

**HEALTH AND HUMAN SERVICES RECODIFICATION -
HEALTH CARE DELIVERY AND REPEALS**

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Raymond P. Ward

LONG TITLE

General Description:

This bill recodifies and repeals portions of the Utah Health Code and Utah Human Services Code.

Highlighted Provisions:

This bill:

- recodifies provisions regarding health care delivery and access;
- repeals certain sections in the Utah Health Code and Utah Human Services Code that are no longer needed following the recodification; and
- makes technical and corresponding changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides coordination clauses.

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

26B-4-101, as enacted by Laws of Utah 2022, Chapter 255

RENUMBERS AND AMENDS:

26B-4-102, (Renumbered from 26-8a-105, as last amended by Laws of Utah 2019, Chapter 265)

29 **26B-4-103**, (Renumbered from 26-8a-106, as last amended by Laws of Utah 2017,
30 Chapter 326)
31 **26B-4-104**, (Renumbered from 26-8a-201, as enacted by Laws of Utah 1999, Chapter
32 141)
33 **26B-4-105**, (Renumbered from 26-8a-202, as enacted by Laws of Utah 1999, Chapter
34 141)
35 **26B-4-106**, (Renumbered from 26-8a-203, as last amended by Laws of Utah 2022,
36 Chapter 387)
37 **26B-4-107**, (Renumbered from 26-8a-207, as last amended by Laws of Utah 2020,
38 Chapters 215 and 230)
39 **26B-4-108**, (Renumbered from 26-8a-208, as last amended by Laws of Utah 2022,
40 Chapter 255)
41 **26B-4-109**, (Renumbered from 26-8a-210, as enacted by Laws of Utah 2020, Chapter
42 215)
43 **26B-4-110**, (Renumbered from 26-8a-212, as enacted by Laws of Utah 2022, Chapter
44 404)
45 **26B-4-111**, (Renumbered from 26-8a-250, as enacted by Laws of Utah 2000, Chapter
46 305)
47 **26B-4-112**, (Renumbered from 26-8a-252, as enacted by Laws of Utah 2000, Chapter
48 305)
49 **26B-4-113**, (Renumbered from 26-8a-253, as last amended by Laws of Utah 2011,
50 Chapter 297)
51 **26B-4-114**, (Renumbered from 26-8a-254, as enacted by Laws of Utah 2000, Chapter
52 305)
53 **26B-4-115**, (Renumbered from 26-8a-301, as last amended by Laws of Utah 2021,
54 Chapter 237)
55 **26B-4-116**, (Renumbered from 26-8a-302, as last amended by Laws of Utah 2022,

56 Chapters 255 and 460)
57 **26B-4-117**, (Renumbered from 26-8a-303, as last amended by Laws of Utah 2019,
58 Chapter 265)
59 **26B-4-118**, (Renumbered from 26-8a-304, as last amended by Laws of Utah 2019,
60 Chapter 265)
61 **26B-4-119**, (Renumbered from 26-8a-305, as enacted by Laws of Utah 1999, Chapter
62 141)
63 **26B-4-120**, (Renumbered from 26-8a-306, as last amended by Laws of Utah 2021,
64 Chapter 237)
65 **26B-4-121**, (Renumbered from 26-8a-307, as last amended by Laws of Utah 2021,
66 Chapter 208)
67 **26B-4-122**, (Renumbered from 26-8a-308, as last amended by Laws of Utah 2017,
68 Chapter 326)
69 **26B-4-123**, (Renumbered from 26-8a-309, as enacted by Laws of Utah 1999, Chapter
70 141)
71 **26B-4-124**, (Renumbered from 26-8a-310, as last amended by Laws of Utah 2022,
72 Chapters 255, 335, and 415)
73 **26B-4-125**, (Renumbered from 26-8a-310.5, as enacted by Laws of Utah 2021, Chapter
74 237)
75 **26B-4-126**, (Renumbered from 26-8a-501, as last amended by Laws of Utah 2017,
76 Chapter 326)
77 **26B-4-127**, (Renumbered from 26-8a-502, as last amended by Laws of Utah 2021,
78 Chapter 237)
79 **26B-4-128**, (Renumbered from 26-8a-502.1, as enacted by Laws of Utah 2022, Chapter
80 457)
81 **26B-4-129**, (Renumbered from 26-8a-503, as last amended by Laws of Utah 2019,
82 Chapter 346)

83 **26B-4-130**, (Renumbered from 26-8a-504, as last amended by Laws of Utah 2008,
84 Chapter 382)
85 **26B-4-131**, (Renumbered from 26-8a-505, as enacted by Laws of Utah 1999, Chapter
86 141)
87 **26B-4-132**, (Renumbered from 26-8a-506, as last amended by Laws of Utah 2017,
88 Chapter 326)
89 **26B-4-133**, (Renumbered from 26-8a-507, as enacted by Laws of Utah 1999, Chapter
90 141)
91 **26B-4-134**, (Renumbered from 26-8a-601, as last amended by Laws of Utah 2021,
92 Chapter 237)
93 **26B-4-135**, (Renumbered from 26-8a-602, as enacted by Laws of Utah 2019, Chapter
94 262)
95 **26B-4-136**, (Renumbered from 26-8a-603, as enacted by Laws of Utah 2022, Chapter
96 347)
97 **26B-4-137**, (Renumbered from 26-8c-102, as enacted by Laws of Utah 2016, Chapter
98 97)
99 **26B-4-150**, (Renumbered from 26-8a-401, as last amended by Laws of Utah 2021,
100 Chapter 265)
101 **26B-4-151**, (Renumbered from 26-8a-402, as last amended by Laws of Utah 2021,
102 Chapter 265)
103 **26B-4-152**, (Renumbered from 26-8a-403, as last amended by Laws of Utah 2006,
104 Chapter 209)
105 **26B-4-153**, (Renumbered from 26-8a-404, as last amended by Laws of Utah 2022,
106 Chapter 351)
107 **26B-4-154**, (Renumbered from 26-8a-405, as last amended by Laws of Utah 2019,
108 Chapter 390)
109 **26B-4-155**, (Renumbered from 26-8a-405.1, as last amended by Laws of Utah 2021,

110 Chapter 265)
111 **26B-4-156**, (Renumbered from 26-8a-405.2, as last amended by Laws of Utah 2011,
112 Chapter 297)
113 **26B-4-157**, (Renumbered from 26-8a-405.3, as last amended by Laws of Utah 2021,
114 Chapter 355)
115 **26B-4-158**, (Renumbered from 26-8a-405.4, as last amended by Laws of Utah 2021,
116 Chapter 265)
117 **26B-4-159**, (Renumbered from 26-8a-405.5, as last amended by Laws of Utah 2021,
118 Chapter 265)
119 **26B-4-160**, (Renumbered from 26-8a-406, as last amended by Laws of Utah 2011,
120 Chapter 297)
121 **26B-4-161**, (Renumbered from 26-8a-407, as last amended by Laws of Utah 2008,
122 Chapter 382)
123 **26B-4-162**, (Renumbered from 26-8a-408, as last amended by Laws of Utah 2017,
124 Chapter 326)
125 **26B-4-163**, (Renumbered from 26-8a-409, as last amended by Laws of Utah 2017,
126 Chapter 326)
127 **26B-4-164**, (Renumbered from 26-8a-410, as last amended by Laws of Utah 2011,
128 Chapter 297)
129 **26B-4-165**, (Renumbered from 26-8a-411, as last amended by Laws of Utah 2003,
130 Chapter 213)
131 **26B-4-166**, (Renumbered from 26-8a-412, as enacted by Laws of Utah 1999, Chapter
132 141)
133 **26B-4-167**, (Renumbered from 26-8a-413, as last amended by Laws of Utah 2022,
134 Chapter 274)
135 **26B-4-168**, (Renumbered from 26-8a-414, as last amended by Laws of Utah 2008,
136 Chapter 382)

137 **26B-4-169**, (Renumbered from 26-8a-415, as enacted by Laws of Utah 1999, Chapter
138 141)
139 **26B-4-170**, (Renumbered from 26-8a-416, as last amended by Laws of Utah 2022,
140 Chapter 351)
141 **26B-4-201**, (Renumbered from 26-61a-102, as last amended by Laws of Utah 2022,
142 Chapters 290 and 452)
143 **26B-4-202**, (Renumbered from 26-61a-103, as last amended by Laws of Utah 2022,
144 Chapters 290 and 415)
145 **26B-4-203**, (Renumbered from 26-61a-104, as last amended by Laws of Utah 2022,
146 Chapters 277 and 452)
147 **26B-4-204**, (Renumbered from 26-61a-106, as last amended by Laws of Utah 2022,
148 Chapters 415 and 452)
149 **26B-4-205**, (Renumbered from 26-61a-107, as last amended by Laws of Utah 2021,
150 Chapter 337)
151 **26B-4-206**, (Renumbered from 26-61a-108, as enacted by Laws of Utah 2018, Third
152 Special Session, Chapter 1)
153 **26B-4-207**, (Renumbered from 26-61a-111, as last amended by Laws of Utah 2022,
154 Chapters 174, 256, and 290)
155 **26B-4-208**, (Renumbered from 26-61a-112, as enacted by Laws of Utah 2018, Third
156 Special Session, Chapter 1)
157 **26B-4-209**, (Renumbered from 26-61a-113, as last amended by Laws of Utah 2020,
158 Chapters 12 and 354)
159 **26B-4-210**, (Renumbered from 26-61a-114, as enacted by Laws of Utah 2018, Third
160 Special Session, Chapter 1)
161 **26B-4-211**, (Renumbered from 26-61a-115, as enacted by Laws of Utah 2019, First
162 Special Session, Chapter 5)
163 **26B-4-212**, (Renumbered from 26-61-103, as enacted by Laws of Utah 2017, Chapter

164 398)

165 **26B-4-213**, (Renumbered from 26-61a-201, as last amended by Laws of Utah 2022,

166 Chapters 198, 290, and 452)

167 **26B-4-214**, (Renumbered from 26-61a-202, as last amended by Laws of Utah 2022,

168 Chapters 290 and 452)

169 **26B-4-215**, (Renumbered from 26-61a-203, as last amended by Laws of Utah 2019,

170 First Special Session, Chapter 5)

171 **26B-4-216**, (Renumbered from 26-61a-204, as last amended by Laws of Utah 2022,

172 Chapters 198 and 290)

173 **26B-4-217**, (Renumbered from 26-61a-401, as last amended by Laws of Utah 2022,

174 Chapters 290 and 415)

175 **26B-4-218**, (Renumbered from 26-61a-402, as renumbered and amended by Laws of

176 Utah 2018, Third Special Session, Chapter 1)

177 **26B-4-219**, (Renumbered from 26-61a-403, as last amended by Laws of Utah 2022,

178 Chapters 415 and 452)

179 **26B-4-220**, (Renumbered from 26-61a-701, as enacted by Laws of Utah 2018, Third

180 Special Session, Chapter 1)

181 **26B-4-221**, (Renumbered from 26-61a-702, as last amended by Laws of Utah 2022,

182 Chapter 452)

183 **26B-4-222**, (Renumbered from 26-61a-703, as last amended by Laws of Utah 2022,

184 Chapter 97)

185 **26B-4-223**, (Renumbered from 26-61a-116, as enacted by Laws of Utah 2022, Chapter

186 452)

187 **26B-4-224**, (Renumbered from 26-61a-301, as last amended by Laws of Utah 2022,

188 Chapter 290)

189 **26B-4-225**, (Renumbered from 26-61a-302, as last amended by Laws of Utah 2019,

190 First Special Session, Chapter 5)

191 **26B-4-226**, (Renumbered from 26-61a-303, as last amended by Laws of Utah 2022,
192 Chapters 290 and 415)
193 **26B-4-227**, (Renumbered from 26-61a-304, as last amended by Laws of Utah 2019,
194 First Special Session, Chapter 5)
195 **26B-4-228**, (Renumbered from 26-61a-305, as last amended by Laws of Utah 2022,
196 Chapter 290)
197 **26B-4-229**, (Renumbered from 26-61a-501, as last amended by Laws of Utah 2022,
198 Chapters 290 and 415)
199 **26B-4-230**, (Renumbered from 26-61a-502, as last amended by Laws of Utah 2022,
200 Chapter 290)
201 **26B-4-231**, (Renumbered from 26-61a-503, as last amended by Laws of Utah 2022,
202 Chapter 415)
203 **26B-4-232**, (Renumbered from 26-61a-504, as last amended by Laws of Utah 2021,
204 Chapter 350)
205 **26B-4-233**, (Renumbered from 26-61a-505, as last amended by Laws of Utah 2022,
206 Chapter 452 and last amended by Coordination Clause, Laws of Utah 2022, Chapter
207 290)
208 **26B-4-234**, (Renumbered from 26-61a-506, as last amended by Laws of Utah 2022,
209 Chapter 415)
210 **26B-4-235**, (Renumbered from 26-61a-507, as last amended by Laws of Utah 2020,
211 Chapter 12)
212 **26B-4-236**, (Renumbered from 26-61a-601, as last amended by Laws of Utah 2021,
213 Chapter 337)
214 **26B-4-237**, (Renumbered from 26-61a-602, as last amended by Laws of Utah 2020,
215 Chapter 354)
216 **26B-4-238**, (Renumbered from 26-61a-603, as last amended by Laws of Utah 2020,
217 Chapter 12)

218 **26B-4-239**, (Renumbered from 26-61a-604, as last amended by Laws of Utah 2022,
219 Chapters 290 and 452)
220 **26B-4-240**, (Renumbered from 26-61a-605, as last amended by Laws of Utah 2022,
221 Chapter 415)
222 **26B-4-241**, (Renumbered from 26-61a-606, as last amended by Laws of Utah 2022,
223 Chapters 290 and 415)
224 **26B-4-242**, (Renumbered from 26-61a-607, as last amended by Laws of Utah 2022,
225 Chapter 452)
226 **26B-4-301**, (Renumbered from 26-10b-101, as last amended by Laws of Utah 2022,
227 Chapter 255)
228 **26B-4-302**, (Renumbered from 26-8b-201, as enacted by Laws of Utah 2009, Chapter
229 22)
230 **26B-4-303**, (Renumbered from 26-8b-202, as enacted by Laws of Utah 2009, Chapter
231 22)
232 **26B-4-304**, (Renumbered from 26-8b-301, as last amended by Laws of Utah 2013,
233 Chapter 98)
234 **26B-4-305**, (Renumbered from 26-8b-302, as enacted by Laws of Utah 2009, Chapter
235 22)
236 **26B-4-306**, (Renumbered from 26-8b-303, as last amended by Laws of Utah 2013,
237 Chapter 98)
238 **26B-4-307**, (Renumbered from 26-8b-401, as enacted by Laws of Utah 2009, Chapter
239 22)
240 **26B-4-308**, (Renumbered from 26-8b-402, as enacted by Laws of Utah 2013, Chapter
241 98)
242 **26B-4-309**, (Renumbered from 26-8b-501, as enacted by Laws of Utah 2013, Chapter
243 98)
244 **26B-4-310**, (Renumbered from 26-10b-102, as last amended by Laws of Utah 2014,

245 Chapter 384)
246 **26B-4-311**, (Renumbered from 26-10b-103, as last amended by Laws of Utah 2014,
247 Chapter 384)
248 **26B-4-312**, (Renumbered from 26-10b-104, as last amended by Laws of Utah 2014,
249 Chapter 384)
250 **26B-4-313**, (Renumbered from 26-10b-107, as enacted by Laws of Utah 2014, Chapter
251 384)
252 **26B-4-314**, (Renumbered from 26-9-1, as enacted by Laws of Utah 1981, Chapter 126)
253 **26B-4-315**, (Renumbered from 26-9-2, as enacted by Laws of Utah 1981, Chapter 126)
254 **26B-4-316**, (Renumbered from 26-9-3, as last amended by Laws of Utah 2001, Chapter
255 95)
256 **26B-4-317**, (Renumbered from 26-9-5, as enacted by Laws of Utah 2012, Chapter 408)
257 **26B-4-318**, (Renumbered from 26-10-2, as last amended by Laws of Utah 2011,
258 Chapters 147, 366 and last amended by Coordination Clause, Laws of Utah 2011,
259 Chapter 366)
260 **26B-4-319**, (Renumbered from 26-10-6, as last amended by Laws of Utah 2022,
261 Chapter 255)
262 **26B-4-320**, (Renumbered from 26-10-7, as enacted by Laws of Utah 1981, Chapter
263 126)
264 **26B-4-321**, (Renumbered from 26-10-9, as last amended by Laws of Utah 2022,
265 Chapter 430)
266 **26B-4-322**, (Renumbered from 26-10-11, as last amended by Laws of Utah 2021,
267 Chapter 50)
268 **26B-4-323**, (Renumbered from 26-10-13, as enacted by Laws of Utah 2017, Chapter
269 351)
270 **26B-4-324**, (Renumbered from 26-47-103, as last amended by Laws of Utah 2017,
271 Chapter 181)

272 **26B-4-401**, (Renumbered from 26-53-102, as last amended by Laws of Utah 2013,
273 Chapter 18)
274 **26B-4-402**, (Renumbered from 26-10-5, as last amended by Laws of Utah 2016,
275 Chapter 144)
276 **26B-4-403**, (Renumbered from 26-53-201, as enacted by Laws of Utah 2011, Chapter
277 97)
278 **26B-4-404**, (Renumbered from 26-53-301, as enacted by Laws of Utah 2011, Chapter
279 97)
280 **26B-4-405**, (Renumbered from 26-53-401, as last amended by Laws of Utah 2014,
281 Chapter 165)
282 **26B-4-406**, (Renumbered from 26-41-103, as last amended by Laws of Utah 2019,
283 Chapter 236)
284 **26B-4-407**, (Renumbered from 26-41-104, as last amended by Laws of Utah 2019,
285 Chapter 236)
286 **26B-4-408**, (Renumbered from 26-41-104.1, as enacted by Laws of Utah 2019, Chapter
287 236)
288 **26B-4-409**, (Renumbered from 26-41-105, as last amended by Laws of Utah 2020,
289 Chapter 372)
290 **26B-4-410**, (Renumbered from 26-41-106, as last amended by Laws of Utah 2019,
291 Chapter 236)
292 **26B-4-411**, (Renumbered from 26-41-107, as last amended by Laws of Utah 2019,
293 Chapter 236)
294 **26B-4-501**, (Renumbered from 26-64-102, as last amended by Laws of Utah 2022,
295 Chapter 415)
296 **26B-4-502**, (Renumbered from 26-21b-201, as last amended by Laws of Utah 2010,
297 Chapter 140)
298 **26B-4-503**, (Renumbered from 26-64-103, as enacted by Laws of Utah 2018, Chapter

299 295)
300 **26B-4-504**, (Renumbered from 26-64-104, as enacted by Laws of Utah 2018, Chapter
301 295)
302 **26B-4-505**, (Renumbered from 26-64-105, as enacted by Laws of Utah 2018, Chapter
303 295)
304 **26B-4-506**, (Renumbered from 26-64-106, as enacted by Laws of Utah 2018, Chapter
305 295)
306 **26B-4-507**, (Renumbered from 26-64-107, as enacted by Laws of Utah 2018, Chapter
307 295)
308 **26B-4-508**, (Renumbered from 26-55-103, as enacted by Laws of Utah 2014, Chapter
309 130)
310 **26B-4-509**, (Renumbered from 26-55-104, as last amended by Laws of Utah 2017,
311 Chapters 181 and 392)
312 **26B-4-510**, (Renumbered from 26-55-105, as last amended by Laws of Utah 2022,
313 Chapter 415)
314 **26B-4-511**, (Renumbered from 26-55-106, as last amended by Laws of Utah 2017,
315 Chapter 392)
316 **26B-4-512**, (Renumbered from 26-55-107, as enacted by Laws of Utah 2016, Chapter
317 202 and last amended by Coordination Clause, Laws of Utah 2016, Chapter 207)
318 **26B-4-513**, (Renumbered from 26-55-108, as last amended by Laws of Utah 2022,
319 Chapter 415)
320 **26B-4-514**, (Renumbered from 26-55-109, as enacted by Laws of Utah 2018, Chapter
321 145)
322 **26B-4-601**, (Renumbered from 26-67-102, as last amended by Laws of Utah 2022,
323 Chapter 255)
324 **26B-4-602**, (Renumbered from 26-67-201, as enacted by Laws of Utah 2020, Chapter
325 169)

