection of a food truck; and

(xii) establishing criteria for the accreditation and reaccreditation of fire service training organizations;

(c) recommend to the commissioner a state fire marshal;

(d) develop policies under which the state fire marshal and the state fire marshal's authorized representatives will perform;

(e) provide for the employment of field assistants and other salaried personnel as required;

(f) prescribe the duties of the state fire marshal and the state fire marshal's authorized representatives;

(g) provide technical expertise, advice, and support to Utah Valley University in the establishment and operation of the fire and rescue training program described in Section 53B-29-202;

(h) establish a statewide fire statistics program for the purpose of gathering fire data from all political subdivisions of the state;

(i) coordinate the efforts of all people engaged in fire suppression in the state;

(j) work aggressively with the local political subdivisions to reduce fire losses;

(k) regulate the sale and servicing of portable fire extinguishers and automatic fire suppression systems in the interest of safeguarding lives and property;

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

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

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

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

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

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

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

(i) review and include applicable references to:

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

(B) provisions of the International Fire Code; and

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

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

(B) a firework wholesaler or distributor.

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

(a) the state fire code; or

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

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

(a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and 19-2-114;

(b) creating a local board of appeals in accordance with the state fire code; and

(c) subject to the state fire code and the other provisions of this chapter, establishing, modifying, or deleting fire flow and water supply requirements.