

Representative Ryan D. Wilcox proposes the following substitute bill:

FIRST RESPONDER MENTAL HEALTH AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: _____

LONG TITLE

General Description:

This bill concerns mental health services for first responders and spouses of first responders.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ broadens the scope of individuals who are considered to be eligible for mental health services;
- ▶ modifies the entities that are included as first responder agencies;
- ▶ modifies provisions regarding mental health services for retired first responders;
- ▶ adds spouses of retired first responders and certain other first responders to the list of those who qualify for mental health services; and
- ▶ provides that mental health services shall be provided on a regular and continuing basis.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53-21-101**, as enacted by Laws of Utah 2022, Chapter 11429 **53-21-102**, as enacted by Laws of Utah 2022, Chapter 11430 **53-21-103**, as enacted by Laws of Utah 2022, Chapter 11431

32 *Be it enacted by the Legislature of the state of Utah:*33 Section 1. Section **53-21-101** is amended to read:34 **53-21-101. Definitions.**

35 As used in this chapter:

36 (1) "Crime scene investigator technician" means an individual employed by a law
37 enforcement agency to collect and analyze evidence from crime scenes and crime-related
38 incidents.

39 (2) "Department" means the Department of Public Safety.

40 (3) "First responder" means:

41 (a) a law enforcement officer, as defined in Section **53-13-103**;42 (b) an emergency medical technician, as defined in Section **26-8c-102**;43 (c) an advanced emergency medical technician, as defined in Section **26-8c-102**;44 (d) a paramedic, as defined in Section **26-8c-102**;45 (e) a firefighter, as defined in Section **34A-3-113**;46 (f) a dispatcher, as defined in Section **53-6-102**;47 (g) a correctional officer, as defined in Section **53-13-104**;48 (h) a special function officer, as defined in Section **53-13-105**, employed by a local
49 sheriff;

50 (i) a search and rescue worker under the supervision of a local sheriff;

51 (j) a forensic interviewer employed by a children's justice center established in
52 accordance with Section **67-5b-102**;53 ~~(j)~~ (k) a credentialed criminal justice system victim advocate as defined in Section
54 **77-38-403** who responds to incidents with a law enforcement officer;55 ~~(k)~~ (l) a crime scene investigator technician; ~~or~~56 ~~(l)~~ (m) a wildland firefighter; or

57 (n) an investigator or prosecutor of cases involving sexual crimes against children.

58 (4) "First responder agency" means:

59 (a) a local district, municipality, interlocal entity, or other political subdivision that
60 employs a first responder to provide fire protection, paramedic, law enforcement, or emergency
61 services; or

62 (b) a certified private law enforcement agency as defined in Section 53-19-102.

63 (5) "Mental health resources" means:

64 (a) an assessment to determine appropriate mental health treatment that is performed
65 by a mental health therapist;

66 (b) outpatient mental health treatment provided by a mental health therapist; or

67 (c) peer support services provided by a peer support specialist who is qualified to
68 provide peer support services under Subsection 62A-15-103(2)(h).

69 (6) "Mental health therapist" means the same as that term is defined in Section
70 58-60-102.

71 (7) "Plan" means a plan to implement or expand a program that provides mental health
72 resources to first responders for which the division awards a grant under this chapter.

73 (8) "Retired" means the status of an individual who has become eligible, applies for,
74 and may receive an allowance under Title 49, Utah State Retirement and Insurance Benefit Act.

75 (9) "Separated" means the status of an individual who has separated from employment
76 as a first responder from a first responder agency as a result of a critical incident involving the
77 first responder.

78 Section 2. Section 53-21-102 is amended to read:

79 **53-21-102. Mental health services -- Requirement to provide --- Confidentiality.**

80 (1) Every first responder agency within the state shall provide or make available mental
81 health resources to:

82 (a) all first responders;

83 (b) the spouse and children of first responders;

84 (c) surviving spouses of first responders whose death is classified as a line-of-duty
85 death under Title 49, Utah State Retirement and Insurance Benefit Act; ~~and~~

86 (d) retired or separated first responders ~~[who have retired from the agency]~~ for at least
87 three years from the date that the retired or separated first responder requests mental health

88 resources; and

89 (e) spouses of retired or separated first responders for a least three years from the date
90 that the spouse of the retired or separated first responder requests mental health resources.

91 (2) All access by first responders and their families to mental health resources shall be
92 kept confidential.

93 Section 3. Section **53-21-103** is amended to read:

94 **53-21-103. Grants to first responder agencies -- Rulemaking.**

95 (1) The department may award grants to first responder agencies to provide mental
96 health resources in response to a:

97 (a) request for proposal;

98 (b) request for qualifications; or

99 (c) program description that meets the criteria in Subsection (2).

100 (2) The request for proposal, request for qualifications, or program description received
101 by the department shall require mental health providers contracted or employed by the first
102 responder agency to have training and experience in working with first responders and provide,
103 at a minimum, the following services:

104 (a) regular periodic screenings for all employees within the first responder agency;

105 (b) assessments and availability to mental health services for personnel directly
106 involved in a critical incident within 12 hours of the incident; and

107 (c) regular and continuing access to the mental health program for:

108 (i) spouses and children of first responders; [~~and~~]

109 (ii) first responders who have retired or separated from the agency; and

110 (iii) spouses of first responders who have retired or separated from the agency.

111 (3) An application from a first responder agency for a grant under this chapter shall
112 provide the following details:

113 (a) a proposed plan to provide mental health resources to first responders in the first
114 responder agency;

115 (b) the number of first responders to be served by the proposed plan;

116 (c) how the proposed plan will ensure timely and effective provision of mental health
117 resources to first responders in the first responder agency;

118 (d) the cost of the proposed plan; and

119 (e) the sustainability of the proposed plan.

120 (4) In evaluating a project proposal for a grant under this section, the department shall
121 consider:

122 (a) the extent to which the first responders that will be served by the proposed plan are
123 likely to benefit from the proposed plan;

124 (b) the cost of the proposed plan; and

125 (c) the viability of the proposed plan.

126 (5) A first responder agency may not apply for a grant to fund a program already in
127 place. However, a request for proposal to fund an expansion of an already existing program
128 shall, in addition to the requirements of Subsection (4), provide:

129 (a) the scope and cost of the agency's current program;

130 (b) the number of additional first responders the expansion will serve; and

131 (c) whether the expansion will provide services under Subsection (2) that the current
132 program does not provide.

133 (6) The department shall prioritize grant funding for:

134 (a) counties of the 3rd, 4th, 5th, and 6th class;

135 (b) cities of the 3rd, 4th, and 5th class; and

136 (c) towns.

137 (7) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah
138 Administrative Rulemaking Act, to[?]

139 [~~(a) set parameters for services for retirees; and~~]

140 [~~(b)~~] administer this chapter.