326 **26B-4-603**, (Renumbered from 26-67-203, as enacted by Laws of Utah 2020, Chapter
327 169)
328 **26B-4-604**, (Renumbered from 26-67-204, as last amended by Laws of Utah 2020,
329 Fifth Special Session, Chapter 4)
330 **26B-4-701**, (Renumbered from 26-46a-102, as last amended by Laws of Utah 2018,
331 Chapter 330)
332 **26B-4-702**, (Renumbered from 26-46-102, as last amended by Laws of Utah 2020,
333 Chapter 56)
334 **26B-4-703**, (Renumbered from 26-46a-103, as enacted by Laws of Utah 2015, Chapter
335 136)
336 **26B-4-704**, (Renumbered from 26-60-103, as last amended by Laws of Utah 2021,
337 Chapter 64)
338 **26B-4-705**, (Renumbered from 26-69-301, as enacted by Laws of Utah 2022, Chapter
339 224)
340 **26B-4-706**, (Renumbered from 26-69-402, as renumbered and amended by Laws of
341 Utah 2022, Chapter 224)
342 **26B-4-707**, (Renumbered from 26-69-403, as renumbered and amended by Laws of
343 Utah 2022, Chapter 224)
344 **26B-4-708**, (Renumbered from 26-69-404, as renumbered and amended by Laws of
345 Utah 2022, Chapter 224)
346 **26B-4-709**, (Renumbered from 26-69-405, as last amended by Laws of Utah 2022,
347 Chapter 415 and renumbered and amended by Laws of Utah 2022, Chapter 224 and
348 last amended by Coordination Clause, Laws of Utah 2022, Chapter 415)
349 **26B-4-710**, (Renumbered from 26-69-406, as renumbered and amended by Laws of
350 Utah 2022, Chapter 224)
351 **26B-4-711**, (Renumbered from 26-69-407, as enacted by Laws of Utah 2022, Chapter
352 154 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 154)

353 **26B-4-712**, (Renumbered from 26-69-408, as enacted by Laws of Utah 2022, Chapter
354 154 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 154)
355 **26B-4-801**, (Renumbered from 26-49-102, as last amended by Laws of Utah 2022,
356 Chapter 255)
357 **26B-4-802**, (Renumbered from 26-49-103, as last amended by Laws of Utah 2021,
358 Chapter 188)
359 **26B-4-803**, (Renumbered from 26-49-201, as last amended by Laws of Utah 2021,
360 Chapter 188)
361 **26B-4-804**, (Renumbered from 26-49-202, as last amended by Laws of Utah 2021,
362 Chapter 188)
363 **26B-4-805**, (Renumbered from 26-49-203, as last amended by Laws of Utah 2021,
364 Chapter 188)
365 **26B-4-806**, (Renumbered from 26-49-204, as last amended by Laws of Utah 2021,
366 Chapter 188)
367 **26B-4-807**, (Renumbered from 26-49-205, as last amended by Laws of Utah 2022,
368 Chapter 415)
369 **26B-4-808**, (Renumbered from 26-49-301, as enacted by Laws of Utah 2008, Chapter
370 242)
371 **26B-4-809**, (Renumbered from 26-49-401, as enacted by Laws of Utah 2008, Chapter
372 242)
373 **26B-4-810**, (Renumbered from 26-49-501, as enacted by Laws of Utah 2008, Chapter
374 242)
375 **26B-4-811**, (Renumbered from 26-49-601, as enacted by Laws of Utah 2008, Chapter
376 242)
377 **26B-4-812**, (Renumbered from 26-49-701, as last amended by Laws of Utah 2011,
378 Chapter 297)
379 REPEALS:

380 **26-1-2**, as last amended by Laws of Utah 2022, Chapter 255
381 **26-1-7.5**, as last amended by Laws of Utah 2011, Chapter 297
382 **26-2-1**, as last amended by Laws of Utah 1995, Chapter 202
383 **26-2-2**, as last amended by Laws of Utah 2022, Chapter 415
384 **26-4-1**, as enacted by Laws of Utah 1981, Chapter 126
385 **26-5-2**, as enacted by Laws of Utah 1981, Chapter 126
386 **26-5-3**, as last amended by Laws of Utah 2004, Chapter 197
387 **26-5-4**, as enacted by Laws of Utah 1981, Chapter 126
388 **26-6-1**, as enacted by Laws of Utah 1981, Chapter 126
389 **26-6-12**, as enacted by Laws of Utah 1981, Chapter 126
390 **26-6-13**, as enacted by Laws of Utah 1981, Chapter 126
391 **26-6-14**, as enacted by Laws of Utah 1981, Chapter 126
392 **26-6b-2**, as last amended by Laws of Utah 2006, Chapter 185
393 **26-8a-101**, as enacted by Laws of Utah 1999, Chapter 141
394 **26-8a-211**, as enacted by Laws of Utah 2020, Chapter 215
395 **26-8b-101**, as enacted by Laws of Utah 2009, Chapter 22
396 **26-8b-102**, as last amended by Laws of Utah 2015, Chapter 411
397 **26-8b-601**, as enacted by Laws of Utah 2013, Chapter 99
398 **26-8c-101**, as enacted by Laws of Utah 2016, Chapter 97
399 **26-8d-101**, as enacted by Laws of Utah 2018, Chapter 104
400 **26-9f-101**, as last amended by Laws of Utah 2004, Chapter 33
401 **26-9f-102**, as last amended by Laws of Utah 2008, Chapter 46
402 **26-9f-104**, as last amended by Laws of Utah 2018, Chapter 125
403 **26-10-1**, as last amended by Laws of Utah 2019, Chapter 124
404 **26-15-1**, as last amended by Laws of Utah 2020, Chapter 311
405 **26-15-5.1**, as enacted by Laws of Utah 2014, Chapter 327
406 **26-15-12**, as last amended by Laws of Utah 1994, Chapter 281

407 **26-15a-101**, as enacted by Laws of Utah 1998, Chapter 345
408 **26-15a-103**, as enacted by Laws of Utah 1998, Chapter 345
409 **26-15a-107**, as enacted by Laws of Utah 1998, Chapter 345
410 **26-15b-101**, as enacted by Laws of Utah 2020, Chapter 189
411 **26-15b-102**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
412 **26-15b-103**, as enacted by Laws of Utah 2020, Chapter 189
413 **26-15b-104**, as enacted by Laws of Utah 2020, Chapter 189
414 **26-15c-101**, as enacted by Laws of Utah 2021, Chapter 417
415 **26-15c-102**, as enacted by Laws of Utah 2021, Chapter 417
416 **26-15c-103**, as enacted by Laws of Utah 2021, Chapter 417
417 **26-15c-104**, as enacted by Laws of Utah 2021, Chapter 417
418 **26-18-1**, as enacted by Laws of Utah 1981, Chapter 126
419 **26-18-2**, as last amended by Laws of Utah 2019, Chapter 393
420 **26-18-402.5**, as last amended by Laws of Utah 2022, Chapter 40
421 **26-18-501**, as last amended by Laws of Utah 2019, Chapter 393
422 **26-18-601**, as enacted by Laws of Utah 2011, Chapter 362
423 **26-18-602**, as last amended by Laws of Utah 2015, Chapter 135
424 **26-18-701**, as enacted by Laws of Utah 2022, Chapter 334
425 **26-18-702**, as enacted by Laws of Utah 2022, Chapter 334
426 **26-18a-1**, as last amended by Laws of Utah 2010, Chapter 278
427 **26-18a-3**, as last amended by Laws of Utah 2013, Chapter 167
428 **26-19-101**, as renumbered and amended by Laws of Utah 2018, Chapter 443
429 **26-20-1**, as last amended by Laws of Utah 2007, Chapter 48
430 **26-21-1**, as last amended by Laws of Utah 1997, Chapter 209
431 **26-21-4**, as last amended by Laws of Utah 2010, Chapter 286
432 **26-21-5**, as last amended by Laws of Utah 2016, Chapter 74
433 **26-21-100**, as enacted by Laws of Utah 2012, Chapter 328

434 **26-21-203**, as enacted by Laws of Utah 2012, Chapter 328
435 **26-21-205**, as enacted by Laws of Utah 2012, Chapter 328
436 **26-21-206**, as enacted by Laws of Utah 2012, Chapter 328
437 **26-21-207**, as enacted by Laws of Utah 2012, Chapter 328
438 **26-21-208**, as enacted by Laws of Utah 2012, Chapter 328
439 **26-21-210**, as enacted by Laws of Utah 2012, Chapter 328
440 **26-21-301**, as last amended by Laws of Utah 2018, Chapter 220
441 **26-21-302**, as last amended by Laws of Utah 2018, Chapter 220
442 **26-21-304**, as enacted by Laws of Utah 2016, Chapter 141
443 **26-21a-201**, as enacted by Laws of Utah 1991, Chapter 126
444 **26-21b-101**, as enacted by Laws of Utah 2009, Chapter 266
445 **26-21b-102**, as last amended by Laws of Utah 2010, Chapter 140
446 **26-21b-301**, as enacted by Laws of Utah 2009, Chapter 266
447 **26-21c-101**, as enacted by Laws of Utah 2020, Chapter 406
448 **26-21c-102**, as enacted by Laws of Utah 2020, Chapter 406
449 **26-21c-104**, as enacted by Laws of Utah 2020, Chapter 406
450 **26-23a-1**, as last amended by Laws of Utah 1996, Chapter 23
451 **26-23a-3**, as enacted by Laws of Utah 1988, Chapter 238
452 **26-23b-101**, as enacted by Laws of Utah 2002, Chapter 155
453 **26-25-2**, as last amended by Laws of Utah 2008, Chapter 382
454 **26-25-3**, as last amended by Laws of Utah 1996, Chapter 201
455 **26-25-4**, as last amended by Laws of Utah 2003, Chapter 242
456 **26-25-5**, as last amended by Laws of Utah 2011, Chapter 297
457 **26-26-1**, as enacted by Laws of Utah 1981, Chapter 126
458 **26-26-2**, as enacted by Laws of Utah 1981, Chapter 126
459 **26-26-4**, as last amended by Laws of Utah 1989, Chapter 80
460 **26-26-5**, as enacted by Laws of Utah 1981, Chapter 126

461 **26-26-6**, as enacted by Laws of Utah 1981, Chapter 126
462 **26-26-7**, as last amended by Laws of Utah 1989, Chapter 80
463 **26-28-101**, as enacted by Laws of Utah 2007, Chapter 60
464 **26-31-101**, as enacted by Laws of Utah 2011, Chapter 90
465 **26-31-102**, as enacted by Laws of Utah 2011, Chapter 90
466 **26-31-202**, as enacted by Laws of Utah 2011, Chapter 90
467 **26-33a-101**, as enacted by Laws of Utah 1990, Chapter 305
468 **26-33a-103**, as last amended by Laws of Utah 2022, Chapter 255
469 **26-34-1**, as enacted by Laws of Utah 1989, Chapter 276
470 **26-34-2**, as last amended by Laws of Utah 2020, Chapter 353
471 **26-35a-101**, as enacted by Laws of Utah 2004, Chapter 284
472 **26-36b-101**, as enacted by Laws of Utah 2016, Chapter 279
473 **26-36c-101**, as enacted by Laws of Utah 2018, Chapter 468
474 **26-36d-101**, as repealed and reenacted by Laws of Utah 2019, Chapter 455
475 **26-37a-101**, as enacted by Laws of Utah 2015, Chapter 440
476 **26-38-1**, as enacted by Laws of Utah 1994, Chapter 281
477 **26-38-2**, as last amended by Laws of Utah 2020, Chapter 347
478 **26-38-3.5**, as enacted by Laws of Utah 1995, Chapter 125
479 **26-38-6**, as last amended by Laws of Utah 2007, Chapter 44
480 **26-38-7**, as last amended by Laws of Utah 2012, Chapter 171
481 **26-38-8**, as last amended by Laws of Utah 2010, Chapter 218
482 **26-38-9**, as last amended by Laws of Utah 2008, Chapter 382
483 **26-39-101**, as enacted by Laws of Utah 1997, Chapter 196
484 **26-39-203**, as last amended by Laws of Utah 2016, Chapter 74
485 **26-40-101**, as enacted by Laws of Utah 1998, Chapter 360
486 **26-41-101**, as last amended by Laws of Utah 2019, Chapter 236
487 **26-41-102**, as last amended by Laws of Utah 2020, Chapter 372

488 **26-43-101**, as enacted by Laws of Utah 1998, Chapter 73
489 **26-43-103**, as last amended by Laws of Utah 2008, Chapter 382
490 **26-46-101**, as last amended by Laws of Utah 2020, Chapter 56
491 **26-46a-101**, as enacted by Laws of Utah 2015, Chapter 136
492 **26-47-101**, as enacted by Laws of Utah 2005, Chapter 273
493 **26-47-102**, as last amended by Laws of Utah 2013, Chapter 167
494 **26-49-101**, as enacted by Laws of Utah 2008, Chapter 242
495 **26-50-101**, as enacted by Laws of Utah 2008, Chapter 325
496 **26-50-102**, as enacted by Laws of Utah 2008, Chapter 325
497 **26-51-101**, as enacted by Laws of Utah 2008, Chapter 38
498 **26-51-202**, as enacted by Laws of Utah 2008, Chapter 38
499 **26-53-101**, as enacted by Laws of Utah 2011, Chapter 97
500 **26-54-101**, as last amended by Laws of Utah 2019, Chapter 405
501 **26-55-101**, as last amended by Laws of Utah 2016, Chapters 202, 207, and 208
502 **26-55-102**, as last amended by Laws of Utah 2017, Chapter 392
503 **26-57-101**, as last amended by Laws of Utah 2021, First Special Session, Chapter 12
504 **26-57-102**, as last amended by Laws of Utah 2021, First Special Session, Chapter 12
505 **26-57-104**, as enacted by Laws of Utah 2020, Chapter 347
506 **26-58-101**, as enacted by Laws of Utah 2016, Chapter 71
507 **26-60-101**, as enacted by Laws of Utah 2017, Chapter 241
508 **26-60-102**, as last amended by Laws of Utah 2020, Chapter 119
509 **26-60-104**, as last amended by Laws of Utah 2022, Chapters 255 and 415
510 **26-60-105**, as last amended by Laws of Utah 2019, Chapter 249
511 **26-61-101**, as enacted by Laws of Utah 2017, Chapter 398
512 **26-61-102**, as last amended by Laws of Utah 2022, Chapter 452
513 **26-61-202**, as last amended by Laws of Utah 2022, Chapter 415
514 **26-61a-101**, as renumbered and amended by Laws of Utah 2018, Third Special Session,

515 Chapter 1

516 **26-62-101**, as last amended by Laws of Utah 2020, Chapter 347

517 **26-64-101**, as enacted by Laws of Utah 2018, Chapter 295

518 **26-66-101**, as enacted by Laws of Utah 2019, Chapter 34

519 **26-66-102**, as enacted by Laws of Utah 2019, Chapter 34

520 **26-66-201**, as enacted by Laws of Utah 2019, Chapter 34

521 **26-66-203**, as enacted by Laws of Utah 2019, Chapter 34

522 **26-67-101**, as enacted by Laws of Utah 2020, Chapter 169

523 **26-68-101**, as enacted by Laws of Utah 2021, Chapter 182

524 **26-69-101**, as enacted by Laws of Utah 2022, Chapter 224

525 **26-69-202**, as enacted by Laws of Utah 2022, Chapter 224

526 **26-69-203**, as enacted by Laws of Utah 2022, Chapter 224

527 **26-69-401**, as renumbered and amended by Laws of Utah 2022, Chapter 224

528 **26-70-101**, as enacted by Laws of Utah 2022, Chapter 327

529 **26A-1-101**, as renumbered and amended by Laws of Utah 1991, Chapter 269

530 **26B-1-201.1**, as last amended by Laws of Utah 2022, Chapter 255

531 **26B-1a-101**, as enacted by Laws of Utah 2022, Chapter 245

532 **26B-1a-102**, as enacted by Laws of Utah 2022, Chapter 245

533 **26B-1a-103**, as enacted by Laws of Utah 2022, Chapter 245 and last amended by

534 Coordination Clause, Laws of Utah 2022, Chapter 245

535 **26B-1a-107**, as enacted by Laws of Utah 2022, Chapter 245

536 **62A-1-104**, as last amended by Laws of Utah 2022, Chapter 255

537 **62A-1-123**, as enacted by Laws of Utah 2022, Chapter 36

538 **62A-1-201**, as enacted by Laws of Utah 2014, Chapter 37

539 **62A-2-101**, as last amended by Laws of Utah 2022, Chapters 334 and 468

540 **62A-3-101**, as last amended by Laws of Utah 2005, Chapter 107

541 **62A-4a-101.5**, as enacted by Laws of Utah 2022, Chapter 334

542 **62A-4a-210**, as enacted by Laws of Utah 2014, Chapter 67
543 **62A-5-206.8**, as enacted by Laws of Utah 2018, Chapter 404
544 **62A-5-401**, as enacted by Laws of Utah 1991, Chapter 207
545 **62A-5-403**, as last amended by Laws of Utah 1996, Chapters 179 and 318
546 **62A-5a-101**, as enacted by Laws of Utah 1991, Chapter 207
547 **62A-5a-102**, as last amended by Laws of Utah 2019, Chapter 187
548 **62A-5a-104**, as last amended by Laws of Utah 2013, Chapters 167 and 413
549 **62A-5a-105**, as last amended by Laws of Utah 2019, Chapter 187
550 **62A-5b-101**, as last amended by Laws of Utah 2019, Chapter 190
551 **62A-6-101**, as last amended by Laws of Utah 2011, Chapter 366
552 **62A-11-103**, as last amended by Laws of Utah 2012, Chapter 41
553 **62A-11-301**, as last amended by Laws of Utah 2000, Chapter 161
554 **62A-11-601**, as enacted by Laws of Utah 2007, Chapter 338
555 **62A-11-701**, as enacted by Laws of Utah 2008, Chapter 73
556 **62A-11-702**, as enacted by Laws of Utah 2008, Chapter 73
557 **62A-14-101**, as enacted by Laws of Utah 1999, Chapter 69
558 **62A-15-101**, as last amended by Laws of Utah 2009, Chapter 75
559 **62A-15-102**, as last amended by Laws of Utah 2022, Chapter 255
560 **62A-15-201**, as renumbered and amended by Laws of Utah 2002, Fifth Special Session,
561 Chapter 8
562 **62A-15-645**, as renumbered and amended by Laws of Utah 2002, Fifth Special Session,
563 Chapter 8
564 **62A-15-1001**, as renumbered and amended by Laws of Utah 2002, Fifth Special
565 Session, Chapter 8
566 **62A-15-1100**, as enacted by Laws of Utah 2018, Chapter 414
567 **62A-15-1301**, as last amended by Laws of Utah 2020, Chapter 303
568 **62A-15-1303**, as last amended by Laws of Utah 2020, Chapter 303

569 **62A-15-1401**, as last amended by Laws of Utah 2020, Chapter 303
570 **62A-15-1501**, as last amended by Laws of Utah 2021, Chapter 277
571 **62A-15-1601**, as last amended by Laws of Utah 2021, Chapter 278
572 **62A-15-1701**, as enacted by Laws of Utah 2020, Chapter 358
573 **62A-15-1801**, as enacted by Laws of Utah 2020, Chapter 304
574 **62A-16-101**, as enacted by Laws of Utah 2010, Chapter 239
575 **62A-17-101**, as enacted by Laws of Utah 2013, Chapter 24
576 **62A-18-101**, as enacted by Laws of Utah 2019, Chapter 139
577 **62A-18-102**, as enacted by Laws of Utah 2019, Chapter 139
578 **62A-18-103**, as enacted by Laws of Utah 2019, Chapter 139
579 **62A-18-104**, as enacted by Laws of Utah 2019, Chapter 139

580 **Utah Code Sections Affected by Coordination Clause:**

581 **26-8a-105**, as last amended by Laws of Utah 2019, Chapter 265
582 **26-8a-106**, as last amended by Laws of Utah 2017, Chapter 326
583 **26-8a-206**, as last amended by Laws of Utah 2021, Chapter 208
584 **26-8a-207**, as last amended by Laws of Utah 2020, Chapters 215 and 230
585 **26-8a-210**, as enacted by Laws of Utah 2020, Chapter 215
586 **26-8a-301**, as last amended by Laws of Utah 2021, Chapter 237
587 **26-8a-308**, as last amended by Laws of Utah 2017, Chapter 326
588 **26-8a-309**, as enacted by Laws of Utah 1999, Chapter 141
589 **26-8a-405.4**, as last amended by Laws of Utah 2021, Chapter 265
590 **26-8a-414**, as last amended by Laws of Utah 2008, Chapter 382
591 **26-8a-501**, as last amended by Laws of Utah 2017, Chapter 326
592 **26-8a-502**, as last amended by Laws of Utah 2021, Chapter 237
593 **26-8a-503**, as last amended by Laws of Utah 2019, Chapter 346
594 **26-8a-506**, as last amended by Laws of Utah 2017, Chapter 326
595 **26-8a-507**, as enacted by Laws of Utah 1999, Chapter 141

