

LOCAL HEALTH DEPARTMENT REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen M. Peterson

Senate Sponsor: Michael S. Kennedy

LONG TITLE

H→ [Committee Note:

~~———— The Health and Human Services Interim Committee recommended this bill.~~

~~———— Legislative Vote: 13 voting for 1 voting against 4 absent] ←H~~

General Description:

This bill enacts provisions related to local health department governance.

Highlighted Provisions:

This bill:

▶ requires the Department of Health and Human Services and the Department of Environmental Quality, when reviewing policies or rules that affect local health departments, to make certain determinations;

▶ requires the Department of Health and Human Services and local health departments to report on funding received from each county to accomplish minimum performance standards;

▶ clarifies that the Department of Health and Human Services and the Department of Environmental Quality must have a funding formula for allocating contract funds outlined in administrative rule; **H→ [and] ←H**

▶ makes technical changes **H→ [-] ; and**

▶ creates a reporting requirement. ←H

Money Appropriated in this Bill:

None

Other Special Clauses:



90 already accounted for within the emissions of another regulated pollutant.

91 (f) An emission fee may not be assessed for any amount of a regulated pollutant
92 emitted by any source in excess of 4,000 tons per year of that regulated pollutant.

93 (g) An emission fee shall be based on actual emissions for a regulated pollutant unless
94 a source elects, before the issuance or renewal of a permit, to base the fee during the period of
95 the permit on allowable emissions for that regulated pollutant.

96 (h) The fees collected by the department under Subsection (1)(f) and penalties
97 collected under Subsection 19-2-109.1(4) shall be deposited into the General Fund as the Air
98 Pollution Operating Permit Program dedicated credit to be used solely to pay for the reasonable
99 direct and indirect costs incurred by the department in developing and administering the
100 program and the small business assistance program under Section 19-2-109.2.

101 (3) The department shall establish a committee that consists of:

102 (a) the executive director or the executive director's designee;

103 (b) two representatives of the department appointed by the executive director; and

104 (c) three representatives of local health departments appointed by a group of all the
105 local health departments in the state.

106 (4) (a) The committee established in Subsection (3) shall:

107 ~~[(a)]~~ (i) review the allocation of environmental quality resources between the
108 department and the local health departments including whether funds allocated by contract
109 were allocated in accordance with the formula described in Section 26A-1-116;

110 ~~[(b)]~~ (ii) evaluate department policies that affect local health departments in
111 accordance with Subsection (4)(b);

112 ~~[(c)]~~ (iii) consider policy changes proposed by the department or by local health
113 departments;

114 ~~[(d)]~~ (iv) coordinate the implementation of environmental quality programs to
115 maximize environmental quality resources; and

116 ~~[(e)]~~ (v) review each department application for any grant from the federal government
117 that affects a local health department before the department submits the application.

118 (b) When evaluating a policy ~~H→~~ or rule ~~←H~~ that affects a local health department, the
118a committee
119 shall:

120 ~~H→ [(i) determine whether the department has the authority to promulgate the policy;] ←H~~

- 121 ~~H→~~ [(~~iii~~)] (i) ~~←H~~ compute an estimate of the cost a local health department will bear to
 121a comply with
 122 the policy ~~H→~~ or rule ~~←H~~ ;
 123 ~~H→~~ [(~~iii~~)] (ii) ~~←H~~ specify whether there is any funding provided to a local health department
 123a to
 124 implement the policy ~~H→~~ or rule ~~←H~~ ; and
 125 ~~H→~~ [(~~iv~~ ~~determine~~)] (iii) ~~←H~~ whether the policy ~~H→~~ or rule ~~←H~~ is still needed.
 125a ~~H→~~ **(c) Before November 1 of each year, the department shall provide a report to the**
 125b **Administrative Rules Review and General Oversight Committee regarding the determinations**
 125c **made under Subsection (4)(b).** ~~←H~~
- 126 (5) The committee shall create bylaws to govern the committee's operations.
 127 (6) The department may:
 128 (a) investigate matters affecting the environment;
 129 (b) investigate and control matters affecting the public health when caused by
 130 environmental hazards;
 131 (c) prepare, publish, and disseminate information to inform the public concerning
 132 issues involving environmental quality;
 133 (d) establish and operate programs, as authorized by this title, necessary for protection
 134 of the environment and public health from environmental hazards;
 135 (e) use local health departments in the delivery of environmental health programs to
 136 the extent provided by law;
 137 (f) enter into contracts with local health departments or others to meet responsibilities
 138 established under this title;
 139 (g) acquire real and personal property by purchase, gift, devise, and other lawful
 140 means;
 141 (h) prepare and submit to the governor a proposed budget to be included in the budget
 142 submitted by the governor to the Legislature;
 143 (i) in accordance with Section 63J-1-504, establish a schedule of fees that may be
 144 assessed for actions and services of the department that are reasonable, fair, and reflect the cost
 145 of services provided;
 146 (j) for an owner or operator of a source subject to a fee established by Subsection (6)(i)
 147 who fails to timely pay that fee, assess a penalty of not more than 50% of the fee, in addition to
 148 the fee, plus interest on the fee computed at 12% annually;
 149 (k) prescribe by rule reasonable requirements not inconsistent with law relating to
 150 environmental quality for local health departments;
 151 (l) perform the administrative functions of the boards established by Section 19-1-106,

