

## SB0228S01 compared with SB0228

~~{deleted text}~~ shows text that was in SB0228 but was deleted in SB0228S01.

inserted text shows text that was not in SB0228 but was inserted into SB0228S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Jacob L. Anderegg proposes the following substitute bill:

### HEALTH INFORMATION SHARING ACT

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill requires the Department of Public Safety to create a database of voluntarily provided information on individuals with mental illnesses, behavioral disorders, and other neurological disorders for integration with the 911 emergency dispatch system.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Public Safety to create a database;
- ▶ requires the department to create a ~~{form or}~~ portal on the department's website for individuals to provide certain information;
- ▶ provides that the information in the database is not available to the public;
- ▶ requires annual verification of the information;

## SB0228S01 compared with SB0228

- ▶ provides for removal of the information;
- ▶ requires the department to provide information to physicians; and
- ▶ requires physicians to provide information to patients regarding the database.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

**53-20-101**, Utah Code Annotated 1953

**53-20-102**, Utah Code Annotated 1953

**53-20-103**, Utah Code Annotated 1953

**53-20-104**, Utah Code Annotated 1953

**53-20-105**, Utah Code Annotated 1953

**53-20-106**, Utah Code Annotated 1953

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

Section 1. Section **53-20-101** is enacted to read:

#### CHAPTER 20. PUBLIC SAFETY DATABASE

##### **53-20-101**. Public safety database -- Definitions.

As used in this chapter:

- (1) "Adult" means an individual 18 years old or older.
- (2) "Child" means an individual under 18 years old.
- (3) "Department" means the Department of Public Safety.
- (4) "Disability" means **an individual has been diagnosed by a {person} physician as:**
  - (a) **{has}having** a mental illness;
  - (b) **{is}being** on the autism spectrum;
  - (c) **{has}having** a substance abuse disorder; or
  - (d) **{has}having** neurological and developmental disorders.
- (5) "Physician" means the same as that term is defined in Section 26-2-2.

Section 2. Section **53-20-102** is enacted to read:

## SB0228S01 compared with SB0228

### **53-20-102. Database creation.**

(1) The department shall create and maintain a database containing specific information submitted to the department regarding individuals with a disability.

(2) The database shall ~~have the ability to connect with the emergency dispatch system to provide timely information to officers responding to emergency calls~~ be integrated with the Utah Criminal Justice Information System to:

(a) provide a secure platform to manage the data; and

(b) provide public safety with accessibility for appropriate dissemination to first responders.

Section 3. Section **53-20-103** is enacted to read:

### **53-20-103. Database information collection -- Who may provide -- Uses --**

#### **Prohibitions.**

(1) The following individuals may provide information to the department:

(a) a parent or guardian of a child with a disability;

(b) a guardian or conservator of an adult with a disability; ~~or~~

(c) an individual residing with an adult with a disability ~~or~~;

(d) the physician who provided the diagnosis.

(2) The department shall provide a ~~form or~~ portal on its website to facilitate gathering the required information.

(3) If an individual listed in Subsection (1) chooses to ~~provide~~ enter the information of an individual with a disability into the database, the following information ~~regarding the person with a disability to the department, the individual shall provide the disabled person's:~~

~~— (a) name;~~

~~— (b) age;~~

~~— (c) residence} shall be provided:~~

(a) legal name;

(b) date of birth;

(c) home address;

(d) physical description as required by the website;

(e) the individual's specific disability;

(f) proof of diagnosis from a physician;

## SB0228S01 compared with SB0228

(g) validation if there is a history of violence; and

(f)h) a photo.

(4) The information shall be stored in a database ~~{ with access to a 911 emergency service, as defined in Section 62-2-102, in order}~~, as created in Section 53-20-102, that is accessible to authorized public safety personnel and designed to provide a dispatcher pertinent and timely information.

(5) Information in the database is not a public record and may not be made available to the public.

Section 4. Section **53-20-104** is enacted to read:

### **53-20-104. Annual verification -- Removal.**

(1) All information provided to the department shall be verified annually by the department in a manner determined by the department, but shall consist of at least a letter mailed to the address in the ~~{listing}~~ database entry requesting verification of the information. The letter shall provide instructions for verifying an individual's information.

(2) If the department does not receive a response within 90 days, the address ~~{may either}~~ shall be removed from the system at the end of the 90 day period ~~{, or flagged for future removal}~~.

Section 5. Section **53-20-105** is enacted to read:

**53-20-105. Department to provide information to physicians -- Physicians to provide information to patients.**

(1) The department shall provide information regarding the database created in Section 53-20-102 to all physicians within the state. The information shall be in written form and include:

(a) eligible disabilities;

(f)a)b) who is eligible for inclusion;

(f)b)c) what information is required to be provided;

(f)c)d) how to provide the information;

(f)d)e) an explanation of the database;

(f)e)f) how an individual may be removed from the database; and

(f)f)g) how the individual may receive further information.

(2) A physician shall provide the information provided by the department to all patients

## SB0228S01 compared with SB0228

who may be eligible for inclusion.

Section 6. Section 53-20-106 is enacted to read:

**53-20-106. Department to provide information and access to public safety agencies - Training and access.**

(1) The department shall provide information regarding the database created in Section 53-20-102 to all public safety agencies within the state. The information shall be in written form and include:

(a) an explanation of the database;

(b) who is eligible for inclusion;

(c) what information is required to be provided;

(d) how to provide the information; and

(e) how an individual may be removed from the database.

(2) Access to the database shall be provided to all public safety employees with a valid Utah Criminal Justice Information System login.

(3) Information shall be disseminated in accordance with the Utah Criminal Justice Information System agreement.