596 **26-8a-601**, as last amended by Laws of Utah 2021, Chapter 237
597 **26-8b-402**, as enacted by Laws of Utah 2013, Chapter 98
598 **26-10b-101**, as last amended by Laws of Utah 2022, Chapter 255
599 **26-61a-103**, as last amended by Laws of Utah 2022, Chapters 290 and 415
600 **26-61a-106**, as last amended by Laws of Utah 2022, Chapters 415 and 452
601 **26-61a-116**, as enacted by Laws of Utah 2022, Chapter 452
602 **26-61a-201**, as last amended by Laws of Utah 2022, Chapters 198, 290, and 452
603 **26-61a-301**, as last amended by Laws of Utah 2022, Chapter 290
604 **26-61a-302**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
605 **26-61a-303**, as last amended by Laws of Utah 2022, Chapters 290 and 415
606 **26-61a-304**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
607 **26-61a-305**, as last amended by Laws of Utah 2022, Chapter 290
608 **26-61a-401**, as last amended by Laws of Utah 2022, Chapters 290 and 415
609 **26-61a-402**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
610 Chapter 1
611 **26-61a-403**, as last amended by Laws of Utah 2022, Chapters 415 and 452
612 **26-61a-501**, as last amended by Laws of Utah 2022, Chapters 290 and 415
613 **26-61a-502**, as last amended by Laws of Utah 2022, Chapter 290
614 **26-61a-503**, as last amended by Laws of Utah 2022, Chapter 415
615 **26-61a-504**, as last amended by Laws of Utah 2021, Chapter 350
616 **26-61a-505**, as last amended by Laws of Utah 2022, Chapter 452 and last amended by
617 Coordination Clause, Laws of Utah 2022, Chapter 290
618 **26-61a-507**, as last amended by Laws of Utah 2020, Chapter 12
619 **26-61a-601**, as last amended by Laws of Utah 2021, Chapter 337
620 **26-61a-603**, as last amended by Laws of Utah 2020, Chapter 12
621 **26-61a-604**, as last amended by Laws of Utah 2022, Chapters 290 and 452
622 **26-61a-605**, as last amended by Laws of Utah 2022, Chapter 415

26-61a-606, as last amended by Laws of Utah 2022, Chapters 290 and 415
26-61a-607, as last amended by Laws of Utah 2022, Chapter 452
26-61a-701, as renumbered and enacted by Laws of Utah 2018, Third Special Session,
Chapter 1
26-61a-702, as last amended by Laws of Utah 2022, Chapter 452
26B-4-101, as enacted by Laws of Utah 2022, Chapter 255

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

Section 1. Section 26B-4-101 is amended to read:

CHAPTER 4. HEALTH CARE - DELIVERY AND ACCESS

Part 1. Utah Emergency Medical Services System

26B-4-101. Definitions.

[Reserved]

As used in this part:

(1) (a) "911 ambulance or paramedic services" means:

(i) either:

(A) 911 ambulance service;

(B) 911 paramedic service; or

(C) both 911 ambulance and paramedic service; and

(ii) a response to a 911 call received by a designated dispatch center that receives 911
or E911 calls.

(b) "911 ambulance or paramedic services" does not mean a seven or 10 digit
telephone call received directly by an ambulance provider licensed under this part.

(2) "Ambulance" means a ground, air, or water vehicle that:

(a) transports patients and is used to provide emergency medical services; and

(b) is required to obtain a permit under Section 26B-4-118 to operate in the state.

(3) "Ambulance provider" means an emergency medical service provider that:

650 (a) transports and provides emergency medical care to patients; and

651 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

652 (4) (a) "Behavioral emergency services" means delivering a behavioral health
653 intervention to a patient in an emergency context within a scope and in accordance with
654 guidelines established by the department.

655 (b) "Behavioral emergency services" does not include engaging in the:

656 (i) practice of mental health therapy as defined in Section [58-60-102](#);

657 (ii) practice of psychology as defined in Section [58-61-102](#);

658 (iii) practice of clinical social work as defined in Section [58-60-202](#);

659 (iv) practice of certified social work as defined in Section [58-60-202](#);

660 (v) practice of marriage and family therapy as defined in Section [58-60-302](#);

661 (vi) practice of clinical mental health counseling as defined in Section [58-60-402](#); or

662 (vii) practice as a substance use disorder counselor as defined in Section [58-60-502](#).

663 (5) "Committee" means the State Emergency Medical Services Committee created by
664 Section [26B-1-204](#).

665 (6) "Community paramedicine" means medical care:

666 (a) provided by emergency medical service personnel; and

667 (b) provided to a patient who is not:

668 (i) in need of ambulance transportation; or

669 (ii) located in a health care facility as defined in Section [26B-2-201](#).

670 (7) "Direct medical observation" means in-person observation of a patient by a
671 physician, registered nurse, physician's assistant, or individual licensed under Section
672 [26B-4-116](#).

673 (8) "Emergency medical condition" means:

674 (a) a medical condition that manifests itself by symptoms of sufficient severity,
675 including severe pain, that a prudent layperson, who possesses an average knowledge of health
676 and medicine, could reasonably expect the absence of immediate medical attention to result in:

677 (i) placing the individual's health in serious jeopardy;

678 (ii) serious impairment to bodily functions; or

679 (iii) serious dysfunction of any bodily organ or part; or

680 (b) a medical condition that in the opinion of a physician or the physician's designee
681 requires direct medical observation during transport or may require the intervention of an
682 individual licensed under Section [26B-4-116](#) during transport.

683 (9) (a) "Emergency medical service personnel" means an individual who provides
684 emergency medical services or behavioral emergency services to a patient and is required to be
685 licensed or certified under Section [26B-4-116](#).

686 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
687 licensed emergency medical service provider, emergency medical service instructor, behavioral
688 emergency services technician, other categories established by the committee, and a certified
689 emergency medical dispatcher.

690 (10) "Emergency medical service providers" means:

691 (a) licensed ambulance providers and paramedic providers;

692 (b) a facility or provider that is required to be designated under Subsection
693 [26B-4-117](#)(1)(a); and

694 (c) emergency medical service personnel.

695 (11) "Emergency medical services" means:

696 (a) medical services;

697 (b) transportation services;

698 (c) behavioral emergency services; or

699 (d) any combination of the services described in Subsections (11)(a) through (c).

700 (12) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

701 (a) maintained and used for the transportation of emergency medical personnel,
702 equipment, and supplies to the scene of a medical emergency; and

703 (b) required to be permitted under Section [26B-4-118](#).

(13) "Governing body":

(a) means the same as that term is defined in Section [11-42-102](#); and

(b) for purposes of a "special service district" under Section [11-42-102](#), means a special service district that has been delegated the authority to select a provider under this part by the special service district's legislative body or administrative control board.

(14) "Interested party" means:

(a) a licensed or designated emergency medical services provider that provides emergency medical services within or in an area that abuts an exclusive geographic service area that is the subject of an application submitted pursuant to Sections [26B-4-150](#) through [26B-4-170](#);

(b) any municipality, county, or fire district that lies within or abuts a geographic service area that is the subject of an application submitted pursuant to Sections [26B-4-150](#) through [26B-4-170](#); or

(c) the department when acting in the interest of the public.

(15) "Level of service" means the level at which an ambulance provider type of service is licensed as:

(a) emergency medical technician;

(b) advanced emergency medical technician; or

(c) paramedic.

(16) "Medical control" means a person who provides medical supervision to an emergency medical service provider.

(17) "Non-911 service" means transport of a patient that is not 911 transport under Subsection (1).

(18) "Nonemergency secured behavioral health transport" means an entity that:

(a) provides nonemergency secure transportation services for an individual who:

(i) is not required to be transported by an ambulance under Section [26B-4-119](#); and

(ii) requires behavioral health observation during transport between any of the

731 following facilities:

732 (A) a licensed acute care hospital;

733 (B) an emergency patient receiving facility;

734 (C) a licensed mental health facility; and

735 (D) the office of a licensed health care provider; and

736 (b) is required to be designated under Section [26B-4-117](#).

737 (19) "Paramedic provider" means an entity that:

738 (a) employs emergency medical service personnel; and

739 (b) is required to obtain a license under Sections [26B-4-150](#) through [26B-4-170](#).

740 (20) "Patient" means an individual who, as the result of illness, injury, or a behavioral
741 emergency condition, meets any of the criteria in Section [26B-4-119](#).

742 (21) "Political subdivision" means:

743 (a) a city, town, or metro township;

744 (b) a county;

745 (c) a special service district created under Title 17D, Chapter 1, Special Service
746 District Act, for the purpose of providing fire protection services under Subsection
747 [17D-1-201](#)(9);

748 (d) a local district created under Title 17B, Limited Purpose Local Government Entities
749 - Local Districts, for the purpose of providing fire protection, paramedic, and emergency
750 services;

751 (e) areas coming together as described in Subsection [26B-4-156](#)(2)(b)(ii); or

752 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

753 (22) "Trauma" means an injury requiring immediate medical or surgical intervention.

754 (23) "Trauma system" means a single, statewide system that:

755 (a) organizes and coordinates the delivery of trauma care within defined geographic
756 areas from the time of injury through transport and rehabilitative care; and

757 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in

delivering care for trauma patients, regardless of severity.

(24) "Triage" means the sorting of patients in terms of disposition, destination, or priority. For prehospital trauma victims, triage requires a determination of injury severity to assess the appropriate level of care according to established patient care protocols.

(25) "Triage, treatment, transportation, and transfer guidelines" means written procedures that:

(a) direct the care of patients; and

(b) are adopted by the medical staff of an emergency patient receiving facility, trauma center, or an emergency medical service provider.

(26) "Type of service" means the category at which an ambulance provider is licensed as:

(a) ground ambulance transport;

(b) ground ambulance interfacility transport; or

(c) both ground ambulance transport and ground ambulance interfacility transport.

Section 2. Section **26B-4-102**, which is renumbered from Section 26-8a-105 is renumbered and amended to read:

~~[26-8a-105].~~ **26B-4-102. Department powers.**

The department shall:

(1) coordinate the emergency medical services within the state;

(2) administer this ~~[chapter]~~ part and the rules established pursuant to it;

(3) establish a voluntary task force representing a diversity of emergency medical service providers to advise the department and the committee on rules;

(4) establish an emergency medical service personnel peer review board to advise the department concerning discipline of emergency medical service personnel under this ~~[chapter]~~ part; ~~[and]~~

(5) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

- 785 (a) license ambulance providers and paramedic providers;
786 (b) permit ambulances, emergency medical response vehicles, and nonemergency
787 secured behavioral health transport vehicles, including approving an emergency vehicle
788 operator's course in accordance with Section [~~26-8a-304~~] 26B-4-118;
- 789 (c) establish:
790 (i) the qualifications for membership of the peer review board created by this section;
791 (ii) a process for placing restrictions on a license while an investigation is pending;
792 (iii) the process for the investigation and recommendation by the peer review board;
793 and
794 (iv) the process for determining the status of a license while a peer review board
795 investigation is pending;
- 796 (d) establish application, submission, and procedural requirements for licenses,
797 designations, and permits; and
798 (e) establish and implement the programs, plans, and responsibilities as specified in
799 other sections of this [~~chapter.~~] part;
- 800 (6) develop and implement, in cooperation with state, federal, and local agencies
801 empowered to oversee disaster response activities, plans to provide emergency medical
802 services during times of disaster or emergency;
- 803 (7) establish a pediatric quality improvement resource program; and
804 (8) develop and implement a statewide program to provide support and counseling for
805 personnel who have been exposed to one or more stressful incidents in the course of providing
806 emergency services which shall include:
- 807 (a) ongoing training for agencies providing emergency services and counseling
808 program volunteers;
809 (b) critical incident stress debriefing for personnel at no cost to the emergency
810 provider; and
811 (c) advising the department on training requirements for licensure as a behavioral

emergency services technician.

Section 3. Section **26B-4-103**, which is renumbered from Section 26-8a-106 is renumbered and amended to read:

~~[26-8a-106].~~ **26B-4-103. Waiver of rules and education and licensing requirements.**

(1) Upon application, the department, or the committee with the concurrence of the department, may waive the requirements of a rule the department, or the committee with the concurrence of the department, has adopted if:

(a) the person applying for the waiver satisfactorily demonstrates that:

(i) the waiver is necessary for a pilot project to be undertaken by the applicant;

(ii) in the particular situation, the requirement serves no beneficial public purpose; or

(iii) circumstances warrant that waiver of the requirement outweighs the public benefit to be gained by adherence to the rule; and

(b) for a waiver granted under Subsection (1)(a)(ii) or (iii):

(i) the committee or department extends the waiver to similarly situated persons upon application; or

(ii) the department, or the committee with the concurrence of the department, amends the rule to be consistent with the waiver.

(2) A waiver of education or licensing requirements may be granted to a veteran, as defined in Section **68-3-12.5**, if the veteran:

(a) provides to the committee or department documentation showing military education and training in the field in which licensure is sought; and

(b) successfully passes any examination required.

(3) No waiver may be granted under this section that is inconsistent with the provisions of this ~~[chapter]~~ part.

Section 4. Section **26B-4-104**, which is renumbered from Section 26-8a-201 is renumbered and amended to read:

~~[26-8a-201].~~ **26B-4-104.** Public awareness efforts.

The department may:

(1) develop programs to inform the public of the emergency medical service system;

and

(2) develop and disseminate emergency medical training programs for the public, which emphasize the prevention and treatment of injuries and illnesses.

Section 5. Section **26B-4-105**, which is renumbered from Section 26-8a-202 is renumbered and amended to read:

~~[26-8a-202].~~ **26B-4-105.** Emergency medical communications.

Consistent with federal law, the department is the lead agency for coordinating the statewide emergency medical service communication systems under which emergency medical personnel, dispatch centers, and treatment facilities provide medical control and coordination between emergency medical service providers.

Section 6. Section **26B-4-106**, which is renumbered from Section 26-8a-203 is renumbered and amended to read:

~~[26-8a-203].~~ **26B-4-106.** Data collection.

(1) The committee shall specify the information that shall be collected for the emergency medical services data system established pursuant to Subsection (2).

(2) (a) The department shall establish an emergency medical services data system, which shall provide for the collection of information, as defined by the committee, relating to the treatment and care of patients who use or have used the emergency medical services system.

(b) The committee shall coordinate with the Health Data Authority created in Chapter ~~[33a]~~ 8, Part 5, Utah Health Data Authority ~~[Act]~~, to create a report of data collected by the Health Data Committee under Section ~~[26-33a-106.1]~~ 26B-8-504 regarding:

(i) appropriate analytical methods;

(ii) the total amount of air ambulance flight charges in the state for a one-year period;

866 and

867 (iii) of the total number of flights in a one-year period under Subsection (2)(b)(ii):

868 (A) the number of flights for which a patient had no personal responsibility for paying
869 part of the flight charges;

870 (B) the number of flights for which a patient had personal responsibility to pay all or
871 part of the flight charges;

872 (C) the range of flight charges for which patients had personal responsibility under
873 Subsection (2)(b)(iii)(B), including the median amount for paid patient personal responsibility;
874 and

875 (D) the name of any air ambulance provider that received a median paid amount for
876 patient responsibility in excess of the median amount for all paid patient personal responsibility
877 during the reporting year.

878 (c) The department may share, with the Department of Public Safety, information from
879 the emergency medical services data system that:

880 (i) relates to traffic incidents;

881 (ii) is for the improvement of traffic safety;

882 (iii) may not be used for the prosecution of criminal matters; and

883 (iv) may not include any personally identifiable information.

884 (3) (a) On or before October 1, the department shall make the information in Subsection
885 (2)(b) public and send the information in Subsection (2)(b) to public safety dispatchers and first
886 responders in the state.

887 (b) Before making the information in Subsection (2)(b) public, the committee shall
888 provide the air ambulance providers named in the report with the opportunity to respond to the
889 accuracy of the information in the report under Section [~~26-33a-107~~] [26B-8-506](#).

890 (4) Persons providing emergency medical services:

891 (a) shall provide information to the department for the emergency medical services
892 data system established pursuant to Subsection (2)(a);

(b) are not required to provide information to the department under Subsection (2)(b);
and

(c) may provide information to the department under Subsection (2)(b) or (3)(b).

Section 7. Section **26B-4-107**, which is renumbered from Section 26-8a-207 is
renumbered and amended to read:

~~[26-8a-207]~~. **26B-4-107. Emergency Medical Services Grant Program.**

(1) Funds appropriated to the department for the Emergency Medical Services Grant
Program shall be used for improvement of delivery of emergency medical services and
administrative costs as described in Subsection (2)(a).

(2) From the total amount of funds appropriated to the department under Subsection
(1), the department shall use:

(a) an amount equal to 50% of the funds:

(i) to provide staff support; and

(ii) for other expenses incurred in:

(A) administration of grant funds; and

(B) other department administrative costs under this ~~[chapter]~~ part; and

(b) an amount equal to 50% of the funds to provide emergency medical services grants
in accordance with Subsection (3).

(3) (a) A recipient of a grant under this section shall actively provide emergency
medical services within the state.

(b) (i) From the total amount of funds used to provide grants under Subsection (3), the
department shall distribute an amount equal to 21% as per capita block grants for use
specifically related to the provision of emergency medical services to nonprofit prehospita
emergency medical services providers that are either licensed or designated and to emergency
medical services that are the primary emergency medical services for a service area.

(ii) The department shall determine the grant amounts by prorating available funds on a
per capita basis by county as described in department rule.

(c) Subject to Subsections (3)(d) through (f), the committee shall use the remaining grant funds to award competitive grants to licensed emergency medical services providers that provide emergency medical services within counties of the third through sixth class, in accordance with rules made by the committee.

(d) A grant awarded under Subsection (3)(c) shall be used:

(i) for the purchase of equipment, subject to Subsection (3)(e); or

(ii) for the recruitment, training, or retention of licensed emergency medical services providers.

(e) A recipient of a grant under Subsection (3)(c) may not use more than \$100,000 in grant proceeds for the purchase of vehicles.

(f) A grant awarded for the purpose described in Subsection (3)(d)(ii) is ongoing for a period of up to three years.

(g) (i) If, after providing grants under Subsections (3)(c) through (f), any grant funds are unallocated at the end of the fiscal year, the committee shall distribute the unallocated grant funds as per capita block grants as described in Subsection (3)(b).

(ii) Any grant funds distributed as per capita grants under Subsection (3)(g)(i) are in addition to the amount described in Subsection (3)(b).

Section 8. Section **26B-4-108**, which is renumbered from Section 26-8a-208 is renumbered and amended to read:

~~[26-8a-208].~~ **26B-4-108.** Fees for training equipment rental, testing, and quality assurance reviews.

(1) The department may charge fees, established ~~[pursuant to]~~ in accordance with Section **26B-1-209**:

(a) for the use of department-owned training equipment;

(b) to administer tests and conduct quality assurance reviews; and

(c) to process an application for a designation, permit, or license.

(2) (a) Fees collected under Subsections (1)(a) and (b) shall be separate dedicated

credits.

(b) Fees under Subsection (1)(a) may be used to purchase training equipment.

(c) Fees under Subsection (1)(b) may be used to administer tests and conduct quality assurance reviews.

Section 9. Section **26B-4-109**, which is renumbered from Section 26-8a-210 is renumbered and amended to read:

[26-8a-210]. 26B-4-109. Regional Emergency Medical Services Liaisons -- Qualifications -- Duties.

(1) As used in this section:

(a) "Liaison" means a regional emergency medical services liaison hired under this section.

(b) "Rural county" means a county of the third, fourth, fifth, or sixth class.

(2) The department shall hire five individuals to serve as regional emergency medical services liaisons to:

(a) serve the needs of rural counties in providing emergency medical services in accordance with this ~~chapter~~ part;

(b) act as a liaison between the department and individuals or entities responsible for emergency medical services in rural counties, including:

(i) emergency medical services providers;

(ii) local officials; and

(iii) local health departments or agencies;

(c) provide support and training to emergency medical services providers in rural counties;

(d) assist rural counties in utilizing state and federal grant programs for financing emergency medical services; and

(e) serve as emergency medical service personnel to assist licensed providers with ambulance staffing needs within rural counties.

