

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: Don L. Ipson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ creates and modifies definitions;
- ▶ 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;
- ▶ provides that mental health services shall be provided on a regular and continuing basis;
- ▶ adds a dispatch executive director to the list of those who may designate a member of a peer support team;
- ▶ allows a public safety answering point to create a peer support team; and
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53-21-101**, as enacted by Laws of Utah 2022, Chapter 114

33 **53-21-102**, as enacted by Laws of Utah 2022, Chapter 114

34 **53-21-103**, as enacted by Laws of Utah 2022, Chapter 114

35 **78B-5-902**, as last amended by Laws of Utah 2022, Chapter 255

36 **78B-5-903**, as last amended by Laws of Utah 2022, Chapter 255

37 REPEALS:

38 **78B-5-901**, as last amended by Laws of Utah 2021, Chapter 208



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

41 Section 1. Section **53-21-101** is amended to read:

42 **53-21-101. Definitions.**

43 As used in this chapter:

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

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

48 (3) "First responder" means:

49 (a) a law enforcement officer, as defined in Section **53-13-103**;

50 (b) an emergency medical technician, as defined in Section **26-8c-102**;

51 (c) an advanced emergency medical technician, as defined in Section **26-8c-102**;

52 (d) a paramedic, as defined in Section **26-8c-102**;

53 (e) a firefighter, as defined in Section **34A-3-113**;

54 (f) a dispatcher, as defined in Section **53-6-102**;

55 (g) a correctional officer, as defined in Section **53-13-104**;

56 (h) a special function officer, as defined in Section **53-13-105**, employed by a local

57 sheriff;

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

59 (j) a forensic interviewer employed by a children's justice center established in
60 accordance with Section 67-5b-102;

61 ~~[(j)]~~ (k) a credentialed criminal justice system victim advocate as defined in Section
62 77-38-403 who responds to incidents with a law enforcement officer;

63 ~~[(k)]~~ (l) a crime scene investigator technician; ~~[or]~~

64 ~~[(l)]~~ (m) a wildland firefighter; or

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

66 (4) "First responder agency" means:

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

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

71 (5) "Mental health resources" means:

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

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

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

77 (6) "Mental health therapist" means the same as that term is defined in Section
78 58-60-102.

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

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

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

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

87 **53-21-102. Mental health services -- Requirement to provide --- Confidentiality.**

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

90 (a) all first responders;

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

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

94 (d) retired or separated first responders [~~who have retired from the agency~~] for at least
95 three years from the date that the retired or separated first responder requests mental health
96 resources; and

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

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

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

102 **53-21-103. Grants to first responder agencies -- Rulemaking.**

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

105 (a) request for proposal;

106 (b) request for qualifications; or

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

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

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

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

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

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

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

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

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

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

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

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

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

127 (e) the sustainability of the proposed plan.

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

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

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

133 (c) the viability of the proposed plan.

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

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

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

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

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

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

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

144 (c) towns.

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

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

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

149 Section 4. Section **78B-5-902** is amended to read:

150 **78B-5-902. Definitions.**

151 As used in this part:

152 (1) "Behavioral emergency services technician" means an individual who is licensed
153 under Section 26-8a-302 as:

154 (a) a behavioral emergency services technician; or

155 (b) an advanced behavioral emergency services technician.

156 (2) "Communication" means an oral statement, written statement, note, record, report,
157 or document made during, or arising out of, a meeting between a law enforcement officer,
158 firefighter, emergency medical service provider, or rescue provider and a peer support team
159 member.

160 [~~(2) "Behavioral emergency services technician" means an individual who is licensed
161 under Section 26-8a-302 as:]~~

162 [~~(a) a behavioral emergency services technician; or]~~

163 [~~(b) an advanced behavioral emergency services technician.]~~

164 (3) "Emergency medical service provider or rescue unit peer support team member"
165 means ~~[a person]~~ an individual who is:

166 (a) an emergency medical service provider as defined in Section 26-8a-102, a regular
167 or volunteer member of a rescue unit acting as an emergency responder as defined in Section
168 53-2a-502, or another ~~[person]~~ individual who has been trained in peer support skills; and

169 (b) designated by the chief executive of an emergency medical service agency or the
170 chief of a rescue unit as a member of an emergency medical service provider's peer support
171 team or as a member of a rescue unit's peer support team.

