

Representative Jeffrey D. Stenquist proposes the following substitute bill:

ALCOHOL EDUCATION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: Chris H. Wilson

LONG TITLE

General Description:

This bill modifies provisions related to the oversight and funding of a drinking while pregnant prevention media and education campaign.

Highlighted Provisions:

This bill:

▶ requires a certain amount of funds from the Underage Drinking Prevention Media and Education Campaign Restricted Account to be used for a drinking while pregnant prevention media and education campaign;

▶ requires the Utah Substance Use and Mental Health Advisory Council (advisory council) to approve and oversee any drinking while pregnant prevention media and education campaign;

▶ repeals the Drinking While Pregnant Prevention Media and Education Campaign Restricted Account; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **32B-2-306**, as last amended by Laws of Utah 2021, Chapter 291

29 **63J-1-602.1**, as last amended by Laws of Utah 2021, Chapters 280, 382, 401, and 438

30 **63M-7-303**, as last amended by Laws of Utah 2021, Chapter 260

31 RENUMBERS AND AMENDS:

32 **62A-15-403**, (Renumbered from 26-7-12, as enacted by Laws of Utah 2020, Chapter
33 186)

34 REPEALS:

35 **32B-2-308**, as enacted by Laws of Utah 2020, Chapter 186



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

38 Section 1. Section **32B-2-306** is amended to read:

39 **32B-2-306. Underage drinking prevention media and education campaign.**

40 (1) As used in this section:

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

43 (b) "Restricted account" means the Underage Drinking Prevention Media and
44 Education Campaign Restricted Account created in this section.

45 (2) (a) There is created a restricted account within the General Fund known as the
46 "Underage Drinking Prevention Media and Education Campaign Restricted Account."

47 (b) The restricted account consists of:

48 (i) deposits made under Subsection (3)(a); and

49 (ii) interest earned on the restricted account.

50 (3) (a) The department shall deposit 0.6% of the total gross revenue from sales of
51 liquor with the state treasurer, as determined by the total gross revenue collected for the fiscal
52 year two years preceding the fiscal year for which the deposit is made, to be credited to the
53 restricted account and ~~[to be used by the department as provided in Subsection (5)]~~ used in
54 accordance with Subsection (3)(b).

55 (b) From the total amount of funds deposited into the restricted account under
56 Subsection (3)(a):

57 (i) the department shall use an amount equal to 80% of the funds in accordance with
58 Subsection (5); and

59 (ii) the advisory council shall use an amount equal to 20% of the funds in accordance
60 with Section [62A-15-403](#).

61 (4) The advisory council shall:

62 (a) provide ongoing oversight of a media and education campaign funded under this
63 section;

64 (b) create an underage drinking prevention workgroup consistent with guidelines
65 proposed by the advisory council related to the membership and duties of the underage
66 drinking prevention workgroup;

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

69 (d) include in the guidelines established pursuant to this Subsection (4) that a media
70 and education campaign funded under this section is carefully researched and developed, and
71 appropriate for target groups; and

72 (e) approve plans submitted by the department in accordance with Subsection (5).

73 (5) (a) Subject to appropriation from the Legislature, the department shall expend
74 money from the restricted account to direct and fund one or more media and education
75 campaigns designed to reduce underage drinking in cooperation with the advisory council.

76 (b) The department shall:

77 (i) in cooperation with the underage drinking prevention workgroup created under
78 Subsection (4), prepare and submit a plan to the advisory council detailing the intended use of
79 the money appropriated under this section;

80 (ii) upon approval of the plan by the advisory council, conduct the media and education
81 campaign in accordance with the guidelines made by the advisory council; and

82 (iii) submit to the advisory council annually by no later than October 1, a written report
83 detailing the use of the money for the media and education campaigns conducted under this
84 Subsection (5) and the impact and results of the use of the money during the prior fiscal year
85 ending June 30.

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

88 ~~[26-7-12].~~ 62A-15-403. Drinking while pregnant prevention media and
89 **education campaign.**

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

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

93 (b) "Restricted account" means the [~~Drinking While Pregnant Prevention Media and~~
94 Education Campaign Restricted Account created in Section 32B-2-308] Underage Drinking
95 Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.