(3) Each liaison hired under Subsection (2):

(a) shall reside in a rural county; and

(b) shall be licensed as:

(i) an advanced emergency medical technician as defined in Section ~~[26-8c-102]~~

26B-4-137; or

(ii) a paramedic as defined in Section ~~[26-8c-102]~~ 26B-4-137.

(4) The department shall provide each liaison with a vehicle and other equipment in accordance with rules established by the department.

Section 10. Section **26B-4-110**, which is renumbered from Section 26-8a-212 is renumbered and amended to read:

~~[26-8a-212]~~. **26B-4-110. Community paramedicine program.**

(1) A ground ambulance provider or a designated quick response provider, as designated in accordance with Section ~~[26-8a-303]~~ 26B-4-117, may develop and implement a community paramedicine program.

(2) (a) Before providing services, a community paramedicine program shall:

(i) implement training requirements as determined by the committee; and

(ii) submit a written community paramedicine operational plan to the department that meets requirements established by the committee.

(b) A community paramedicine program shall report data, as determined by the committee, related to community paramedicine to the department.

(3) A service provided as part of a community paramedicine program may not be billed to an individual or a health benefit plan as defined in Section 31A-1-301 unless:

(a) the service is provided in partnership with a health care facility as defined in Section ~~[26-21-2]~~ 26B-2-201; and

(b) the partnering health care facility is the person that bills the individual or health benefit plan.

(4) Nothing in this section affects any billing authorized under Section ~~[26-8a-403]~~

1001 [26B-4-152.](#)

1002 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1003 committee shall make rules to implement this section.

1004 Section 11. Section **26B-4-111**, which is renumbered from Section 26-8a-250 is
1005 renumbered and amended to read:

1006 ~~[26-8a-250].~~ **26B-4-111. Establishment of statewide trauma system.**

1007 The department shall establish and actively supervise a statewide trauma system to:

- 1008 (1) promote optimal care for trauma patients;
1009 (2) alleviate unnecessary death and disability from trauma and emergency illness;
1010 (3) inform health care providers about trauma system capabilities;
1011 (4) encourage the efficient and effective continuum of patient care, including
1012 prevention, prehospital care, hospital care, and rehabilitative care; and
1013 (5) minimize the overall cost of trauma care.

1014 Section 12. Section **26B-4-112**, which is renumbered from Section 26-8a-252 is
1015 renumbered and amended to read:

1016 ~~[26-8a-252].~~ **26B-4-112. Statewide trauma system -- Department duties.**

1017 In connection with the statewide trauma system established in Section ~~[26-8a-250]~~
1018 [26B-4-111](#), the department shall:

- 1019 (1) establish a statewide trauma system plan that:
1020 (a) identifies statewide trauma care needs, objectives, and priorities;
1021 (b) identifies the equipment, facilities, personnel training, and other things necessary to
1022 create and maintain a statewide trauma system; and
1023 (c) organizes and coordinates trauma care within defined geographic areas;
1024 (2) support the statewide trauma system by:
1025 (a) facilitating the coordination of prehospital, acute care, and rehabilitation services
1026 and providers through state regulation and oversight;
1027 (b) facilitating the ongoing evaluation and refinement of the statewide trauma system;

1028 (c) providing educational programs;

1029 (d) encouraging cooperation between community organizations, health care facilities,

1030 public health officials, emergency medical service providers, and rehabilitation facilities for the

1031 development of a statewide trauma system;

1032 (e) implementing a quality assurance program using information from the statewide

1033 trauma registry established pursuant to Section ~~[26-8a-253]~~ 26B-4-113;

1034 (f) establishing trauma center designation requirements in accordance with Section

1035 ~~[26-8a-254]~~ 26B-4-114; and

1036 (g) developing standards so that:

1037 (i) trauma centers are categorized according to their capability to provide care;

1038 (ii) trauma victims are triaged at the initial point of patient contact; and

1039 (iii) trauma patients are sent to appropriate health care facilities.

1040 Section 13. Section **26B-4-113**, which is renumbered from Section 26-8a-253 is

1041 renumbered and amended to read:

1042 ~~[26-8a-253]~~. **26B-4-113. Statewide trauma system -- Registry and quality**

1043 **assurance program.**

1044 (1) The department shall:

1045 (a) establish and fund a statewide trauma registry to collect and analyze information on

1046 the incidence, severity, causes, and outcomes of trauma;

1047 (b) establish, by rule, the data elements, the medical care providers that shall report,

1048 and the time frame and format for reporting;

1049 (c) use the data collected to:

1050 (i) improve the availability and delivery of prehospital and hospital trauma care;

1051 (ii) assess trauma care delivery, patient care outcomes, and compliance with the

1052 requirements of this ~~chapter~~ part and applicable department rules; and

1053 (iii) regularly produce and disseminate reports to data providers, state government, and

1054 the public; and

- 1055 (d) support data collection and abstraction by providing:
1056 (i) a data collection system and technical assistance to each hospital that submits data;
1057 and
1058 (ii) funding or, at the discretion of the department, personnel for collection and
1059 abstraction for each hospital not designated as a trauma center under the standards established
1060 pursuant to Section [~~26-8a-254~~] 26B-4-114.
- 1061 (2) (a) Each hospital shall submit trauma data in accordance with rules established
1062 under Subsection (1).
- 1063 (b) A hospital designated as a trauma center shall submit data as part of the ongoing
1064 quality assurance program established in Section [~~26-8a-252~~] 26B-4-112.
- 1065 (3) The department shall assess:
1066 (a) the effectiveness of the data collected pursuant to Subsection (1); and
1067 (b) the impact of the statewide trauma system on the provision of trauma care.
- 1068 (4) Data collected under this section shall be subject to Chapter [~~3~~] 8, Part 4, Health
1069 Statistics.
- 1070 (5) No person may be held civilly liable for having provided data to the department in
1071 accordance with this section.
- 1072 Section 14. Section **26B-4-114**, which is renumbered from Section 26-8a-254 is
1073 renumbered and amended to read:
1074 [~~26-8a-254~~]. **26B-4-114. Statewide trauma system -- Trauma center**
1075 **designations and guidelines.**
- 1076 (1) The department, after seeking the advice of the trauma system advisory committee,
1077 shall establish by rule:
1078 (a) trauma center designation requirements; and
1079 (b) model state guidelines for triage, treatment, transportation, and transfer of trauma
1080 patients to the most appropriate health care facility.
- 1081 (2) The department shall designate as a trauma center each hospital that:

(a) voluntarily requests a trauma center designation; and

(b) meets the applicable requirements established pursuant to Subsection (1).

Section 15. Section **26B-4-115**, which is renumbered from Section 26-8a-301 is renumbered and amended to read:

~~[26-8a-301].~~ **26B-4-115. Certificates, Designations, Permits, and Licenses**
-- General requirement.

(1) Except as provided in Section [~~26-8a-308 or 26-8b-201~~] 26B-4-104 or 26B-4-122:

(a) an individual may not provide emergency medical services without a license or certification issued under Section [~~26-8a-302~~] 26B-4-116;

(b) a facility or provider may not hold itself out as a designated emergency medical service provider or nonemergency secured behavioral health transport provider without a designation issued under Section [~~26-8a-303~~] 26B-4-117;

(c) a vehicle may not operate as an ambulance, emergency response vehicle, or nonemergency secured behavioral health transport vehicle without a permit issued under Section [~~26-8a-304~~] 26B-4-118; and

(d) an entity may not respond as an ambulance or paramedic provider without the appropriate license issued under [~~Part 4, Ambulance and Paramedic Providers~~] Sections 26B-4-150 through 26B-4-170 for ambulance and paramedic providers.

(2) Section [~~26-8a-502~~] 26B-4-127 applies to violations of this section.

Section 16. Section **26B-4-116**, which is renumbered from Section 26-8a-302 is renumbered and amended to read:

~~[26-8a-302].~~ **26B-4-116. Licensure of emergency medical service personnel.**

(1) To promote the availability of comprehensive emergency medical services throughout the state, the committee shall establish:

(a) initial and ongoing licensure and training requirements for emergency medical service personnel in the following categories:

- 1109 (i) paramedic;
1110 (ii) advanced emergency medical services technician;
1111 (iii) emergency medical services technician;
1112 (iv) behavioral emergency services technician; and
1113 (v) advanced behavioral emergency services technician;
1114 (b) a method to monitor the certification status and continuing medical education hours
1115 for emergency medical dispatchers; and
1116 (c) guidelines for giving credit for out-of-state training and experience.
1117 (2) The department shall, based on the requirements established in Subsection (1):
1118 (a) develop, conduct, and authorize training and testing for emergency medical service
1119 personnel;
1120 (b) issue a license and license renewals to emergency medical service personnel other
1121 than emergency medical dispatchers; and
1122 (c) verify the certification of emergency medical dispatchers.
1123 (3) The department shall coordinate with local mental health authorities described in
1124 Section ~~17-43-301~~ to develop and authorize initial and ongoing licensure and training
1125 requirements for licensure as a:
1126 (a) behavioral emergency services technician; and
1127 (b) advanced behavioral emergency services technician.
1128 (4) As provided in Section [~~26-8a-502~~] 26B-4-127, an individual issued a license or
1129 certified under this section may only provide emergency medical services to the extent allowed
1130 by the license or certification.
1131 (5) An individual may not be issued or retain a license under this section unless the
1132 individual obtains and retains background clearance under Section [~~26-8a-310~~] 26B-4-124.
1133 (6) An individual may not be issued or retain a certification under this section unless
1134 the individual obtains and retains background clearance in accordance with Section
1135 [~~26-8a-310.5~~] 26B-4-125.

Section 17. Section **26B-4-117**, which is renumbered from Section 26-8a-303 is renumbered and amended to read:

~~[26-8a-303]~~. **26B-4-117. Designation of emergency medical service providers and nonemergency secured behavioral health transport providers.**

(1) To ensure quality emergency medical services, the committee shall establish designation requirements for:

(a) emergency medical service providers in the following categories:

(i) quick response provider;

(ii) resource hospital for emergency medical providers;

(iii) emergency medical service dispatch center;

(iv) emergency patient receiving facilities; and

(v) other types of emergency medical service providers as the committee considers necessary; and

(b) nonemergency secured behavioral health transport providers.

(2) The department shall, based on the requirements in Subsection (1), issue designations to emergency medical service providers and nonemergency secured behavioral health transport providers listed in Subsection (1).

(3) As provided in Section ~~[26-8a-502]~~ 26B-4-127, an entity issued a designation under Subsection (2) may only function and hold itself out in accordance with its designation.

Section 18. Section **26B-4-118**, which is renumbered from Section 26-8a-304 is renumbered and amended to read:

~~[26-8a-304]~~. **26B-4-118. Permits for emergency medical service vehicles and nonemergency secured behavioral health transport vehicles.**

(1) (a) To ensure that emergency medical service vehicles and nonemergency secured behavioral health transport vehicles are adequately staffed, safe, maintained, properly equipped, and safely operated, the committee shall establish permit requirements at levels it considers appropriate in the following categories:

1163 (i) ambulance;
1164 (ii) emergency medical response vehicle; and
1165 (iii) nonemergency secured behavioral health transport vehicle.
1166 (b) The permit requirements under Subsections (1)(a)(i) and (ii) shall include a
1167 requirement that beginning on or after January 31, 2014, every operator of an ambulance or
1168 emergency medical response vehicle annually provide proof of the successful completion of an
1169 emergency vehicle operator's course approved by the department for all ambulances and
1170 emergency medical response vehicle operators.

1171 (2) The department shall, based on the requirements established in Subsection (1),
1172 issue permits to emergency medical service vehicles and nonemergency secured behavioral
1173 health transport vehicles.

1174 Section 19. Section **26B-4-119**, which is renumbered from Section 26-8a-305 is
1175 renumbered and amended to read:

1176 ~~[26-8a-305].~~ **26B-4-119. Ambulance license required for emergency**
1177 **medical transport.**

1178 Except as provided in Section ~~[26-8a-308]~~ 26B-4-122, only an ambulance operating
1179 under a permit issued under Section ~~[26-8a-304]~~ 26B-4-118 may transport an individual who:

- 1180 (1) is in an emergency medical condition;
1181 (2) is medically or mentally unstable, requiring direct medical observation during
1182 transport;
1183 (3) is physically incapacitated because of illness or injury and in need of immediate
1184 transport by emergency medical service personnel;
1185 (4) is likely to require medical attention during transport;
1186 (5) is being maintained on any type of emergency medical electronic monitoring;
1187 (6) is receiving or has recently received medications that could cause a sudden change
1188 in medical condition that might require emergency medical services;
1189 (7) requires IV administration or maintenance, oxygen that is not patient-operated, or

1190 other emergency medical services during transport;

1191 (8) needs to be immobilized during transport to a hospital, an emergency patient
1192 receiving facility, or mental health facility due to a mental or physical condition, unless the
1193 individual is in the custody of a peace officer and the primary purpose of the restraint is to
1194 prevent escape;

1195 (9) needs to be immobilized due to a fracture, possible fracture, or other medical
1196 condition; or

1197 (10) otherwise requires or has the potential to require a level of medical care that the
1198 committee establishes as requiring direct medical observation.

1199 Section 20. Section **26B-4-120**, which is renumbered from Section 26-8a-306 is
1200 renumbered and amended to read:

1201 ~~[26-8a-306].~~ **26B-4-120. Medical control.**

1202 (1) The committee shall establish requirements for the coordination of emergency
1203 medical services rendered by emergency medical service providers, including the coordination
1204 between prehospital providers, hospitals, emergency patient receiving facilities, and other
1205 appropriate destinations.

1206 (2) The committee shall establish requirements for the medical supervision of
1207 emergency medical service providers to assure adequate physician oversight of emergency
1208 medical services and quality improvement.

1209 Section 21. Section **26B-4-121**, which is renumbered from Section 26-8a-307 is
1210 renumbered and amended to read:

1211 ~~[26-8a-307].~~ **26B-4-121. Patient destination.**

1212 (1) If an individual being transported by a ground or air ambulance is in a critical or
1213 unstable medical condition, the ground or air ambulance shall transport the patient to the
1214 trauma center or closest emergency patient receiving facility appropriate to adequately treat the
1215 patient.

1216 (2) If the patient's condition is not critical or unstable as determined by medical

control, the ground or air ambulance may transport the patient to the:

(a) hospital, emergency patient receiving facility, licensed mental health facility, or other medical provider chosen by the patient and approved by medical control as appropriate for the patient's condition and needs; or

(b) nearest hospital, emergency patient receiving facility, licensed mental health facility, or other medical provider approved by medical control as appropriate for the patient's condition and needs if the patient expresses no preference.

Section 22. Section **26B-4-122**, which is renumbered from Section 26-8a-308 is renumbered and amended to read:

~~[26-8a-308].~~ 26B-4-122. Exemptions.

(1) The following persons may provide emergency medical services to a patient without being licensed under this ~~[chapter]~~ part:

(a) out-of-state emergency medical service personnel and providers in time of disaster;

(b) an individual who gratuitously acts as a Good Samaritan;

(c) a family member;

(d) a private business if emergency medical services are provided only to employees at the place of business and during transport;

(e) an agency of the United States government if compliance with this ~~[chapter]~~ part would be inconsistent with federal law; and

(f) police, fire, and other public service personnel if:

(i) emergency medical services are rendered in the normal course of the person's duties; and

(ii) medical control, after being apprised of the circumstances, directs immediate transport.

(2) An ambulance or emergency response vehicle may operate without a permit issued under Section ~~[26-8a-304]~~ 26B-4-118 in time of disaster.

(3) Nothing in this ~~[chapter]~~ part or Title 58, Occupations and Professions, may be

construed as requiring a license for an individual to administer cardiopulmonary resuscitation or to use a fully automated external defibrillator under Section ~~[26-8b-201]~~ [26B-4-302](#).

(4) Nothing in this ~~chapter~~ part may be construed as requiring a license, permit, or designation for an acute care hospital, medical clinic, physician's office, or other fixed medical facility that:

(a) is staffed by a physician, physician's assistant, nurse practitioner, or registered nurse; and

(b) treats an individual who has presented himself or was transported to the hospital, clinic, office, or facility.

Section 23. Section **26B-4-123**, which is renumbered from Section 26-8a-309 is renumbered and amended to read:

~~[26-8a-309]~~. **26B-4-123. Out-of-state vehicles.**

(1) An ambulance or emergency response vehicle from another state may not pick up a patient in Utah to transport that patient to another location in Utah or to another state without a permit issued under Section ~~[26-8a-304]~~ [26B-2-318](#) and, in the case of an ambulance, a license issued under ~~[Part 4, Ambulance and Paramedic Providers]~~ this part for ambulance and paramedic providers.

(2) Notwithstanding Subsection (1), an ambulance or emergency response vehicle from another state may, without a permit or license:

(a) transport a patient into Utah; and

(b) provide assistance in time of disaster.

(3) The department may enter into agreements with ambulance and paramedic providers and their respective licensing agencies from other states to assure the expeditious delivery of emergency medical services beyond what may be reasonably provided by licensed ambulance and paramedic providers, including the transportation of patients between states.

Section 24. Section **26B-4-124**, which is renumbered from Section 26-8a-310 is renumbered and amended to read:

1271 ~~[26-8a-310].~~ **26B-4-124.** **Background clearance for emergency medical**
1272 **service personnel.**

1273 (1) Subject to Section ~~[26-8a-310.5]~~ 26B-4-125, the department shall determine
1274 whether to grant background clearance for an individual seeking licensure or certification under
1275 Section ~~[26-8a-302]~~ 26B-4-116 from whom the department receives:

1276 (a) the individual's social security number, fingerprints, and other personal
1277 identification information specified by the department under Subsection (4); and

1278 (b) any fees established by the department under Subsection (10).

1279 (2) The department shall determine whether to deny or revoke background clearance
1280 for individuals for whom the department has previously granted background clearance.

1281 (3) The department shall determine whether to grant, deny, or revoke background
1282 clearance for an individual based on an initial and ongoing evaluation of information the
1283 department obtains under Subsections (5) and (11), which, at a minimum, shall include an
1284 initial criminal background check of state, regional, and national databases using the
1285 individual's fingerprints.

1286 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1287 Administrative Rulemaking Act, that specify:

1288 (a) the criteria the department will use under Subsection (3) to determine whether to
1289 grant, deny, or revoke background clearance; and

1290 (b) the other personal identification information an individual seeking licensure or
1291 certification under Section ~~[26-8a-302]~~ 26B-4-116 must submit under Subsection (1).

1292 (5) To determine whether to grant, deny, or revoke background clearance, the
1293 department may access and evaluate any of the following:

1294 (a) Department of Public Safety arrest, conviction, and disposition records described in
1295 Title 53, Chapter 10, Criminal Investigations and Technical Services Act, including
1296 information in state, regional, and national records files;

1297 (b) adjudications by a juvenile court of committing an act that if committed by an adult

- 1298 would be a felony or misdemeanor, if:
- 1299 (i) the applicant is under 28 years old; or
- 1300 (ii) the applicant:
- 1301 (A) is over 28 years old; and
- 1302 (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in
- 1303 abeyance or diversion agreement for a felony or misdemeanor;
- 1304 (c) juvenile court arrest, adjudication, and disposition records, other than those under
- 1305 Subsection (5)(b), as allowed under Section [78A-6-209](#);
- 1306 (d) child abuse or neglect findings described in Section [80-3-404](#);
- 1307 (e) the department's Licensing Information System described in Section [80-2-1002](#);
- 1308 (f) the department's database of reports of vulnerable adult abuse, neglect, or
- 1309 exploitation, described in Section [~~62A-3-311.1~~] [26B-6-210](#);
- 1310 (g) Division of Professional Licensing records of licensing and certification under Title
- 1311 58, Occupations and Professions;
- 1312 (h) records in other federal criminal background databases available to the state; and
- 1313 (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance,
- 1314 pending diversion agreements, or dispositions.
- 1315 (6) Except for the Department of Public Safety, an agency may not charge the
- 1316 department for information accessed under Subsection (5).
- 1317 (7) When evaluating information under Subsection (3), the department shall classify a
- 1318 crime committed in another state according to the closest matching crime under Utah law,
- 1319 regardless of how the crime is classified in the state where the crime was committed.
- 1320 (8) The department shall adopt measures to protect the security of information the
- 1321 department accesses under Subsection (5), which shall include limiting access by department
- 1322 employees to those responsible for acquiring, evaluating, or otherwise processing the
- 1323 information.
- 1324 (9) The department may disclose personal identification information the department

receives under Subsection (1) to the department to verify that the subject of the information is not identified as a perpetrator or offender in the information sources described in Subsections (5)(d) through (f).

