

Representative Steve Eliason proposes the following substitute bill:

**FIREARM SAFETY AND SUICIDE PREVENTION EDUCATION
REQUIREMENTS**

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sahara Hayes

Senate Sponsor: Stephanie Pitcher

LONG TITLE

General Description:

This bill modifies the suicide prevention information a school is required to provide a parent in certain circumstances.

Highlighted Provisions:

This bill:

- ▶ requires a school to provide suicide prevention materials and information, including information on firearm safety, to a parent of a child who has threatened suicide or has been involved in an incident of bullying or other abusive conduct; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-9-601, as last amended by Laws of Utah 2019, Chapter 293

53G-9-604, as last amended by Laws of Utah 2019, Chapter 293



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

Section 1. Section **53G-9-601** is amended to read:

53G-9-601. Definitions.

As used in this part:

(1) (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.

(b) A single act does not constitute abusive conduct.

(2) "Bullying" means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

- (a) causing physical or emotional harm to the school employee or student;
- (b) causing damage to the school employee's or student's property;
- (c) placing the school employee or student in reasonable fear of:
 - (i) harm to the school employee's or student's physical or emotional well-being; or
 - (ii) damage to the school employee's or student's property;
- (d) creating a hostile, threatening, humiliating, or abusive educational environment due

to:

- (i) the pervasiveness, persistence, or severity of the actions; or
- (ii) a power differential between the bully and the target; or
- (e) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

(3) "Communication" means the conveyance of a message, whether verbal, written, or electronic.

(4) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

57 (5) (a) "Hazing" means a school employee or student intentionally, knowingly, or
58 recklessly committing an act or causing another individual to commit an act toward a school
59 employee or student that:

60 (i) (A) endangers the mental or physical health or safety of a school employee or
61 student;

62 (B) involves any brutality of a physical nature, including whipping, beating, branding,
63 calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or
64 exposure to the elements;

65 (C) involves consumption of any food, alcoholic product, drug, or other substance or
66 other physical activity that endangers the mental or physical health and safety of a school
67 employee or student; or

68 (D) involves any activity that would subject a school employee or student to extreme
69 mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that
70 subjects a school employee or student to extreme embarrassment, shame, or humiliation; and

71 (ii) (A) is committed for the purpose of initiation into, admission into, affiliation with,
72 holding office in, or as a condition for membership in a school or school sponsored team,
73 organization, program, club, or event; or

74 (B) is directed toward a school employee or student whom the individual who commits
75 the act knows, at the time the act is committed, is a member of, or candidate for membership
76 in, a school or school sponsored team, organization, program, club, or event in which the
77 individual who commits the act also participates.

78 (b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of
79 whether the school employee or student against whom the conduct is committed directed,
80 consented to, or acquiesced in, the conduct.

81 (6) "LEA governing board" means a local school board or charter school governing
82 board.

83 (7) "Policy" means an LEA governing board policy described in Section [53G-9-605](#).

84 (8) "Public education suicide prevention coordinator" means the public education
85 suicide prevention coordinator described in Section [53G-9-702](#).

86 [~~8~~] (9) "Retaliate" means an act or communication intended:

87 (a) as retribution against a person for reporting bullying or hazing; or

88 (b) to improperly influence the investigation of, or the response to, a report of bullying
89 or hazing.

90 ~~[(9)]~~ (10) "School" means a public elementary or secondary school, including a charter
91 school.

92 ~~[(10)]~~ (11) "School employee" means an individual working in the individual's official
93 capacity as:

94 (a) a school teacher;

95 (b) a school staff member;

96 (c) a school administrator; or

97 (d) an individual:

98 (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a
99 school district; and

100 (ii) who works on a school campus.

101 (12) "State suicide prevention coordinator" means the state suicide prevention
102 coordinator described in Section [62A-15-1101](#).

103 (13) "State superintendent" means the state superintendent of public instruction
104 appointed under Section [53E-3-301](#).

105 Section 2. Section **53G-9-604** is amended to read:

106 **53G-9-604. Parental notification of certain incidents and threats required.**

107 (1) A school shall:

108 (a) notify a parent if the parent's student threatens ~~[to commit]~~ suicide; or

109 (b) notify the parents of each student involved in an incident of bullying,
110 cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's
111 student.

112 (2) (a) If a school notifies a parent of an incident or threat required to be reported under
113 Subsection (1), the school shall:

114 (i) produce and maintain a record that verifies that the parent was notified of the
115 incident or threat[-];

116 ~~[(b)]~~ (ii) ~~[A school shall]~~ maintain a record described in Subsection ~~[(2)(a)]~~ (2)(a)(i) in
117 accordance with the requirements of:

118 ~~[(i)]~~ (A) Title 53E, Chapter 9, Part 2, Student Privacy;

119 [(ii)] (B) Title 53E, Chapter 9, Part 3, Student Data Protection;
120 [(iii)] (C) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
121 [(iv)] (D) 34 C.F.R. Part 99; and
122 (iii) provide the parent with:
123 (A) suicide prevention materials and information; and
124 (B) information on ways to limit the student's access to fatal means, including a firearm
125 or medication.

126 (b) The state superintendent shall select the materials and information described in
127 Subsection (2)(a)(iii) in collaboration with the state suicide prevention coordinator and public
128 education suicide prevention coordinator.

129 (3) A local school board or charter school governing board shall adopt a policy
130 regarding the process for:

131 (a) notifying a parent as required in Subsection (1); and
132 (b) producing and retaining a record that verifies that a parent was notified of an
133 incident or threat as required in Subsection (2).

134 (4) At the request of a parent, a school may provide information and make
135 recommendations related to an incident or threat described in Subsection (1).

136 (5) A school shall:

137 (a) provide a student a copy of a record maintained in accordance with this section that
138 relates to the student if the student requests a copy of the record; and

139 (b) expunge a record maintained in accordance with this section that relates to a
140 student if the student:

141 (i) has graduated from high school; and
142 (ii) requests the record be expunged.

143 Section 3. **Effective date.**

144 This bill takes effect on August 1, 2023.