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

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

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

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

102 ~~[(ii) appropriate for target groups:]~~

103 (2) The advisory council shall:

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

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

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

110 (d) include in the guidelines created under this Subsection (2) that a media and
111 education campaign funded through the restricted account shall be:

112 (i) carefully researched;

113 (ii) developed for target groups; and

114 (iii) appropriate for target groups; and

115 (e) approve or deny each plan the division submits in accordance with Subsection (3).

116 (3) (a) Subject to appropriation from the Legislature~~["the department"]~~ and in
117 accordance with this section, the division shall expend money from the restricted account to
118 direct and fund one or more media and education campaigns designed to reduce the

119 consumption of alcohol while pregnant.

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

121 (b) Before the division expends money from the restricted account for a media and
122 education campaign, the division shall, in cooperation with the drinking while pregnant
123 prevention workgroup created in accordance with Subsection (2), prepare and submit a plan to
124 the advisory council that:

125 (i) describes the media and education campaign; and

126 (ii) details how the division intends to use money from the restricted account to fund
127 the media and education campaign.

128 ~~[(i)]~~ (c) If the advisory council approves the plan described in Subsection (3)(b), the
129 division shall conduct the media and education campaign in accordance with the guidelines
130 ~~[established under]~~ described in Subsection (2)~~[; and]~~.

131 ~~[(ii)]~~ (4) The division shall submit to the Health and Human Services Interim
132 Committee and the advisory council annually by no later than October 1, a written report
133 detailing:

134 ~~[(A)]~~ (a) the use of the money for the media and education campaigns conducted
135 [under this] in accordance with Subsection (3); and

136 ~~[(B)]~~ (b) the impact and result of the use of the money during the previous fiscal year
137 ending June 30.

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

139 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

140 Appropriations made from the following accounts or funds are nonlapsing:

141 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
142 and Leadership Restricted Account created in Section [4-42-102](#).

143 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

144 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
145 Section [9-18-102](#).

146 (4) The National Professional Men's Soccer Team Support of Building Communities
147 Restricted Account created in Section [9-19-102](#).

148 (5) Funds collected for directing and administering the C-PACE district created in
149 Section [11-42a-106](#).

- 150 (6) Money received by the Utah Inland Port Authority, as provided in Section
- 151 [11-58-105](#).
- 152 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).
- 153 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).
- 154 (9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in
- 155 Section [19-2a-106](#).
- 156 (10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
- 157 Section [19-5-126](#).
- 158 (11) The "Support for State-Owned Shooting Ranges Restricted Account" created in
- 159 Section [23-14-13.5](#).
- 160 (12) Award money under the State Asset Forfeiture Grant Program, as provided under
- 161 Section [24-4-117](#).
- 162 (13) Funds collected from the program fund for local health department expenses
- 163 incurred in responding to a local health emergency under Section [26-1-38](#).
- 164 (14) The Children with Cancer Support Restricted Account created in Section
- 165 [26-21a-304](#).
- 166 (15) State funds for matching federal funds in the Children's Health Insurance Program
- 167 as provided in Section [26-40-108](#).
- 168 (16) The Children with Heart Disease Support Restricted Account created in Section
- 169 [26-58-102](#).
- 170 (17) The Nurse Home Visiting Restricted Account created in Section [26-63-601](#).
- 171 (18) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 172 (19) The Criminal Background Check Restricted Account created in Section
- 173 [31A-3-105](#).
- 174 (20) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
- 175 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 176 (21) The Title Licensee Enforcement Restricted Account created in Section
- 177 [31A-23a-415](#).
- 178 (22) The Health Insurance Actuarial Review Restricted Account created in Section
- 179 [31A-30-115](#).
- 180 (23) The Insurance Fraud Investigation Restricted Account created in Section

181 31A-31-108.

182 (24) The Underage Drinking Prevention Media and Education Campaign Restricted
183 Account created in Section 32B-2-306.

184 (25) The School Readiness Restricted Account created in Section 35A-15-203.