(10) The department may charge fees, in accordance with Section [63J-1-504](#), to pay for:

(a) the cost of obtaining, storing, and evaluating information needed under Subsection (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke background clearance; and

(b) other department costs related to granting, denying, or revoking background clearance.

(11) The Criminal Investigations and Technical Services Division within the Department of Public Safety shall:

(a) retain, separate from other division records, personal information under Subsection (1), including any fingerprints sent to it by the department; and

(b) notify the department upon receiving notice that an individual for whom personal information has been retained is the subject of:

(i) a warrant for arrest;

(ii) an arrest;

(iii) a conviction, including a plea in abeyance; or

(iv) a pending diversion agreement.

(12) The department shall use the Direct Access Clearance System database created under Section ~~[26-21-209]~~ [26B-2-241](#) to manage information about the background clearance status of each individual for whom the department is required to make a determination under Subsection (1).

(13) Clearance granted for an individual licensed or certified under Section ~~[26-8a-302]~~ [26B-4-123](#) is valid until two years after the day on which the individual is no longer licensed or certified in Utah as emergency medical service personnel.

Section 25. Section **26B-4-125**, which is renumbered from Section 26-8a-310.5 is renumbered and amended to read:

~~[26-8a-310.5].~~ **26B-4-125.** **Background check requirements for emergency medical dispatchers.**

An emergency medical dispatcher seeking certification under Section ~~[26-8a-302]~~ 26B-4-116 shall undergo the background clearance process described in Section ~~[26-8a-310]~~ 26B-4-124 unless the emergency medical dispatcher can demonstrate that the emergency medical dispatcher has received and currently holds an approved Department of Public Safety background clearance.

Section 26. Section **26B-4-126**, which is renumbered from Section 26-8a-501 is renumbered and amended to read:

~~[26-8a-501].~~ **26B-4-126.** **Discrimination prohibited.**

(1) No person licensed or designated pursuant to this ~~[chapter]~~ part may discriminate in the provision of emergency medical services on the basis of race, sex, color, creed, or prior inquiry as to ability to pay.

(2) This ~~[chapter]~~ part does not authorize or require medical assistance or transportation over the objection of an individual on religious grounds.

Section 27. Section **26B-4-127**, which is renumbered from Section 26-8a-502 is renumbered and amended to read:

~~[26-8a-502].~~ **26B-4-127.** **Illegal activity.**

(1) Except as provided in Section ~~[26-8a-308 or 26-8b-201]~~ 26B-4-104 or 26B-4-122, a person may not:

(a) practice or engage in the practice, represent that the person is practicing or engaging in the practice, or attempt to practice or engage in the practice of any activity that requires a license, certification, or designation under this ~~[chapter]~~ part unless that person is licensed, certified, or designated under this ~~[chapter]~~ part; or

(b) offer an emergency medical service that requires a license, certification, or

designation under this ~~[chapter]~~ part unless the person is licensed, certified, or designated under this ~~[chapter]~~ part.

(2) A person may not advertise or represent that the person holds a license, certification, or designation required under this ~~[chapter]~~ part, unless that person holds the license, certification, or designation under this ~~[chapter]~~ part.

(3) A person may not employ or permit any employee to perform any service for which a license or certification is required by this ~~[chapter]~~ part, unless the person performing the service possesses the required license or certification under this ~~[chapter]~~ part.

(4) A person may not wear, display, sell, reproduce, or otherwise use any Utah Emergency Medical Services insignia without authorization from the department.

(5) A person may not reproduce or otherwise use materials developed by the department for licensure or certification testing or examination without authorization from the department.

(6) A person may not willfully summon an ambulance or emergency response vehicle or report that one is needed when the person knows that the ambulance or emergency response vehicle is not needed.

(7) A person who violates this section is subject to Section ~~[26-23-6]~~ 26B-1-224.
Section 28. Section **26B-4-128**, which is renumbered from Section 26-8a-502.1 is renumbered and amended to read:

~~[26-8a-502.1]~~. **26B-4-128. Prohibition on the use of "911".**

(1) As used in this section:

(a) "Emergency services" means services provided by a person in response to an emergency.

(b) "Emergency services" includes:

(i) fire protection services;

(ii) paramedic services;

(iii) law enforcement services;

(iv) 911 ambulance or paramedic services~~[-as defined in Section 26-8a-102]~~; and

(v) any other emergency services.

(2) A person may not use "911" or other similar sequence of numbers in the person's name with the purpose to deceive the public that the person operates or represents emergency services, unless the person is authorized to provide emergency services.

(3) A violation of Subsection (2) is:

(a) a class C misdemeanor; and

(b) subject to a fine of up to \$500 per violation.

Section 29. Section **26B-4-129**, which is renumbered from Section 26-8a-503 is renumbered and amended to read:

~~[26-8a-503].~~ **26B-4-129. Discipline of emergency medical services personnel.**

(1) The department may refuse to issue a license or renewal, or revoke, suspend, restrict, or place on probation an individual's license if:

(a) the individual does not meet the qualifications for licensure under Section ~~[26-8a-302]~~ 26B-4-116;

(b) the individual has engaged in conduct, as defined by committee rule, that:

(i) is unprofessional;

(ii) is adverse to the public health, safety, morals, or welfare; or

(iii) would adversely affect public trust in the emergency medical service system;

(c) the individual has violated Section ~~[26-8a-502]~~ 26B-4-127 or other provision of this ~~[chapter]~~ part;

(d) the individual has violated Section 58-1-509;

(e) a court of competent jurisdiction has determined the individual to be mentally incompetent for any reason; or

(f) the individual is unable to provide emergency medical services with reasonable skill and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type

of material, or as a result of any other mental or physical condition, when the individual's condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers, or the public health, safety, or welfare that cannot be reasonably mitigated.

(2) (a) An action to revoke, suspend, restrict, or place a license on probation shall be done in:

(i) consultation with the peer review board created in Section ~~[26-8a-105]~~ 26B-4-102; and

(ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist order under Section ~~[26-8a-507]~~ 26B-4-133 to immediately suspend an individual's license pending an administrative proceeding to be held within 30 days if there is evidence to show that the individual poses a clear, immediate, and unjustifiable threat or potential threat to the public health, safety, or welfare.

(3) An individual whose license has been suspended, revoked, or restricted may apply for reinstatement of the license at reasonable intervals and upon compliance with any conditions imposed upon the license by statute, committee rule, or the terms of the suspension, revocation, or restriction.

(4) In addition to taking disciplinary action under Subsection (1), the department may impose sanctions in accordance with Section ~~[26-23-6]~~ 26B-1-224.

Section 30. Section **26B-4-130**, which is renumbered from Section 26-8a-504 is renumbered and amended to read:

~~[26-8a-504]~~. **26B-4-130. Discipline of designated and licensed providers.**

(1) The department may refuse to issue a license or designation or a renewal, or revoke, suspend, restrict, or place on probation, an emergency medical service provider's license or designation if the provider has:

(a) failed to abide by terms of the license or designation;

(b) violated statute or rule;

(c) failed to provide services at the level or in the exclusive geographic service area required by the license or designation;

(d) failed to submit a renewal application in a timely fashion as required by department rule;

(e) failed to follow operational standards established by the committee; or

(f) committed an act in the performance of a professional duty that endangered the public or constituted gross negligence.

(2) (a) An action to revoke, suspend, restrict, or place a license or designation on probation shall be done in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist order under Section ~~[26-8a-507]~~ [26B-4-133](#) to immediately suspend a license or designation pending an administrative proceeding to be held within 30 days if there is evidence to show that the provider or facility poses a clear, immediate, and unjustifiable threat or potential threat to the public health, safety, or welfare.

(3) In addition to taking disciplinary action under Subsection (1), the department may impose sanctions in accordance with Section ~~[26-23-6]~~ [26B-1-224](#).

Section 31. Section **26B-4-131**, which is renumbered from Section 26-8a-505 is renumbered and amended to read:

~~[26-8a-505]~~. **26B-4-131. Service interruption or cessation -- Receivership -- Default coverage -- Notice.**

(1) Acting in the public interest, the department may petition the district court where an ambulance or paramedic provider operates or the district court with jurisdiction in Salt Lake County to appoint the department or an independent receiver to continue the operations of a provider upon any one of the following conditions:

(a) the provider ceases or intends to cease operations;

(b) the provider becomes insolvent;

(c) the department has initiated proceedings to revoke the provider's license and has determined that the lives, health, safety, or welfare of the population served within the provider's exclusive geographic service area are endangered because of the provider's action or inaction pending a full hearing on the license revocation; or

(d) the department has revoked the provider's license and has been unable to adequately arrange for another provider to take over the provider's exclusive geographic service area.

(2) If a licensed or designated provider ceases operations or is otherwise unable to provide services, the department may arrange for another licensed provider to provide services on a temporary basis until a license is issued.

(3) A licensed provider shall give the department 30 ~~days~~ days' notice of its intent to cease operations.

Section 32. Section **26B-4-132**, which is renumbered from Section 26-8a-506 is renumbered and amended to read:

~~[26-8a-506].~~ **26B-4-132. Investigations for enforcement of part.**

(1) The department may, for the purpose of ascertaining compliance with the provisions of this ~~[chapter]~~ part, enter and inspect on a routine basis the business premises and equipment of a person:

(a) with a designation, permit, or license; or

(b) who holds himself out to the general public as providing a service for which a designation, permit, or license is required under Section ~~[26-8a-301]~~ 26B-4-115.

(2) Before conducting an inspection under Subsection (1), the department shall, after identifying the person in charge:

(a) give proper identification;

(b) describe the nature and purpose of the inspection; and

(c) if necessary, explain the authority of the department to conduct the inspection.

(3) In conducting an inspection under Subsection (1), the department may, after meeting the requirements of Subsection (2):

(a) inspect records, equipment, and vehicles; and

(b) interview personnel.

(4) An inspection conducted under Subsection (1) shall be during regular operational hours.

Section 33. Section **26B-4-133**, which is renumbered from Section 26-8a-507 is renumbered and amended to read:

~~[26-8a-507].~~ **26B-4-133. Cease and desist orders.**

The department may issue a cease and desist order to any person who:

(1) may be disciplined under Section ~~[26-8a-503 or 26-8a-504]~~ 26B-4-129 or 26B-4-130; or

(2) otherwise violates this ~~[chapter]~~ part or any rules adopted under this ~~[chapter]~~ part.

Section 34. Section **26B-4-134**, which is renumbered from Section 26-8a-601 is renumbered and amended to read:

~~[26-8a-601].~~ **26B-4-134. Persons and activities exempt from civil liability.**

(1) (a) Except as provided in Subsection (1)(b), a licensed physician, physician's assistant, or licensed registered nurse who, gratuitously and in good faith, gives oral or written instructions to any of the following is not liable for any civil damages as a result of issuing the instructions:

(i) an individual licensed or certified under Section ~~[26-8a-302]~~ 26B-4-116;

(ii) an individual who uses a fully automated external defibrillator, as defined in Section ~~[26-8b-102]~~ 26B-4-301; or

(iii) an individual who administers CPR, as defined in Section ~~[26-8b-102]~~ 26B-4-301.

(b) The liability protection described in Subsection (1)(a) does not apply if the instructions given were the result of gross negligence or willful misconduct.

(2) An individual licensed or certified under Section ~~[26-8a-302]~~ 26B-4-116, during either training or after licensure or certification, a licensed physician, a physician assistant, or a registered nurse who, gratuitously and in good faith, provides emergency medical instructions

or renders emergency medical care authorized by this ~~[chapter]~~ part is not liable for any civil damages as a result of any act or omission in providing the emergency medical instructions or medical care, unless the act or omission is the result of gross negligence or willful misconduct.

(3) An individual licensed or certified under Section ~~[26-8a-302]~~ 26B-4-116 is not subject to civil liability for failure to obtain consent in rendering emergency medical services authorized by this ~~[chapter]~~ part to any individual who is unable to give his consent, regardless of the individual's age, where there is no other person present legally authorized to consent to emergency medical care, provided that the licensed individual acted in good faith.

(4) A principal, agent, contractor, employee, or representative of an agency, organization, institution, corporation, or entity of state or local government that sponsors, authorizes, supports, finances, or supervises any functions of an individual licensed or certified under Section ~~[26-8a-302]~~ 26B-4-116 is not liable for any civil damages for any act or omission in connection with the sponsorship, authorization, support, finance, or supervision of the licensed or certified individual where the act or omission occurs in connection with the licensed or certified individual's training or occurs outside a hospital where the life of a patient is in immediate danger, unless the act or omission is inconsistent with the training of the licensed or certified individual, and unless the act or omission is the result of gross negligence or willful misconduct.

(5) A physician or physician assistant who gratuitously and in good faith arranges for, requests, recommends, or initiates the transfer of a patient from a hospital to a critical care unit in another hospital is not liable for any civil damages as a result of such transfer where:

(a) sound medical judgment indicates that the patient's medical condition is beyond the care capability of the transferring hospital or the medical community in which that hospital is located; and

(b) the physician or physician assistant has secured an agreement from the receiving facility to accept and render necessary treatment to the patient.

(6) An individual who is a registered member of the National Ski Patrol System (NSPS)

or a member of a ski patrol who has completed a course in winter emergency care offered by the NSPS combined with CPR for medical technicians offered by the American Red Cross or American Heart Association, or an equivalent course of instruction, and who in good faith renders emergency care in the course of ski patrol duties is not liable for civil damages as a result of any act or omission in rendering the emergency care, unless the act or omission is the result of gross negligence or willful misconduct.

(7) An emergency medical service provider who, in good faith, transports an individual against his will but at the direction of a law enforcement officer pursuant to Section ~~[62A-15-629]~~ 26B-5-331 is not liable for civil damages for transporting the individual.

Section 35. Section **26B-4-135**, which is renumbered from Section 26-8a-602 is renumbered and amended to read:

~~[26-8a-602]~~. **26B-4-135. Notification of air ambulance policies and charges.**

(1) For any patient who is in need of air medical transport provider services, an emergency medical service provider shall:

(a) provide the patient or the patient's representative with the information described in Subsection ~~[26-8a-107]~~ 26B-1-405(7)(a) before contacting an air medical transport provider; and

(b) if multiple air medical transport providers are capable of providing the patient with services, provide the patient or the patient's representative an opportunity to choose the air medical transport provider.

(2) Subsection (1) does not apply if the patient:

(a) is unconscious and the patient's representative is not physically present with the patient; or

(b) is unable, due to a medical condition, to make an informed decision about the choice of an air medical transport provider, and the patient's representative is not physically present with the patient.

Section 36. Section **26B-4-136**, which is renumbered from Section 26-8a-603 is renumbered and amended to read:

~~[26-8a-603]~~. **26B-4-136. Volunteer Emergency Medical Service Personnel Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking -- Advisory board.**

(1) As used in this section:

(a) "Health benefit plan" means the same as that term is defined in Section **31A-1-301**.

(b) "Local government entity" means a political subdivision that:

(i) is licensed as a ground ambulance provider under Part 4, Ambulance and Paramedic Providers; and

(ii) as of January 1, 2022, does not offer health insurance benefits to volunteer emergency medical service personnel.

(c) "PEHP" means the Public Employees' Benefit and Insurance Program created in Section **49-20-103**.

(d) "Political subdivision" means a county, a municipality, a limited purpose government entity described in Title 17B, Limited Purpose Local Government Entities - Local Districts, or Title 17D, Limited Purpose Local Government Entities - Other Entities, or an entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

(e) "Qualifying association" means an association that represents two or more political subdivisions in the state.

(2) The Volunteer Emergency Medical Service Personnel Health Insurance Program shall promote recruitment and retention of volunteer emergency medical service personnel by making health insurance available to volunteer emergency medical service personnel.

(3) The department shall contract with a qualifying association to create, implement, and administer the Volunteer Emergency Medical Service Personnel Health Insurance Program described in this section.

1622 (4) Participation in the program is limited to emergency medical service personnel
1623 who:

1624 (a) are licensed under Section [~~26-8a-302~~] 26B-4-116 and are able to perform all
1625 necessary functions associated with the license;

1626 (b) provide emergency medical services under the direction of a local governmental
1627 entity:

1628 (i) by responding to 20% of calls for emergency medical services in a rolling
1629 twelve-month period;

1630 (ii) within a county of the third, fourth, fifth, or sixth class; and

1631 (iii) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R.
1632 Sec. 553.106;

1633 (c) are not eligible for a health benefit plan through an employer or a spouse's
1634 employer;

1635 (d) are not eligible for medical coverage under a government sponsored healthcare
1636 program; and

1637 (e) reside in the state.

1638 (5) (a) A participant in the program is eligible to participate in PEHP in accordance
1639 with Subsection (5)(b) and Subsection 49-20-201(3).

1640 (b) Benefits available to program participants under PEHP are limited to health
1641 insurance that:

1642 (i) covers the program participant and the program participant's eligible dependents on
1643 a July 1 plan year;

1644 (ii) accepts enrollment during an open enrollment period or for a special enrollment
1645 event, including the initial eligibility of a program participant;

1646 (iii) if the program participant is no longer eligible for benefits, terminates on the last
1647 day of the last month for which the individual is a participant in the Volunteer Emergency
1648 Medical Service Personnel Health Insurance Program; and

(iv) is not subject to continuation rights under state or federal law.

(6) (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define additional criteria regarding benefit design and eligibility for the program.

(b) The department shall convene an advisory board:

(i) to advise the department on making rules under Subsection (6)(a); and

(ii) that includes representation from at least the following entities:

(A) the qualifying association that receives the contract under Subsection (3); and

(B) PEHP.

(7) For purposes of this section, the qualifying association that receives the contract under Subsection (3) shall be considered the public agency for whom the program participant is volunteering under 29 C.F.R. Sec. 553.101.

Section 37. Section **26B-4-137**, which is renumbered from Section 26-8c-102 is renumbered and amended to read:

~~[26-8c-102].~~ **26B-4-137. EMS Personnel Licensure Interstate Compact.**

EMS PERSONNEL LICENSURE INTERSTATE COMPACT

SECTION 1. PURPOSE

In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and paramedics. This Compact is intended to facilitate the day to day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This Compact is designed to achieve the following purposes and

objectives:

1. Increase public access to EMS personnel;
2. Enhance the states' ability to protect the public's health and safety, especially patient safety;
3. Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;
4. Support licensing of military members who are separating from an active duty tour and their spouses;
5. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information;
6. Promote compliance with the laws governing EMS personnel practice in each member state; and
7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

SECTION 2. DEFINITIONS

In this compact:

A. "Advanced Emergency Medical Technician (AEMT)" means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

B. "Adverse Action" means: any administrative, civil, equitable or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions and state court judgments enforcing adverse actions by the state EMS authority.

C. "Alternative program" means: a voluntary, non-disciplinary substance ~~[abuse]~~ use

1703 recovery program approved by a state EMS authority.

1704 D. "Certification" means: the successful verification of entry-level cognitive and
1705 psychomotor competency using a reliable, validated, and legally defensible examination.

1706 E. "Commission" means: the national administrative body of which all states that have
1707 enacted the compact are members.

1708 F. "Emergency Medical Technician (EMT)" means: an individual licensed with
1709 cognitive knowledge and a scope of practice that corresponds to that level in the National EMS
1710 Education Standards and National EMS Scope of Practice Model.

1711 G. "Home State" means: a member state where an individual is licensed to practice
1712 emergency medical services.

1713 H. "License" means: the authorization by a state for an individual to practice as an
1714 EMT, AEMT, paramedic, or a level in between EMT and paramedic.

1715 I. "Medical Director" means: a physician licensed in a member state who is
1716 accountable for the care delivered by EMS personnel.

1717 J. "Member State" means: a state that has enacted this compact.

1718 K. "Privilege to Practice" means: an individual's authority to deliver emergency
1719 medical services in remote states as authorized under this compact.

1720 L. "Paramedic" means: an individual licensed with cognitive knowledge and a scope of
1721 practice that corresponds to that level in the National EMS Education Standards and National
1722 EMS Scope of Practice Model.

1723 M. "Remote State" means: a member state in which an individual is not licensed.

1724 N. "Restricted" means: the outcome of an adverse action that limits a license or the
1725 privilege to practice.

1726 O. "Rule" means: a written statement by the interstate Commission promulgated
1727 pursuant to Section 12 of this compact that is of general applicability; implements, interprets,
1728 or prescribes a policy or provision of the compact; or is an organizational, procedural, or
1729 practice requirement of the Commission and has the force and effect of statutory law in a

member state and includes the amendment, repeal, or suspension of an existing rule.