172 (4) "Law enforcement or firefighter peer support team member" means ~~[a person]~~ an
173 individual who is:

174 (a) a peace officer, ~~[law enforcement]~~ dispatcher as defined in Section 53-6-102,
175 civilian employee, or volunteer member of a law enforcement agency, a regular or volunteer
176 member of a fire department, or another ~~[person]~~ individual who has been trained in peer
177 support skills; and

178 (b) designated by the commissioner of the Department of Public Safety, the executive
179 director of the Department of Corrections, a sheriff, a police chief, a dispatch executive
180 director, or a fire chief as a member of a law enforcement agency's peer support team or a fire

181 department's peer support team.

182 (5) "Public safety answering point peer support team member" means an individual
183 who is:

184 (a) employed by a public safety answering point as defined in Section 63H-7a-103; and

185 (b) designated by the chief executive of a public safety answering point as a member of
186 a public safety answering point's peer support team.

187 ~~[(5)]~~ (6) "Trained" means a person who has successfully completed a peer support
188 training program approved by the Peace Officer Standards and Training Division, the State Fire
189 Marshal's Office, or the Department of Health and Human Services, as applicable.

190 Section 5. Section **78B-5-903** is amended to read:

191 **78B-5-903. Creation -- Training -- Communications -- Exclusions.**

192 (1) A law enforcement agency, fire department, emergency medical service agency,
193 ~~[or]~~ rescue unit, or public safety answering point:

194 (a) may create a peer support team; and

195 (b) if a peer support team is created, shall develop guidelines for the peer support team
196 and its members.

197 (2) A peer support team member shall complete a peer support training program
198 approved by the Peace Officer Standards and Training Division, the State Fire Marshal's
199 Office, or the Department of Health and Human Services, as applicable.

200 (3) In accordance with the Utah Rules of Evidence, a peer support team member may
201 refuse to disclose communications made by ~~[a person]~~ an individual participating in peer
202 support services, including group therapy sessions.

203 (4) Subsection (3) applies only to communications made during individual interactions
204 conducted by a peer support team member who is:

205 (a) acting in the member's capacity as:

206 (i) a law enforcement or firefighter peer support team member; ~~[or]~~

207 (ii) an emergency medical service provider or rescue unit peer support team member;

208 or

209 (iii) a public safety answering point peer support team member; and

210 (b) functioning within the written peer support guidelines that are in effect for the
211 member's respective law enforcement agency, fire department, emergency medical service

212 agency, ~~[or] rescue unit, or public safety answering point.~~

213 (5) This part does not apply if:

214 (a) a ~~[law enforcement or firefighter peer support team member or emergency medical~~
215 ~~service provider or rescue unit]~~ peer support team member was a witness or a party to the
216 incident that prompted the delivery of peer support services;

217 (b) information received by a peer support team member is indicative of actual or
218 suspected child abuse, or actual or suspected child neglect;

219 (c) the ~~[person]~~ individual receiving peer support is a clear and immediate danger to
220 the ~~[person's]~~ individual's self or others;

221 (d) communication to a peer support team member establishes reasonable cause for the
222 peer support team member to believe that the ~~[person]~~ individual receiving peer support
223 services is mentally or emotionally unfit for duty; or

224 (e) communication to the peer support team member provides evidence that the
225 ~~[person]~~ individual who is receiving the peer support services has committed a crime, plans to
226 commit a crime, or intends to conceal a crime.

227 Section 6. **Repealer.**

228 This bill repeals:

229 Section **78B-5-901, Public safety peer counseling and behavioral emergency**
230 **services technicians.**