185 (26) Money received by the Utah State Office of Rehabilitation for the sale of certain
186 products or services, as provided in Section 35A-13-202.

187 (27) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.

188 (28) The Oil and Gas Conservation Account created in Section 40-6-14.5.

189 (29) The Division of Oil, Gas, and Mining Restricted account created in Section
190 40-6-23.

191 (30) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
192 the Motor Vehicle Division.

193 (31) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
194 created by Section 41-3-110 to the State Tax Commission.

195 (32) The Utah Law Enforcement Memorial Support Restricted Account created in
196 Section 53-1-120.

197 (33) The State Disaster Recovery Restricted Account to the Division of Emergency
198 Management, as provided in Section 53-2a-603.

199 (34) The Department of Public Safety Restricted Account to the Department of Public
200 Safety, as provided in Section 53-3-106.

201 (35) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
202 53-8-303.

203 (36) The DNA Specimen Restricted Account created in Section 53-10-407.

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

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

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

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

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

211 (42) Funds collected from a surcharge fee to provide certain licensees with access to an

212 electronic reference library, as provided in Section 58-3a-105.

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

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

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

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

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

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

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

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

229 (51) Funds paid to the Division of Real Estate for the cost of a criminal background
230 check for principal broker, associate broker, and sales agent licenses, as provided in Section
231 61-2f-204.

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

234 (53) The National Professional Men's Basketball Team Support of Women and
235 Children Issues Restricted Account created in Section 62A-1-202.

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

238 (55) The Choose Life Adoption Support Restricted Account created in Section
239 62A-4a-608.

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

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

- 243 (58) Money received by the military installation development authority, as provided in
244 Section [63H-1-504](#).
- 245 (59) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 246 (60) The Unified Statewide 911 Emergency Service Account created in Section
247 [63H-7a-304](#).
- 248 (61) The Utah Statewide Radio System Restricted Account created in Section
249 [63H-7a-403](#).
- 250 (62) The Utah Capital Investment Restricted Account created in Section [63N-6-204](#).
- 251 (63) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 252 (64) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
253 as provided under Section [63N-10-301](#).
- 254 (65) Funds collected by the housing of state probationary inmates or state parole
255 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 256 (66) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
257 and State Lands, as provided in Section [65A-8-103](#).
- 258 (67) The Transportation of Veterans to Memorials Support Restricted Account created
259 in Section [71-14-102](#).
- 260 (68) The Amusement Ride Safety Restricted Account, as provided in Section
261 [72-16-204](#).
- 262 (69) Certain funds received by the Office of the State Engineer for well drilling fines or
263 bonds, as provided in Section [73-3-25](#).
- 264 (70) The Water Resources Conservation and Development Fund, as provided in
265 Section [73-23-2](#).
- 266 (71) Funds donated or paid to a juvenile court by private sources, as provided in
267 Subsection [78A-6-203\(1\)\(c\)](#).
- 268 (72) Fees for certificate of admission created under Section [78A-9-102](#).
- 269 (73) Funds collected for adoption document access as provided in Sections [78B-6-141](#),
270 [78B-6-144](#), and [78B-6-144.5](#).
- 271 (74) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
272 Utah Indigent Defense Commission.
- 273 (75) The Utah Geological Survey Oil, Gas, and Mining Restricted Account created in

274 Section 79-3-403.

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

277 (77) Certain funds received by the Division of State Parks from the sale or disposal of
278 buffalo, as provided under Section 79-4-1001.

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

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

282 **63M-7-303. Duties of council.**

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

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

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

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

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

292 (e) coordinate recommendations made by any committee created under Section
293 63M-7-302;

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

296 (g) coordinate the implementation of Section 77-18-104 and related provisions in
297 Subsections 77-18-103(2)(c) and (d), as provided in Section 63M-7-305;

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

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

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

303 (3) The council shall report the council's recommendations annually to the
304 commission, governor, the Legislature, and the Judicial Council.

305 Section 5. **Repealer.**

306 This bill repeals:

307 Section **32B-2-308, Drinking while pregnant prevention media and education**

308 **campaign restricted account.**