

FORENSIC MENTAL HEALTH AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Michael S. Kennedy

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 11 voting for 0 voting against 7 absent

General Description:

This bill modifies the duties of the Utah Substance Use and Mental Health Advisory Council (council) regarding forensic mental health.

Highlighted Provisions:

This bill:

- ▶ modifies the council's membership to include an individual that represents the Utah State Hospital;
- ▶ moves responsibilities from the Forensic Mental Health Coordinating Council to the council;
- ▶ authorizes the council to determine and collect data from the Department of Corrections regarding mental health services; and
- ▶ requires the council to report on the adequacy of employee pay at the Utah State Hospital.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63M-7-301**, as last amended by Laws of Utah 2022, Chapter 255

31 **63M-7-303**, as last amended by Laws of Utah 2022, Chapter 211



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

34 Section 1. Section **63M-7-301** is amended to read:

35 **63M-7-301. Definitions -- Creation of council -- Membership -- Terms.**

36 (1) (a) As used in this part, "council" means the Utah Substance Use and Mental Health
37 Advisory Council created in this section.

38 (b) There is created within the governor's office the Utah Substance Use and Mental
39 Health Advisory Council.

40 (2) The council shall be comprised of the following voting members:

- 41 (a) the attorney general or the attorney general's designee;
- 42 (b) one elected county official appointed by the Utah Association of Counties;
- 43 (c) the commissioner of public safety or the commissioner's designee;
- 44 (d) the director of the Division of Integrated Healthcare or the director's designee;
- 45 (e) the state superintendent of public instruction or the superintendent's designee;
- 46 (f) the executive director of the Department of Health and Human Services or the
47 executive director's designee;
- 48 (g) the executive director of the Commission on Criminal and Juvenile Justice or the
49 executive director's designee;
- 50 (h) the executive director of the Department of Corrections or the executive director's
51 designee;
- 52 (i) the director of the Division of Juvenile Justice Services or the director's designee;
- 53 (j) the director of the Division of Child and Family Services or the director's designee;
- 54 (k) the chair of the Board of Pardons and Parole or the chair's designee;
- 55 (l) the director of the Office of Multicultural Affairs or the director's designee;
- 56 (m) the director of the Division of Indian Affairs or the director's designee;
- 57 (n) the state court administrator or the state court administrator's designee;
- 58 (o) one district court judge who presides over a drug court and who is appointed by the

59 chief justice of the Utah Supreme Court;

60 (p) one district court judge who presides over a mental health court and who is
61 appointed by the chief justice of the Utah Supreme Court;

62 (q) one juvenile court judge who presides over a drug court and who is appointed by
63 the chief justice of the Utah Supreme Court;

64 (r) one prosecutor appointed by the Statewide Association of Prosecutors;

65 (s) the chair or co-chair of each committee established by the council;

66 (t) the chair or co-chair of the Statewide Suicide Prevention Coalition created under
67 Subsection [62A-15-1101\(2\)](#);

68 (u) one representative appointed by the Utah League of Cities and Towns to serve a
69 four-year term;

70 (v) the superintendent of the Utah State Hospital or the superintendent's designee;

71 [~~(v)~~] (w) the following members appointed by the governor to serve four-year terms:

72 (i) one resident of the state who has been personally affected by a substance use or
73 mental health disorder; and

74 (ii) one citizen representative; and

75 [~~(w)~~] (x) in addition to the voting members described in Subsections (2)(a) through

76 [~~(v)~~] (w), the following voting members appointed by a majority of the members described in

77 Subsections (2)(a) through [~~(v)~~] (w) to serve four-year terms:

78 (i) one resident of the state who represents a statewide advocacy organization for
79 recovery from substance use disorders;

80 (ii) one resident of the state who represents a statewide advocacy organization for
81 recovery from mental illness;

82 (iii) one resident of the state who represents a statewide advocacy organization for
83 protection of rights of individuals with a disability;

84 (iv) one resident of the state who represents prevention professionals;

85 (v) one resident of the state who represents treatment professionals;

86 (vi) one resident of the state who represents the physical health care field;

87 (vii) one resident of the state who is a criminal defense attorney;

88 (viii) one resident of the state who is a military servicemember or military veteran
89 under Section [53B-8-102](#);

90 (ix) one resident of the state who represents local law enforcement agencies;
91 (x) one representative of private service providers that serve youth with substance use
92 disorders or mental health disorders; and

93 (xi) one resident of the state who is certified by the Division of Integrated Healthcare
94 as a peer support specialist as described in Subsection 62A-15-103(2)(h).

95 (3) An individual other than an individual described in Subsection (2) may not be
96 appointed as a voting member of the council.

97 Section 2. Section 63M-7-303 is amended to read:

98 **63M-7-303. Duties of council.**

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

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

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

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

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

108 (e) coordinate recommendations made by any committee created under Section
109 63M-7-302;

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

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

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

115 (i) oversee coordination for the funding, implementation, and evaluation of suicide
116 prevention efforts described in Section 62A-15-1101[-];

117 (j) advise the Department of Health and Human Services regarding the state hospital
118 admissions policy for individuals in the custody of the Department of Corrections;

119 (k) determine and collect data from the Department of Corrections regarding the:

120 (i) Department of Corrections' mental health staffing; and

- 121 (ii) the provision of mental health services to incarcerated individuals;
- 122 (l) advise the Department of Corrections regarding department policy related to the
- 123 care of individuals in the custody of the Department of Corrections who are mentally ill;
- 124 (m) regarding the interaction between an individual with a mental illness or an
- 125 intellectual disability and the civil commitment system, criminal justice system, or juvenile
- 126 justice system:
- 127 (i) promote communication between and coordination among all agencies interacting
- 128 with the individual;
- 129 (ii) study, evaluate, and recommend changes to laws and procedures;
- 130 (iii) identify and promote the implementation of specific policies and programs to deal
- 131 fairly and efficiently with the individual; and
- 132 (iv) promote judicial education;
- 133 (n) study the long-term need for adult patient staffed beds at the state hospital,
- 134 including:
- 135 (i) the total number of staffed beds currently in use at the state hospital;
- 136 (ii) the current staffed bed capacity at the state hospital;
- 137 (iii) the projected total number of staffed beds needed in the adult general psychiatric
- 138 unit of the state hospital over the next three, five, and 10 years based on:
- 139 (A) the state's current and projected population growth;
- 140 (B) current access to mental health resources in the community; and
- 141 (C) any other factors the council finds relevant to projecting the total number of staffed
- 142 beds; and
- 143 (iv) the cost associated with the projected total number of staffed beds described in
- 144 Subsection (1)(n)(iii); and
- 145 (o) each year report on whether the pay of the state hospital's employee's is adequate
- 146 based on market conditions.
- 147 (2) The council shall meet quarterly or more frequently as determined necessary by the
- 148 chair.
- 149 (3) The council shall report:
- 150 (a) regarding the items described in Subsections (1)(n) and (o), including any
- 151 recommendations, to the Health and Human Services Interim Committee before October 1 of

152 each year; and

153 (b) any other recommendations annually to the commission, the governor, the
154 Legislature, and the Judicial Council.

155 [~~(3) The council shall report the council's recommendations annually to the~~
156 ~~commission, governor, the Legislature, and the Judicial Council.]~~

157 **Section 3. Effective date.**

158 This bill takes effect on July 1, 2023.