P. "Scope of Practice" means: defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform.

Q. "Significant Investigatory Information" means:

1. investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

2. investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.

R. "State" means: means any state, commonwealth, district, or territory of the United States.

S. "State EMS Authority" means: the board, office, or other agency with the legislative mandate to license EMS personnel.

SECTION 3. HOME STATE LICENSURE

A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

1757 2. Has a mechanism in place for receiving and investigating complaints about
1758 individuals;

1759 3. Notifies the Commission, in compliance with the terms herein, of any adverse action
1760 or significant investigatory information regarding an individual;

1761 4. No later than five years after activation of the Compact, requires a criminal
1762 background check of all applicants for initial licensure, including the use of the results of
1763 fingerprint or other biometric data checks compliant with the requirements of the Federal
1764 Bureau of Investigation with the exception of federal employees who have suitability
1765 determination in accordance with 5 C.F.R. Sec. 731.202 and submit documentation of such as
1766 promulgated in the rules of the Commission; and

1767 5. Complies with the rules of the Commission.

1768 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

1769 A. Member states shall recognize the privilege to practice of an individual licensed in
1770 another member state that is in conformance with Section 3.

1771 B. To exercise the privilege to practice under the terms and provisions of this compact,
1772 an individual must:

1773 1. Be at least 18 years of age;

1774 2. Possess a current unrestricted license in a member state as an EMT, AEMT,
1775 paramedic, or state recognized and licensed level with a scope of practice and authority
1776 between EMT and paramedic; and

1777 3. Practice under the supervision of a medical director.

1778 C. An individual providing patient care in a remote state under the privilege to practice
1779 shall function within the scope of practice authorized by the home state unless and until
1780 modified by an appropriate authority in the remote state as may be defined in the rules of the
1781 commission.

1782 D. Except as provided in Section 4 subsection C, an individual practicing in a remote
1783 state will be subject to the remote state's authority and laws. A remote state may, in accordance

with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the Commission.

E. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

F. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the Commission, and under the following circumstances:

1. The individual originates a patient transport in a home state and transports the patient to a remote state;
2. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;
3. The individual enters a remote state to provide patient care and/or transport within that remote state;
4. The individual enters a remote state to pick up a patient and provide care and transport to a third member state;
5. Other conditions as determined by rules promulgated by the commission.

SECTION 6. RELATIONSHIP TO EMERGENCY

MANAGEMENT ASSISTANCE COMPACT

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and

provisions of EMAC shall apply and to the extent any terms or provisions of this Compact conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING
FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

A. Member states shall consider a veteran, active military service member, and member of the National Guard and Reserves separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses.

C. All individuals functioning with a privilege to practice under this Section remain subject to the Adverse Actions provisions of Section VIII.

SECTION 8. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

B. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

1. All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

2. An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

C. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the Commission in accordance with the rules of the Commission.

D. A remote state may take adverse action on an individual's privilege to practice within that state.

E. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

F. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

G. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY

A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:

1. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses, and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering

subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

SECTION 10. ESTABLISHMENT OF THE INTERSTATE

COMMISSION FOR EMS PERSONNEL PRACTICE

A. The Compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice.

1. The Commission is a body politic and an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each member state shall have and be limited to one (1) delegate. The responsible official of the state EMS authority or his designee shall be the delegate to this Compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the Governor of the state will determine which entity will be responsible for assigning the delegate.

2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other

means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section XII.

5. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

- a. Non-compliance of a member state with its obligations under the Compact;
- b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation;
- d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- e. Accusing any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigatory records compiled for law enforcement purposes;
- i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
- j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully

and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

1. Establishing the fiscal year of the Commission;
2. Providing reasonable standards and procedures:
 - a. for the establishment and meetings of other committees; and
 - b. governing any general or specific delegation of any authority or function of the Commission;
3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;
4. Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the Commission;
5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;

1946 6. Promulgating a code of ethics to address permissible and prohibited activities of
1947 Commission members and employees;

1948 7. Providing a mechanism for winding up the operations of the Commission and the
1949 equitable disposition of any surplus funds that may exist after the termination of the Compact
1950 after the payment and/or reserving of all of its debts and obligations;

1951 8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any
1952 amendment thereto, with the appropriate agency or officer in each of the member states, if any.

1953 9. The Commission shall maintain its financial records in accordance with the bylaws.

1954 10. The Commission shall meet and take such actions as are consistent with the
1955 provisions of this Compact and the bylaws.

1956 D. The Commission shall have the following powers:

1957 1. The authority to promulgate uniform rules to facilitate and coordinate
1958 implementation and administration of this Compact. The rules shall have the force and effect
1959 of law and shall be binding in all member states;

1960 2. To bring and prosecute legal proceedings or actions in the name of the Commission,
1961 provided that the standing of any state EMS authority or other regulatory body responsible for
1962 EMS personnel licensure to sue or be sued under applicable law shall not be affected;

1963 3. To purchase and maintain insurance and bonds;

1964 4. To borrow, accept, or contract for services of personnel, including, but not limited
1965 to, employees of a member state;

1966 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
1967 such individuals appropriate authority to carry out the purposes of the compact, and to establish
1968 the Commission's personnel policies and programs relating to conflicts of interest,
1969 qualifications of personnel, and other related personnel matters;

1970 6. To accept any and all appropriate donations and grants of money, equipment,
1971 supplies, materials and services, and to receive, utilize and dispose of the same; provided that
1972 at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict

1973 of interest;

1974 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
1975 hold, improve or use, any property, real, personal or mixed; provided that at all times the
1976 Commission shall strive to avoid any appearance of impropriety;

1977 8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
1978 any property real, personal, or mixed;

1979 9. To establish a budget and make expenditures;

1980 10. To borrow money;

1981 11. To appoint committees, including advisory committees comprised of members,
1982 state regulators, state legislators or their representatives, and consumer representatives, and
1983 such other interested persons as may be designated in this compact and the bylaws;

1984 12. To provide and receive information from, and to cooperate with, law enforcement
1985 agencies;

1986 13. To adopt and use an official seal; and

1987 14. To perform such other functions as may be necessary or appropriate to achieve the
1988 purposes of this Compact consistent with the state regulation of EMS personnel licensure and
1989 practice.

1990 E. Financing of the Commission

1991 1. The Commission shall pay, or provide for the payment of, the reasonable expenses
1992 of its establishment, organization, and ongoing activities.

1993 2. The Commission may accept any and all appropriate revenue sources, donations, and
1994 grants of money, equipment, supplies, materials, and services.

1995 3. The Commission may levy on and collect an annual assessment from each member
1996 state or impose fees on other parties to cover the cost of the operations and activities of the
1997 Commission and its staff, which must be in a total amount sufficient to cover its annual budget
1998 as approved each year for which revenue is not provided by other sources. The aggregate
1999 annual assessment amount shall be allocated based upon a formula to be determined by the

Commission, which shall promulgate a rule binding upon all member states.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

F. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or

omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 11. COORDINATED DATABASE

A. The Commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against an individual's license;
5. An indicator that an individual's privilege to practice is restricted, suspended or revoked;
6. Non-confidential information related to alternative program participation;
7. Any denial of application for licensure, and the reason(s) for such denial; and
8. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a

2054 member state.

2055 D. Member states contributing information to the coordinated database may designate
2056 information that may not be shared with the public without the express permission of the
2057 contributing state.

2058 E. Any information submitted to the coordinated database that is subsequently required
2059 to be expunged by the laws of the member state contributing the information shall be removed
2060 from the coordinated database.

2061 SECTION 12. RULEMAKING

2062 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set
2063 forth in this Section and the rules adopted thereunder. Rules and amendments shall become
2064 binding as of the date specified in each rule or amendment.

2065 B. If a majority of the legislatures of the member states rejects a rule, by enactment of a
2066 statute or resolution in the same manner used to adopt the Compact, then such rule shall have
2067 no further force and effect in any member state.

2068 C. Rules or amendments to the rules shall be adopted at a regular or special meeting of
2069 the Commission.

2070 D. Prior to promulgation and adoption of a final rule or rules by the Commission, and
2071 at least sixty (60) days in advance of the meeting at which the rule will be considered and voted
2072 upon, the Commission shall file a Notice of Proposed Rulemaking:

2073 1. On the website of the Commission; and

2074 2. On the website of each member state EMS authority or the publication in which each
2075 state would otherwise publish proposed rules.

2076 E. The Notice of Proposed Rulemaking shall include:

2077 1. The proposed time, date, and location of the meeting in which the rule will be
2078 considered and voted upon;

2079 2. The text of the proposed rule or amendment and the reason for the proposed rule;

2080 3. A request for comments on the proposed rule from any interested person; and

2081 4. The manner in which interested persons may submit notice to the Commission of
2082 their intention to attend the public hearing and any written comments.

2083 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
2084 written data, facts, opinions, and arguments, which shall be made available to the public.

2085 G. The Commission shall grant an opportunity for a public hearing before it adopts a
2086 rule or amendment if a hearing is requested by:

2087 1. At least twenty-five (25) persons;

2088 2. A governmental subdivision or agency; or

2089 3. An association having at least twenty-five (25) members.

2090 H. If a hearing is held on the proposed rule or amendment, the Commission shall
2091 publish the place, time, and date of the scheduled public hearing.

2092 1. All persons wishing to be heard at the hearing shall notify the executive director of
2093 the Commission or other designated member in writing of their desire to appear and testify at
2094 the hearing not less than five (5) business days before the scheduled date of the hearing.

2095 2. Hearings shall be conducted in a manner providing each person who wishes to
2096 comment a fair and reasonable opportunity to comment orally or in writing.

2097 3. No transcript of the hearing is required, unless a written request for a transcript is
2098 made, in which case the person requesting the transcript shall bear the cost of producing the
2099 transcript. A recording may be made in lieu of a transcript under the same terms and
2100 conditions as a transcript. This subsection shall not preclude the Commission from making a
2101 transcript or recording of the hearing if it so chooses.

2102 4. Nothing in this section shall be construed as requiring a separate hearing on each
2103 rule. Rules may be grouped for the convenience of the Commission at hearings required by
2104 this section.

2105 I. Following the scheduled hearing date, or by the close of business on the scheduled
2106 hearing date if the hearing was not held, the Commission shall consider all written and oral
2107 comments received.

2108 J. The Commission shall, by majority vote of all members, take final action on the
2109 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
2110 record and the full text of the rule.

2111 K. If no written notice of intent to attend the public hearing by interested parties is
2112 received, the Commission may proceed with promulgation of the proposed rule without a
2113 public hearing.

2114 L. Upon determination that an emergency exists, the Commission may consider and
2115 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
2116 that the usual rulemaking procedures provided in the Compact and in this section shall be
2117 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety
2118 (90) days after the effective date of the rule. For the purposes of this provision, an emergency
2119 rule is one that must be adopted immediately in order to:

- 2120 1. Meet an imminent threat to public health, safety, or welfare;
- 2121 2. Prevent a loss of Commission or member state funds;
- 2122 3. Meet a deadline for the promulgation of an administrative rule that is established by
2123 federal law or rule; or
- 2124 4. Protect public health and safety.

2125 M. The Commission or an authorized committee of the Commission may direct
2126 revisions to a previously adopted rule or amendment for purposes of correcting typographical
2127 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
2128 revisions shall be posted on the website of the Commission. The revision shall be subject to
2129 challenge by any person for a period of thirty (30) days after posting. The revision may be
2130 challenged only on grounds that the revision results in a material change to a rule. A challenge
2131 shall be made in writing, and delivered to the chair of the Commission prior to the end of the
2132 notice period. If no challenge is made, the revision will take effect without further action. If
2133 the revision is challenged, the revision may not take effect without the approval of the
2134 Commission.

2135 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

2136 A. Oversight

2137 1. The executive, legislative, and judicial branches of state government in each
2138 member state shall enforce this compact and take all actions necessary and appropriate to
2139 effectuate the compact's purposes and intent. The provisions of this compact and the rules
2140 promulgated hereunder shall have standing as statutory law.

2141 2. All courts shall take judicial notice of the compact and the rules in any judicial or
2142 administrative proceeding in a member state pertaining to the subject matter of this compact
2143 which may affect the powers, responsibilities or actions of the Commission.

2144 3. The Commission shall be entitled to receive service of process in any such
2145 proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure
2146 to provide service of process to the Commission shall render a judgment or order void as to the
2147 Commission, this Compact, or promulgated rules.

2148 B. Default, Technical Assistance, and Termination

2149 1. If the Commission determines that a member state has defaulted in the performance
2150 of its obligations or responsibilities under this compact or the promulgated rules, the
2151 Commission shall:

2152 a. Provide written notice to the defaulting state and other member states of the nature
2153 of the default, the proposed means of curing the default and/or any other action to be taken by
2154 the Commission; and

2155 b. Provide remedial training and specific technical assistance regarding the default.

2156 2. If a state in default fails to cure the default, the defaulting state may be terminated
2157 from the Compact upon an affirmative vote of a majority of the member states, and all rights,
2158 privileges and benefits conferred by this compact may be terminated on the effective date of
2159 termination. A cure of the default does not relieve the offending state of obligations or
2160 liabilities incurred during the period of default.

2161 3. Termination of membership in the compact shall be imposed only after all other

means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable ~~[attorney's]~~ attorney fees.

C. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing

member shall be awarded all costs of such litigation, including reasonable ~~[attorney's]~~ attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
COMMISSION FOR EMS PERSONNEL PRACTICE AND
ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

E. This Compact may be amended by the member states. No amendment to this

2216 Compact shall become effective and binding upon any member state until it is enacted into the
2217 laws of all member states.

2218 SECTION 15. CONSTRUCTION AND SEVERABILITY

2219 This Compact shall be liberally construed so as to effectuate the purposes thereof. If
2220 this compact shall be held contrary to the constitution of any state member thereto, the compact
2221 shall remain in full force and effect as to the remaining member states. Nothing in this
2222 compact supersedes state law or rules related to licensure of EMS agencies.

2223 Section 38. Section **26B-4-150**, which is renumbered from Section 26-8a-401 is
2224 renumbered and amended to read:

2225 ~~[26-8a-401].~~ **26B-4-150. State regulation of emergency medical services**
2226 **market -- License term.**

2227 (1) To ensure emergency medical service quality and minimize unnecessary
2228 duplication, the department shall regulate the emergency medical services market by creating
2229 and operating a statewide system that:

2230 (a) consists of exclusive geographic service areas as provided in Section ~~[26-8a-402]~~
2231 26B-4-151; and

2232 (b) establishes maximum rates as provided in Section ~~[26-8a-403]~~ 26B-4-152.

2233 (2) A license issued or renewed under ~~[this part]~~ Sections 26B-4-150 through
2234 26B-4-170 is valid for four years.

2235 Section 39. Section **26B-4-151**, which is renumbered from Section 26-8a-402 is
2236 renumbered and amended to read:

2237 ~~[26-8a-402].~~ **26B-4-151. Exclusive geographic service areas.**

2238 (1) Each ground ambulance provider license issued under ~~[this part]~~ Sections
2239 26B-4-150 through 26B-4-170 shall be for an exclusive geographic service area as described in
2240 the license. Only the licensed ground ambulance provider may respond to an ambulance
2241 request that originates within the provider's exclusive geographic service area, except as
2242 provided in Subsection (5) and Section ~~[26-8a-416]~~ 26B-4-170.

2243 (2) Each paramedic provider license issued under ~~[this part]~~ Sections 26B-4-150
2244 through 26B-4-170 shall be for an exclusive geographic service area as described in the license.
2245 Only the licensed paramedic provider may respond to a paramedic request that originates
2246 within the exclusive geographic service area, except as provided in Subsection (6) and Section
2247 ~~[26-8a-416]~~ 26B-4-170.

2248 (3) Nothing in this section may be construed as either requiring or prohibiting that the
2249 formation of boundaries in a given location be the same for a licensed paramedic provider and
2250 a licensed ambulance provider.

2251 (4) (a) A licensed ground ambulance or paramedic provider may, as necessary, enter
2252 into a mutual aid agreement to allow another licensed provider to give assistance in times of
2253 unusual demand, as that term is defined by the committee in rule.

2254 (b) A mutual aid agreement shall include a formal written plan detailing the type of
2255 assistance and the circumstances under which it would be given.

2256 (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the
2257 department.

2258 (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with
2259 another entity to provide services in the licensed provider's exclusive geographic service area.

2260 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may
2261 respond to an ambulance request that originates from the exclusive geographic area of another
2262 provider:

2263 (a) pursuant to a mutual aid agreement;

2264 (b) to render assistance on a case-by-case basis to that provider; and

2265 (c) as necessary to meet needs in time of disaster or other major emergency.

2266 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
2267 paramedic request that originates from the exclusive geographic area of another provider:

2268 (a) pursuant to a mutual aid agreement;

2269 (b) to render assistance on a case-by-case basis to that provider; and

2270 (c) as necessary to meet needs in time of disaster or other major emergency.

2271 (7) The department may, upon the renewal of a license, align the boundaries of an

2272 exclusive geographic area with the boundaries of a political subdivision:

2273 (a) if the alignment is practical and in the public interest;

2274 (b) if each licensed provider that would be affected by the alignment agrees to the

2275 alignment; and

2276 (c) taking into consideration the requirements of:

2277 (i) Section 11-48-103; and

2278 (ii) Section ~~[26-8a-408]~~ 26B-4-162.

2279 Section 40. Section **26B-4-152**, which is renumbered from Section 26-8a-403 is

2280 renumbered and amended to read:

2281 ~~[26-8a-403]~~. **26B-4-152. Establishment of maximum rates.**

2282 (1) The department shall, after receiving recommendations under Subsection (2),

2283 establish maximum rates for ground ambulance providers and paramedic providers that are just

2284 and reasonable.

2285 (2) The committee may make recommendations to the department on the maximum

2286 rates that should be set under Subsection (1).

2287 (3) (a) The department shall prohibit ground ambulance providers and paramedic

2288 providers from charging fees for transporting a patient when the provider does not transport the

2289 patient.

2290 (b) The provisions of Subsection (3)(a) do not apply to ambulance providers or

2291 paramedic providers in a geographic service area which contains a town as defined in

2292 Subsection 10-2-301(2)(f).

2293 Section 41. Section **26B-4-153**, which is renumbered from Section 26-8a-404 is

2294 renumbered and amended to read:

2295 ~~[26-8a-404]~~. **26B-4-153. Ground ambulance and paramedic licenses --**

2296 **Application and department review.**

2297 (1) Except as provided in Section [~~26-8a-413~~] 26B-4-167, an applicant for a ground
2298 ambulance or paramedic license shall apply to the department for a license only by:

- 2299 (a) submitting a completed application;
2300 (b) providing information in the format required by the department; and
2301 (c) paying the required fees, including the cost of the hearing officer.

2302 (2) The department shall make rules establishing minimum qualifications and
2303 requirements for:

- 2304 (a) personnel;
2305 (b) capital reserves;
2306 (c) equipment;
2307 (d) a business plan;
2308 (e) operational procedures;
2309 (f) medical direction agreements;
2310 (g) management and control; and
2311 (h) other matters that may be relevant to an applicant's ability to provide ground
2312 ambulance or paramedic service.

2313 (3) An application for a license to provide ground ambulance service or paramedic
2314 service shall be for all ground ambulance services or paramedic services arising within the
2315 geographic service area, except that an applicant may apply for a license for less than all
2316 ground ambulance services or all paramedic services arising within an exclusive geographic
2317 area if it can demonstrate how the remainder of that area will be served.

2318 (4) (a) A ground ambulance service licensee may apply to the department for a license
2319 to provide a higher level of service as defined by department rule if the application includes:

- 2320 (i) a copy of the new treatment protocols for the higher level of service approved by the
2321 off-line medical director;
2322 (ii) an assessment of field performance by the applicant's off-line director; and
2323 (iii) an updated plan of operation demonstrating the ability of the applicant to provide

the higher level of service.

(b) If the department determines that the applicant has demonstrated the ability to provide the higher level of service in accordance with Subsection (4)(a), the department shall issue a revised license reflecting the higher level of service and the requirements of Section ~~[26-8a-408]~~ 26B-4-162 do not apply.

(c) A revised license issued under Subsection (4)(b):

(i) may only affect the level of service that the licensee may provide; and

(ii) may not affect any other terms, conditions, or limitations of the original license.