214 26A-1-116 and policies and procedures adopted by the department.

215 (5) Department rules shall require that contract funds be used for public health services
216 and not replace other funds used for local public health services.

217 (6) (a) (i) All state funds distributed by contract from the department to local health
218 departments for public health services shall be matched by those local health departments at a
219 percentage determined by the department in consultation with local health departments.

220 (ii) Counties shall have no legal obligation to match state funds at percentages in
221 excess of those established by the department and shall suffer no penalty or reduction in state
222 funding for failing to exceed the required funding match.

223 (b) By October 1 of each year, the department, in consultation with each local health
224 department ~~§~~ **and each county** ~~§~~, shall submit a written report to the Social Services
224a Appropriations Subcommittee
225 describing, for the preceding five fiscal years, each county's ~~§~~ :
225a ~~(a)~~ ~~§~~ annual per capita contribution to a
226 local health department that is used to meet the minimum performance standards described in
227 Section 26A-1-106 ~~§~~ [:] ; **and**
227a **(b) contribution to public and community health in the county through other avenues**
227b **including the use of federal funds and tax abatements.** ~~§~~

228 (7) (a) Each local health department shall cause an annual financial and compliance
229 audit to be made of its operations by a certified public accountant. The audit may be conducted
230 as part of an annual county government audit of the county where the local health department
231 headquarters are located.

232 (b) The local health department shall provide a copy of the audit report to the
233 department and the local governing bodies of counties participating in the local health
234 department.

235 Section 3. Section **26A-1-116** is amended to read:

236 **26A-1-116. Allocation of state funds to local health departments -- Formula.**

237 (1) (a) On or before July 1, 2024, each of the following shall establish in rule a formula
238 for allocating state funds by contract to local health departments:

239 (i) the department; and

240 (ii) ~~[The Departments of Health and Environmental Quality shall each establish by rule~~
241 ~~a formula for allocating state funds by contract to local health departments.]~~ the Department of
242 Environmental Quality.

243 (b) This formula shall provide for allocation of funds based on need.

244 (c) Determination of need shall be based on population unless the department making

307 ~~[(iii)]~~ (iv) establish criteria by which an application for a federal grant may be judged
308 to determine whether it should be exempt from the requirements under Subsection (3)(d); and

309 ~~[(iv)]~~ (v) establish criteria by which an application for a federal grant may be judged to
310 determine whether committee review under Subsection (3)(d)(i) should be delayed until after
311 the application is submitted because the application is required to be submitted under a
312 timetable that makes committee review before it is submitted impracticable if the submission
313 deadline is to be met.

314 (d) (i) The committee shall review the goals and budget for each reviewable
315 application:

316 (A) before the application is submitted, except for an expedited application; and

317 (B) for an expedited application, after the application is submitted but before funds
318 from the federal grant for which the application was submitted are disbursed or encumbered.

319 (ii) Funds from a federal grant under a reviewable application may not be disbursed or
320 encumbered before the goals and budget for the federal grant are established by:

321 (A) a two-thirds vote of the committee, following the committee review under
322 Subsection (3)(d)(i); or

323 (B) if two-thirds of the committee cannot agree on the goals and budget, the chair of
324 the health advisory council, after consultation with the committee in a manner that the
325 committee determines.

326 (e) An exempt application is exempt from the requirements of Subsection (3)(d).

327 (f) The department may use money from a federal grant to pay administrative costs
328 incurred in implementing this Subsection (3).

329 (g) When evaluating a policy or rule that affects a local health department, the
330 committee shall determine:

331 (i) whether the department has the authority to promulgate the policy or rule;

332 (ii) an estimate of the cost a local health department will bear to comply with the policy
333 or rule;

334 (iii) whether there is any funding provided to a local health department to implement
335 the policy or rule; and

336 (iv) whether the policy or rule is still needed.

336a **H→ (h) Before November 1 of each year, the department shall provide a report to the**

336b **Administrative Rules Review and General Oversight Committee regarding the determinations**

336c made under Subsection (3)(g). ←H