(5) Upon receiving a completed application and the required fees, the department shall review the application and determine whether the application meets the minimum qualifications and requirements for licensure.

(6) The department may deny an application if it finds that it contains any materially false or misleading information, is incomplete, or if the application demonstrates that the applicant fails to meet the minimum qualifications and requirements for licensure under Subsection (2).

(7) If the department denies an application, it shall notify the applicant in writing setting forth the grounds for the denial. A denial may be appealed under Title 63G, Chapter 4, Administrative Procedures Act.

Section 42. Section **26B-4-154**, which is renumbered from Section 26-8a-405 is renumbered and amended to read:

~~[26-8a-405]~~. **26B-4-154. Ground ambulance and paramedic licenses -- Agency notice of approval.**

(1) Beginning January 1, 2004, if the department determines that the application meets the minimum requirements for licensure under Section ~~[26-8a-404]~~ 26B-4-153, the department shall issue a notice of the approved application to the applicant.

(2) A current license holder responding to a request for proposal under Section ~~[26-8a-405.2]~~ 26B-4-156 is considered an approved applicant for purposes of Section

2351 ~~[26-8a-405.2]~~ 26B-4-156 if the current license holder, prior to responding to the request for
2352 proposal, submits the following to the department:

2353 (a) the information described in Subsections ~~[26-8a-404]~~ 26B-4-153(4)(a)(i) through
2354 (iii); and

2355 (b) (i) if the license holder is a private entity, a financial statement, a pro forma budget
2356 and necessary letters of credit demonstrating a financial ability to expand service to a new
2357 service area; or

2358 (ii) if the license holder is a governmental entity, a letter from the governmental entity's
2359 governing body demonstrating the governing body's willingness to financially support the
2360 application.

2361 Section 43. Section **26B-4-155**, which is renumbered from Section 26-8a-405.1 is
2362 renumbered and amended to read:

2363 ~~[26-8a-405.1]~~. **26B-4-155. Selection of provider by political subdivision.**

2364 (1) (a) Only an applicant approved under Section ~~[26-8a-405]~~ 26B-4-154 may respond
2365 to a request for a proposal issued in accordance with Section ~~[26-8a-405.2]~~ 26B-4-156 or
2366 Section ~~[26-8a-405.4]~~ 26B-4-158 by a political subdivision.

2367 (b) A response to a request for proposal is subject to the maximum rates established by
2368 the department under Section ~~[26-8a-403]~~ 26B-4-152.

2369 (c) A political subdivision may award a contract to an applicant in response to a
2370 request for proposal:

2371 (i) in accordance with Section ~~[26-8a-405.2]~~ 26B-4-156; and

2372 (ii) subject to Subsections (2) and (3).

2373 (2) (a) The department shall issue a license to an applicant selected by a political
2374 subdivision under Subsection (1) unless the department finds that issuing a license to that
2375 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic
2376 service area.

2377 (b) A license issued under this Subsection (2):

- (i) is for the exclusive geographic service area approved by the department in accordance with Subsection [~~26-8a-405.2~~] 26B-4-156(2);
- (ii) is valid for four years;
- (iii) is not subject to a request for license from another applicant under the provisions of Sections [~~26-8a-406 through 26-8a-409~~] 26B-4-160 through 26B-4-163 during the four-year term, unless the applicant's license is revoked under Section [~~26-8a-504~~] 26B-4-130;
- (iv) is subject to revocation or revision under Subsection (3)(d); and
- (v) is subject to supervision by the department under Sections [~~26-8a-503 and 26-8a-504~~] 26B-4-129 and 26B-4-130.
- (3) Notwithstanding Subsection (2)(b), a political subdivision may terminate a contract described in Subsection (1)(c), with or without cause, if:
- (a) the contract:
- (i) is entered into on or after May 5, 2021; and
- (ii) allows an applicant to provide 911 ambulance services;
- (b) the political subdivision provides written notice to the applicant described in Subsection (3)(a)(ii) and the department:
- (i) at least 18 months before the day on which the contract is terminated; or
- (ii) within a period of time shorter than 18 months before the day on which the contract is terminated, if otherwise agreed to by the applicant and the department;
- (c) the political subdivision selects another applicant to provide 911 ambulance services for the political subdivision in accordance with Section [~~26-8a-405.2~~] 26B-4-156;
- (d) the department:
- (i) revokes the license of the applicant described in Subsection (3)(a)(ii), or issues a new or revised license for the applicant described in Subsection (3)(a)(ii):
- (A) in order to remove the area that is subject to the contract from the applicant's exclusive geographic service area; and
- (B) to take effect the day on which the contract is terminated; and

2405 (ii) issues a new or revised license for the applicant described in Subsection (3)(c):

2406 (A) in order to allow the applicant to provide 911 ambulance services for the area
2407 described in Subsection (3)(d)(i)(A); and

2408 (B) to take effect the day on which the contract is terminated; and

2409 (e) the termination does not create an orphaned area.

2410 (4) Except as provided in Subsection [~~26-8a-405.3~~] 26B-4-157(4)(a), the provisions of
2411 Sections [~~26-8a-406 through 26-8a-409~~] 26B-4-160 through 26B-4-163 do not apply to a
2412 license issued under this section.

2413 Section 44. Section **26B-4-156**, which is renumbered from Section 26-8a-405.2 is
2414 renumbered and amended to read:

2415 [~~26-8a-405.2~~]. **26B-4-156. Selection of provider -- Request for competitive**
2416 **sealed proposal -- Public convenience and necessity.**

2417 (1) (a) A political subdivision may contract with an applicant approved under Section
2418 [~~26-8a-404~~] 26B-4-153 to provide services for the geographic service area that is approved by
2419 the department in accordance with Subsection (2), if:

2420 (i) the political subdivision complies with the provisions of this section and Section
2421 [~~26-8a-405.3~~] 26B-4-157 if the contract is for 911 ambulance or paramedic services; or

2422 (ii) the political subdivision complies with Sections [~~26-8a-405.3 and 26-8a-405.4~~]
2423 26B-4-157 and 26B-4-158, if the contract is for non-911 services.

2424 (b) (i) The provisions of this section and Sections [~~26-8a-405.1, 26-8a-405.3, and~~
2425 ~~26-8a-405.4~~] 26B-4-155, 26B-4-157, and 26B-4-158 do not require a political subdivision to
2426 issue a request for proposal for ambulance or paramedic services or non-911 services.

2427 (ii) If a political subdivision does not contract with an applicant in accordance with this
2428 section and Section [~~26-8a-405.3~~] 26B-4-157, the provisions of Sections [~~26-8a-406 through~~
2429 ~~26-8a-409~~] 26B-4-160 through 26B-4-163 apply to the issuance of a license for ambulance or
2430 paramedic services in the geographic service area that is within the boundaries of the political
2431 subdivision.

(iii) If a political subdivision does not contract with an applicant in accordance with this section, Section ~~[26-8a-405.3]~~ [26B-4-157](#) and Section ~~[26-8a-405.4]~~ [26B-4-158](#), a license for the non-911 services in the geographic service area that is within the boundaries of the political subdivision may be issued:

(A) under the public convenience and necessity provisions of Sections ~~[26-8a-406 through 26-8a-409]~~ [26B-4-160 through 26B-4-163](#); or

(B) by a request for proposal issued by the department under Section ~~[26-8a-405.5]~~ [26B-4-159](#).

(c) (i) ~~[For purposes of]~~ As used in this Subsection (1)(c):

(A) "Fire district" means a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, that:

(I) is located in a county of the first or second class; and

(II) provides fire protection, paramedic, and emergency services.

(B) "Participating municipality" means a city or town whose area is partly or entirely included within a county service area or fire district.

(C) "Participating county" means a county whose unincorporated area is partly or entirely included within a fire district.

(ii) A participating municipality or participating county may as provided in this section and Section ~~[26-8a-405.3]~~ [26B-4-157](#), contract with a provider for 911 ambulance or paramedic service.

(iii) If the participating municipality or participating county contracts with a provider for services under this section and Section ~~[26-8a-405.3]~~ [26B-4-157](#):

(A) the fire district is not obligated to provide the services that are included in the contract between the participating municipality or the participating county and the provider;

(B) the fire district may impose taxes and obligations within the fire district in the same manner as if the participating municipality or participating county were receiving all services offered by the fire district; and

(C) the participating municipality's and participating county's obligations to the fire district are not diminished.

(2) (a) The political subdivision shall submit the request for proposal and the exclusive geographic service area to be included in a request for proposal issued under Subsections (1)(a)(i) or (ii) to the department for approval prior to issuing the request for proposal. The department shall approve the request for proposal and the exclusive geographic service area:

(i) unless the geographic service area creates an orphaned area; and

(ii) in accordance with Subsections (2)(b) and (c).

(b) The exclusive geographic service area may:

(i) include the entire geographic service area that is within the political subdivision's boundaries;

(ii) include islands within or adjacent to other peripheral areas not included in the political subdivision that governs the geographic service area; or

(iii) exclude portions of the geographic service area within the political subdivision's boundaries if another political subdivision or licensed provider agrees to include the excluded area within their license.

(c) The proposed geographic service area for 911 ambulance or paramedic service shall demonstrate that non-911 ambulance or paramedic service will be provided in the geographic service area, either by the current provider, the applicant, or some other method acceptable to the department. The department may consider the effect of the proposed geographic service area on the costs to the non-911 provider and that provider's ability to provide only non-911 services in the proposed area.

Section 45. Section **26B-4-157**, which is renumbered from Section 26-8a-405.3 is renumbered and amended to read:

~~[26-8a-405.3].~~ **26B-4-157. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

(1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under

2486 Section [~~26-8a-405.2~~] 26B-4-156, or for non-911 services under Section [~~26-8a-405.4~~]
2487 26B-4-158, shall be solicited through a request for proposal and the provisions of this section.

2488 (b) The governing body of the political subdivision shall approve the request for
2489 proposal prior to the notice of the request for proposals under Subsection (1)(c).

2490 (c) Notice of the request for proposals shall be published:

2491 (i) by posting the notice for at least 20 days in at least five public places in the county;

2492 and

2493 (ii) by posting the notice on the Utah Public Notice Website, created in Section
2494 63A-16-601, for at least 20 days.

2495 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
2496 offerors during the process of negotiations.

2497 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
2498 political subdivision shall hold a presubmission conference with interested applicants for the
2499 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

2500 (ii) A political subdivision shall allow at least 90 days from the presubmission
2501 conference for the proposers to submit proposals.

2502 (c) Subsequent to the presubmission conference, the political subdivision may issue
2503 addenda to the request for proposals. An addenda to a request for proposal shall be finalized
2504 and posted by the political subdivision at least 45 days before the day on which the proposal
2505 must be submitted.

2506 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
2507 respect to any opportunity for discussion and revisions of proposals, and revisions may be
2508 permitted after submission and before a contract is awarded for the purpose of obtaining best
2509 and final offers.

2510 (e) In conducting discussions, there shall be no disclosures of any information derived
2511 from proposals submitted by competing offerors.

2512 (3) (a) (i) A political subdivision may select an applicant approved by the department

2513 under Section [~~26-8a-404~~] 26B-4-153 to provide 911 ambulance or paramedic services by
2514 contract to the most responsible offeror as defined in Section 63G-6a-103.

2515 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
2516 proposal is determined in writing to be the most advantageous to the political subdivision,
2517 taking into consideration price and the evaluation factors set forth in the request for proposal.

2518 (b) The applicants who are approved under Section [~~26-8a-405~~] 26B-4-154 and who
2519 are selected under this section may be the political subdivision issuing the request for
2520 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2521 or any combination thereof.

2522 (c) A political subdivision may reject all of the competitive proposals.

2523 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2524 a political subdivision:

2525 (a) shall apply the public convenience and necessity factors listed in Subsections
2526 [~~26-8a-408~~] 26B-4-162(2) through (6);

2527 (b) shall require the applicant responding to the proposal to disclose how the applicant
2528 will meet performance standards in the request for proposal;

2529 (c) may not require or restrict an applicant to a certain method of meeting the
2530 performance standards, including:

2531 (i) requiring ambulance medical personnel to also be a firefighter; or

2532 (ii) mandating that offerors use fire stations or dispatch services of the political
2533 subdivision;

2534 (d) shall require an applicant to submit the proposal:

2535 (i) based on full cost accounting in accordance with generally accepted accounting
2536 principals; and

2537 (ii) if the applicant is a governmental entity, in addition to the requirements of
2538 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
2539 in compliance with the State of Utah Legal Compliance Audit Guide; and

2540 (e) shall set forth in the request for proposal:

2541 (i) the method for determining full cost accounting in accordance with generally

2542 accepted accounting principles, and require an applicant to submit the proposal based on such

2543 full cost accounting principles;

2544 (ii) guidelines established to further competition and provider accountability; and

2545 (iii) a list of the factors that will be considered by the political subdivision in the award

2546 of the contract, including by percentage, the relative weight of the factors established under this

2547 Subsection (4)(e), which may include such things as:

2548 (A) response times;

2549 (B) staging locations;

2550 (C) experience;

2551 (D) quality of care; and

2552 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

2553 (5) (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement

2554 Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply

2555 to the procurement process required by this section, except as provided in Subsection (5)(c).

2556 (b) A procurement appeals panel described in Section [63G-6a-1702](#) shall have

2557 jurisdiction to review and determine an appeal of an offeror under this section.

2558 (c) (i) An offeror may appeal the solicitation or award as provided by the political

2559 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror

2560 may appeal under the provisions of Subsections (5)(a) and (b).

2561 (ii) A procurement appeals panel described in Section [63G-6a-1702](#) shall determine

2562 whether the solicitation or award was made in accordance with the procedures set forth in this

2563 section and Section ~~[\[26-8a-405.2\]](#)~~ [26B-4-156](#).

2564 (d) The determination of an issue of fact by the appeals board shall be final and

2565 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section

2566 [63G-6a-1705](#).

2567 Section 46. Section **26B-4-158**, which is renumbered from Section 26-8a-405.4 is
2568 renumbered and amended to read:

2569 ~~[26-8a-405.4]~~. **26B-4-158. Non-911 provider -- Finding of meritorious**
2570 **complaint -- Request for proposals.**

2571 (1) (a) This section applies to a non-911 provider license under this ~~[chapter]~~ part.

2572 (b) The department shall, in accordance with Subsections (3) and (4):

2573 (i) receive a complaint about a non-911 provider;

2574 (ii) determine whether the complaint has merit;

2575 (iii) issue a finding of:

2576 (A) a meritorious complaint; or

2577 (B) a non-meritorious complaint; and

2578 (iv) forward a finding of a meritorious complaint to the governing body of the political
2579 subdivision:

2580 (A) in which the non-911 provider is licensed; or

2581 (B) that provides the non-911 services, if different from Subsection (1)(b)(iv)(A).

2582 (2) (a) A political subdivision that receives a finding of a meritorious complaint from
2583 the department:

2584 (i) shall take corrective action that the political subdivision determines is appropriate;

2585 and

2586 (ii) shall, if the political subdivision determines corrective action will not resolve the
2587 complaint or is not appropriate:

2588 (A) issue a request for proposal for non-911 service in the geographic service area if
2589 the political subdivision will not respond to the request for proposal; or

2590 (B) (I) make a finding that a request for proposal for non-911 services is appropriate
2591 and the political subdivision intends to respond to a request for proposal; and

2592 (II) submit the political subdivision's findings to the department with a request that the
2593 department issue a request for proposal in accordance with Section ~~[26-8a-405.5]~~ 26B-4-159.

(b) (i) If Subsection (2)(a)(ii)(A) applies, the political subdivision shall issue the request for proposal in accordance with Sections [~~26-8a-405.1 through 26-8a-405.3~~] 26B-4-155 through 26B-4-157.

(ii) If Subsection (2)(a)(ii)(B) applies, the department shall issue a request for proposal for non-911 services in accordance with Section [~~26-8a-405.5~~] 26B-4-159.

(3) The department shall make a determination under Subsection (1)(b) if:

(a) the department receives a written complaint from any of the following in the geographic service area:

(i) a hospital;

(ii) a health care facility;

(iii) a political subdivision; or

(iv) an individual; and

(b) the department determines, in accordance with Subsection (1)(b), that the complaint has merit.

(4) (a) If the department receives a complaint under Subsection (1)(b), the department shall request a written response from the non-911 provider concerning the complaint.

(b) The department shall make a determination under Subsection (1)(b) based on:

(i) the written response from the non-911 provider; and

(ii) other information that the department may have concerning the quality of service of the non-911 provider.

(c) (i) The department's determination under Subsection (1)(b) is not subject to an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

(ii) The department shall adopt administrative rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection (1)(b).

Section 47. Section **26B-4-159**, which is renumbered from Section 26-8a-405.5 is renumbered and amended to read:

~~[26-8a-405.5].~~ **26B-4-159. Use of competitive sealed proposals -- Procedure**
-- Appeal rights.

(1) (a) The department shall issue a request for proposal for non-911 services in a geographic service area if the department receives a request from a political subdivision under Subsection ~~[26-8a-405.4]~~ 26B-4-158(2)(a)(ii)(B) to issue a request for proposal for non-911 services.

(b) Competitive sealed proposals for non-911 services under Subsection (1)(a) shall be solicited through a request for proposal and the provisions of this section.

(c) (i) Notice of the request for proposals shall be published:

(A) at least once a week for three consecutive weeks in a newspaper of general circulation published in the county; or

(B) if there is no such newspaper, then notice shall be posted for at least 20 days in at least five public places in the county; and

(ii) in accordance with Section 45-1-101 for at least 20 days.

(2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiations.

(b) (i) Subsequent to the published notice, and prior to selecting an applicant, the department shall hold a presubmission conference with interested applicants for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

(ii) The department shall allow at least 90 days from the presubmission conference for the proposers to submit proposals.

(c) Subsequent to the presubmission conference, the department may issue addenda to the request for proposals. An addenda to a request for proposal shall be finalized and posted by the department at least 45 days before the day on which the proposal must be submitted.

(d) Offerors to the request for proposals shall be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals, and revisions may be permitted after submission and before a contract is awarded for the purpose of obtaining best

2648 and final offers.

2649 (e) In conducting discussions, there shall be no disclosures of any information derived
2650 from proposals submitted by competing offerors.

2651 (3) (a) (i) The department may select an applicant approved by the department under
2652 Section ~~[26-8a-404]~~ 26B-4-153 to provide non-911 services by contract to the most responsible
2653 offeror as defined in Section 63G-6a-103.

2654 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
2655 proposal is determined in writing to be the most advantageous to the public, taking into
2656 consideration price and the evaluation factors set forth in the request for proposal.

2657 (b) The applicants who are approved under Section ~~[26-8a-405]~~ 26B-4-154 and who
2658 are selected under this section may be the political subdivision responding to the request for
2659 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2660 or any combination thereof.

2661 (c) The department may reject all of the competitive proposals.

2662 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2663 the department:

2664 (a) shall consider the public convenience and necessity factors listed in Subsections
2665 ~~[26-8a-408]~~ 26B-4-162(2) through (6);

2666 (b) shall require the applicant responding to the proposal to disclose how the applicant
2667 will meet performance standards in the request for proposal;

2668 (c) may not require or restrict an applicant to a certain method of meeting the
2669 performance standards, including:

2670 (i) requiring ambulance medical personnel to also be a firefighter; or

2671 (ii) mandating that offerors use fire stations or dispatch services of the political
2672 subdivision;

2673 (d) shall require an applicant to submit the proposal:

2674 (i) based on full cost accounting in accordance with generally accepted accounting

2675 principals; and

2676 (ii) if the applicant is a governmental entity, in addition to the requirements of

2677 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and

2678 in compliance with the State of Utah Legal Compliance Audit Guide; and

2679 (e) shall set forth in the request for proposal:

2680 (i) the method for determining full cost accounting in accordance with generally

2681 accepted accounting principles, and require an applicant to submit the proposal based on such

2682 full cost accounting principles;

2683 (ii) guidelines established to further competition and provider accountability; and

2684 (iii) a list of the factors that will be considered by the department in the award of the

2685 contract, including by percentage, the relative weight of the factors established under this

2686 Subsection (4)(e), which may include:

2687 (A) response times;

2688 (B) staging locations;

2689 (C) experience;

2690 (D) quality of care; and

2691 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

2692 (5) A license issued under this section:

2693 (a) is for the exclusive geographic service area approved by the department;

2694 (b) is valid for four years;

2695 (c) is not subject to a request for license from another applicant under the provisions of

2696 Sections [~~26-8a-406 through 26-8a-409~~] 26B-4-160 through 26B-4-163 during the four-year

2697 term, unless the applicant's license is revoked under Section [~~26-8a-504~~] 26B-4-130;

2698 (d) is subject to supervision by the department under Sections [~~26-8a-503 and~~

2699 ~~26-8a-504~~] 26B-4-129 and 26B-4-130; and

2700 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections

2701 [~~26-8a-406 through 26-8a-409~~] 26B-4-160 through 26B-4-163.

Section 48. Section **26B-4-160**, which is renumbered from Section 26-8a-406 is renumbered and amended to read:

~~[26-8a-406].~~ **26B-4-160.** **Ground ambulance and paramedic licenses -- Parties.**

(1) When an applicant approved under Section ~~[26-8a-404]~~ 26B-4-153 seeks licensure under the provisions of Sections ~~[26-8a-406 through 26-8a-409]~~ 26B-4-160 through 26B-4-163, the department shall:

(a) issue a notice of agency action to the applicant to commence an informal administrative proceeding;

(b) provide notice of the application to all interested parties; and

(c) publish notice of the application, at the applicant's expense:

(i) once a week for four consecutive weeks, in a newspaper of general circulation in the geographic service area that is the subject of the application; and

(ii) in accordance with Section 45-1-101 for four weeks.

(2) An interested party has 30 days to object to an application.

(3) If an interested party objects, the presiding officer shall join the interested party as an indispensable party to the proceeding.

(4) The department may join the proceeding as a party to represent the public interest.

(5) Others who may be affected by the grant of a license to the applicant may join the proceeding, if the presiding officer determines that they meet the requirement of legal standing.

Section 49. Section **26B-4-161**, which is renumbered from Section 26-8a-407 is renumbered and amended to read:

~~[26-8a-407].~~ **26B-4-161.** **Ground ambulance and paramedic licenses -- Proceedings.**

(1) The presiding officer shall:

(a) commence an informal adjudicative proceeding within 120 days of receiving a completed application;

2729 (b) meet with the applicant and objecting interested parties and provide no less than
2730 120 days for a negotiated resolution, consistent with the criteria in Section [~~26-8a-408~~]
2731 26B-4-162;

2732 (c) set aside a separate time during the proceedings to accept public comment on the
2733 application; and

2734 (d) present a written decision to the executive director if a resolution has been reached
2735 that satisfies the criteria in Section [~~26-8a-408~~] 26B-4-162.

2736 (2) At any time during an informal adjudicative proceeding under Subsection (1), any
2737 party may request conversion of the informal adjudicative proceeding to a formal adjudicative
2738 proceeding in accordance with Section 63G-4-202.

2739 (3) Upon conversion to a formal adjudicative proceeding, a hearing officer shall be
2740 assigned to the application as provided in Section [~~26-8a-409~~] 26B-4-163. The hearing office
2741 shall:

2742 (a) set aside a separate time during the proceedings to accept public comment on the
2743 application;

2744 (b) apply the criteria established in Section [~~26-8a-408~~] 26B-4-162; and

2745 (c) present a recommended decision to the executive director in writing.

2746 (4) The executive director may, as set forth in a final written order, accept, modify,
2747 reject, or remand the decision of a presiding or hearing officer after:

2748 (a) reviewing the record;

2749 (b) giving due deference to the officer's decision; and

2750 (c) determining whether the criteria in Section [~~26-8a-408~~] 26B-4-162 have been
2751 satisfied.

2752 Section 50. Section **26B-4-162**, which is renumbered from Section 26-8a-408 is
2753 renumbered and amended to read:

2754 [~~26-8a-408~~]. **26B-4-162. Criteria for determining public convenience and**
2755 **necessity.**

(1) The criteria for determining public convenience and necessity is set forth in Subsections (2) through (6).

(2) Access to emergency medical services shall be maintained or improved. The officer shall consider the impact on existing services, including the impact on response times, call volumes, populations and exclusive geographic service areas served, and the ability of surrounding licensed providers to service their exclusive geographic service areas. The issuance or amendment of a license may not create an orphaned area.

(3) The quality of service in the area shall be maintained or improved. The officer shall consider the:

(a) staffing and equipment standards of the current licensed provider and the applicant;
(b) training and licensure levels of the current licensed provider's staff and the applicant's staff;

(c) continuing medical education provided by the current licensed provider and the applicant;

(d) levels of care as defined by department rule;

(e) plan of medical control; and

(f) the negative or beneficial impact on the regional emergency medical service system to provide service to the public.

(4) The cost to the public shall be justified. The officer shall consider:

(a) the financial solvency of the applicant;

(b) the applicant's ability to provide services within the rates established under Section ~~[26-8a-403]~~ [26B-4-152](#);

(c) the applicant's ability to comply with cost reporting requirements;

(d) the cost efficiency of the applicant; and

(e) the cost effect of the application on the public, interested parties, and the emergency medical services system.

(5) Local desires concerning cost, quality, and access shall be considered. The officer

2783 shall assess and consider:

2784 (a) the existing provider's record of providing services and the applicant's record and
2785 ability to provide similar or improved services;

2786 (b) locally established emergency medical services goals, including those established in
2787 Subsection (7);

2788 (c) comment by local governments on the applicant's business and operations plans;

2789 (d) comment by interested parties that are providers on the impact of the application on
2790 the parties' ability to provide emergency medical services;

2791 (e) comment by interested parties that are local governments on the impact of the
2792 application on the citizens it represents; and

2793 (f) public comment on any aspect of the application or proposed license.

2794 (6) Other related criteria:

2795 (a) the officer considers necessary; or

2796 (b) established by department rule.

2797 (7) Local governments shall establish cost, quality, and access goals for the ground
2798 ambulance and paramedic services that serve their areas.

2799 (8) In a formal adjudicative proceeding, the applicant bears the burden of establishing
2800 that public convenience and necessity require the approval of the application for all or part of
2801 the exclusive geographic service area requested.

2802 Section 51. Section **26B-4-163**, which is renumbered from Section 26-8a-409 is
2803 renumbered and amended to read:

2804 ~~[26-8a-409]~~. **26B-4-163. Ground ambulance and paramedic licenses --**
2805 **Hearing and presiding officers.**

2806 (1) The department shall set training standards for hearing officers and presiding
2807 officers.

2808 (2) At a minimum, a presiding officer shall:

2809 (a) be familiar with the theory and application of public convenience and necessity; and

2810 (b) have a working knowledge of the emergency medical service system in the state.

2811 (3) In addition to the requirements in Subsection (2), a hearing officer shall also be
2812 licensed to practice law in the state.

2813 (4) The department shall provide training for hearing officer and presiding officer
2814 candidates in the theory and application of public convenience and necessity and on the
2815 emergency medical system in the state.

2816 (5) The department shall maintain a roster of no less than five individuals who meet
2817 the minimum qualifications for both presiding and hearing officers and the standards set by the
2818 department.

2819 (6) The parties may mutually select an officer from the roster if the officer is available.

2820 (7) If the parties cannot agree upon an officer under Subsection (4), the department
2821 shall randomly select an officer from the roster or from a smaller group of the roster agreed
2822 upon by the applicant and the objecting interested parties.

2823 Section 52. Section **26B-4-164**, which is renumbered from Section 26-8a-410 is
2824 renumbered and amended to read:

2825 ~~[26-8a-410]~~. **26B-4-164. Local approvals.**

2826 (1) Licensed ambulance providers and paramedic providers shall meet all local zoning
2827 and business licensing standards generally applicable to businesses operating within the
2828 jurisdiction.

2829 (2) Publicly subsidized providers shall demonstrate approval of the taxing authority
2830 that will provide the subsidy.

2831 (3) A publicly operated service shall demonstrate that the governing body has approved
2832 the provision of services to the entire exclusive geographic service area that is the subject of
2833 the license, including those areas that may lie outside the territorial or jurisdictional boundaries
2834 of the governing body.

2835 Section 53. Section **26B-4-165**, which is renumbered from Section 26-8a-411 is
2836 renumbered and amended to read:

2837 ~~[26-8a-411]~~. **26B-4-165. Limitation on repetitive applications.**

2838 A person who has previously applied for a license under Sections ~~[26-8a-406 through~~
2839 ~~26-8a-409]~~ 26B-4-160 through 26B-4-163 may not apply for a license for the same service that
2840 covers any exclusive geographic service area that was the subject of the prior application
2841 unless:

2842 (1) one year has passed from the date of the issuance of a final decision under Section
2843 ~~[26-8a-407]~~ 26B-4-161; or

2844 (2) all interested parties and the department agree that a new application is in the public
2845 interest.

2846 Section 54. Section **26B-4-166**, which is renumbered from Section 26-8a-412 is
2847 renumbered and amended to read:

2848 ~~[26-8a-412]~~. **26B-4-166. License for air ambulance providers.**

2849 (1) An applicant for an air ambulance provider shall apply to the department for a
2850 license only by:

- 2851 (a) submitting a complete application;
2852 (b) providing information in the format required by the department; and
2853 (c) paying the required fees.

2854 (2) The department may make rules establishing minimum qualifications and
2855 requirements for:

- 2856 (a) personnel;
2857 (b) capital reserves;
2858 (c) equipment;
2859 (d) business plan;
2860 (e) operational procedures;
2861 (f) resource hospital and medical direction agreements;
2862 (g) management and control qualifications and requirements; and
2863 (h) other matters that may be relevant to an applicant's ability to provide air ambulance

2864 services.

2865 (3) Upon receiving a completed application and the required fees, the department shall
2866 review the application and determine whether the application meets the minimum requirements
2867 for licensure.

2868 (4) The department may deny an application for an air ambulance if:

2869 (a) the department finds that the application contains any materially false or misleading
2870 information or is incomplete;

2871 (b) the application demonstrates that the applicant fails to meet the minimum
2872 requirements for licensure; or

2873 (c) the department finds after inspection that the applicant does not meet the minimum
2874 requirements for licensure.

2875 (5) If the department denies an application under this section, it shall notify the
2876 applicant in writing setting forth the grounds for the denial.

2877 Section 55. Section **26B-4-167**, which is renumbered from Section 26-8a-413 is
2878 renumbered and amended to read:

2879 ~~[26-8a-413]~~. **26B-4-167. License renewals.**

2880 (1) A licensed provider desiring to renew its license shall meet the renewal
2881 requirements established by department rule.

2882 (2) The department shall issue a renewal license for a ground ambulance provider or a
2883 paramedic provider upon the licensee's application for a renewal and without a public hearing
2884 if:

2885 (a) the applicant was licensed under the provisions of Sections ~~[26-8a-406 through~~
2886 ~~26-8a-409]~~ 26B-4-160 through 26B-4-163; and

2887 (b) there has been:

2888 (i) no change in controlling interest in the ownership of the licensee as defined in
2889 Section ~~[26-8a-415]~~ 26B-4-169;

2890 (ii) no serious, substantiated public complaints filed with the department against the

2891 licensee during the term of the previous license;

2892 (iii) no material or substantial change in the basis upon which the license was
2893 originally granted;

2894 (iv) no reasoned objection from the committee or the department; and

2895 (v) no change to the license type.

2896 (3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the
2897 provisions of Sections [~~26-8a-405.1 and 26-8a-405.2~~] [26B-4-155](#) and [26B-4-156](#).

2898 (ii) A provider may renew its license if the provisions of Subsections (1) and (2) and
2899 this Subsection (3) are met.

2900 (b) (i) The department shall issue a renewal license to a provider upon the provider's
2901 application for renewal for one additional four-year term if the political subdivision certifies to
2902 the department that the provider has met all of the specifications of the original bid.

2903 (ii) If the political subdivision does not certify to the department that the provider has
2904 met all of the specifications of the original bid, the department may not issue a renewal license
2905 and the political subdivision shall enter into a public bid process under Sections [~~26-8a-405.1~~
2906 ~~and 26-8a-405.2~~] [26B-4-155](#) and [26B-4-156](#).

2907 (c) (i) The department shall issue an additional renewal license to a provider who has
2908 already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if
2909 the department and the political subdivision do not receive, prior to the expiration of the
2910 provider's license, written notice from an approved applicant informing the political
2911 subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic
2912 service.

2913 (ii) If the department and the political subdivision receive the notice in accordance with
2914 Subsection (3)(c)(i), the department may not issue a renewal license and the political
2915 subdivision shall enter into a public bid process under Sections [~~26-8a-405.1 and 26-8a-405.2~~]
2916 [26B-4-155](#) and [26B-4-156](#).

2917 (4) The department shall issue a renewal license for an air ambulance provider upon

the licensee's application for renewal and completion of the renewal requirements established by department rule.

Section 56. Section **26B-4-168**, which is renumbered from Section 26-8a-414 is renumbered and amended to read:

[26-8a-414]. 26B-4-168. Annexations.

(1) A municipality shall comply with the provisions of this section if the municipality is licensed under this ~~[chapter]~~ part and desires to provide service to an area that is:

(a) included in a petition for annexation under Title 10, Chapter 2, Part 4, Annexation; and

(b) currently serviced by another provider licensed under this ~~[chapter]~~ part.

(2) (a) (i) At least 45 days prior to approving a petition for annexation, the municipality shall certify to the department that by the time of the approval of the annexation the municipality can meet or exceed the current level of service provided by the existing licensee for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and

(ii) no later than three business days after the municipality files a petition for annexation in accordance with Section **10-2-403**, provide written notice of the petition for annexation to:

(A) the existing licensee providing service to the area included in the petition of annexation; and

(B) the department.

(b) (i) After receiving a certification under Subsection (2)(a), but prior to the municipality approving a petition for annexation, the department may audit the municipality only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).

(ii) If the department elects to conduct an audit, the department shall make a finding that the municipality can meet or exceed the current level of service provided by the existing licensee for the annexed area if the department finds that the municipality has or will have by the time of the approval of the annexation:

2945 (A) adequate trained personnel to deliver basic and advanced life support services;
2946 (B) adequate apparatus and equipment to deliver emergency medical services;
2947 (C) adequate funding for personnel and equipment; and
2948 (D) appropriate medical controls, such as a medical director and base hospital.
2949 (iii) The department shall submit the results of the audit in writing to the municipal
2950 legislative body.

2951 (3) (a) If the department audit finds that the municipality meets the requirements of
2952 Subsection (2)(b)(ii), the department shall issue an amended license to the municipality and all
2953 other affected licensees to reflect the municipality's new boundaries after the department
2954 receives notice of the approval of the petition for annexation from the municipality in
2955 accordance with Section [10-2-425](#).

2956 (b) (i) Notwithstanding the provisions of Subsection [63G-4-102](#)(2)(k), if the
2957 department audit finds that the municipality fails to meet the requirements of Subsection
2958 (2)(b)(ii), the municipality may request an adjudicative proceeding under the provisions of
2959 Title 63G, Chapter 4, Administrative Procedures Act. The municipality may approve the
2960 petition for annexation while an adjudicative proceeding requested under this Subsection
2961 (3)(b)(i) is pending.

2962 (ii) The department shall conduct an adjudicative proceeding when requested under
2963 Subsection (3)(b)(i).

2964 (iii) Notwithstanding the provisions of Sections [~~26-8a-404 through 26-8a-409~~]
2965 [26B-4-153 through 26B-4-163](#), in any adjudicative proceeding held under the provisions of
2966 Subsection (3)(b)(i), the department bears the burden of establishing that the municipality
2967 cannot, by the time of the approval of the annexation, meet the requirements of Subsection
2968 (2)(b)(ii).

2969 (c) If, at the time of the approval of the annexation, an adjudicative proceeding is
2970 pending under the provisions of Subsection (3)(b)(i), the department shall issue amended
2971 licenses if the municipality prevails in the adjudicative proceeding.

Section 57. Section **26B-4-169**, which is renumbered from Section 26-8a-415 is renumbered and amended to read:

~~[26-8a-415]~~. **26B-4-169. Changes in ownership.**

(1) A licensed provider whose ownership or controlling ownership interest has changed shall submit information to the department, as required by department rule:

(a) to establish whether the new owner or new controlling party meets minimum requirements for licensure; and

(b) except as provided in Subsection (2), to commence an administrative proceeding to determine whether the new owner meets the requirement of public convenience and necessity under Section ~~[26-8a-408]~~ 26B-4-162.

(2) An administrative proceeding is not required under Subsection (1)(b) if:

(a) the change in ownership interest is among existing owners of a closely held corporation and the change does not result in a change in the management of the licensee or in the name of the licensee;

(b) the change in ownership in a closely held corporation results in the introduction of new owners, provided that:

(i) the new owners are limited to individuals who would be entitled to the equity in the closely held corporation by the laws of intestate succession had the transferor died intestate at the time of the transfer;

(ii) the majority owners on January 1, 1999, have been disclosed to the department by October 1, 1999, and the majority owners on January 1, 1999, retain a majority interest in the closely held corporation; and

(iii) the name of the licensed provider remains the same;

(c) the change in ownership is the result of one or more owners transferring their interests to a trust, limited liability company, partnership, or closely held corporation so long as the transferors retain control over the receiving entity;

(d) the change in ownership is the result of a distribution of an estate or a trust upon the

death of the testator or the trustor and the recipients are limited to individuals who would be entitled to the interest by the laws of intestate succession had the transferor died intestate at the time of the transfer; or

(e) other similar changes that the department establishes, by rule, as having no significant impact on the cost, quality, or access to emergency medical services.

Section 58. Section **26B-4-170**, which is renumbered from Section 26-8a-416 is renumbered and amended to read:

~~[26-8a-416]~~. **26B-4-170. Overlapping licenses.**

(1) As used in this section:

(a) "Overlap" means two ground ambulance interfacility transport providers that are licensed at the same level of service in all or part of a single geographic service area.

(b) "Overlay" means two ground ambulance interfacility transport providers that are licensed at a different level of service in all or part of a single geographic service area.

(2) Notwithstanding the exclusive geographic service requirement of Section ~~[26-8a-402]~~ 26B-4-151, the department shall recognize overlap and overlay ground ambulance interfacility transport licenses that existed on or before May 4, 2022.

(3) The department may, without an adjudicative proceeding but with at least 30 days notice to providers in the same geographic service area, amend an existing overlay ground ambulance interfacility transport license solely to convert an overlay into an overlap if the existing ground ambulance interfacility transport licensed provider meets the requirements described in Subsection ~~[26-8a-404]~~ 26B-4-153(4).

(4) An amendment of a license under this section may not alter:

(a) other terms of the original license, including the applicable geographic service area;
or

(b) the license of other providers that provide interfacility transport services in the geographic service area.

(5) Notwithstanding Subsection (2), any license for an overlap area terminates upon:

- 3026 (a) relinquishment by the provider; or
3027 (b) revocation by the department.

3028 Section 59. Section **26B-4-201**, which is renumbered from Section 26-61a-102 is
3029 renumbered and amended to read:

3030 **Part 2. Cannabinoid Research and Medical Cannabis**

3031 ~~[26-61a-102].~~ **26B-4-201. Definitions.**

3032 As used in this ~~[chapter]~~ part:

3033 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
3034 tetrahydrocannabinolic acid.

3035 (2) "Cannabis Research Review Board" means the Cannabis Research Review Board
3036 created in Section ~~[26-61-201]~~ 26B-1-420.

3037 (3) "Cannabis" means marijuana.

3038 (4) "Cannabis cultivation facility" means the same as that term is defined in Section
3039 4-41a-102.

3040 (5) "Cannabis processing facility" means the same as that term is defined in Section
3041 4-41a-102.

3042 (6) "Cannabis product" means a product that:

3043 (a) is intended for human use; and

3044 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
3045 concentration of 0.3% or greater on a dry weight basis.

3046 (7) "Cannabis production establishment" means the same as that term is defined in
3047 Section 4-41a-102.

3048 (8) "Cannabis production establishment agent" means the same as that term is defined
3049 in Section 4-41a-102.

3050 (9) "Cannabis production establishment agent registration card" means the same as that
3051 term is defined in Section 4-41a-102.

3052 (10) "Community location" means a public or private elementary or secondary school,

3053 a church, a public library, a public playground, or a public park.

3054 (11) "Conditional medical cannabis card" means an electronic medical cannabis card
3055 that the department issues in accordance with Subsection ~~[26-61a-201]~~ 26B-4-213(1)(b) to
3056 allow an applicant for a medical cannabis card to access medical cannabis during the
3057 department's review of the application.

3058 (12) "Controlled substance database" means the controlled substance database created
3059 in Section ~~58-37f-201~~.

3060 (13) "Department" means the Department of Health and Human Services.

3061 (14) "Designated caregiver" means:

3062 (a) an individual:

3063 (i) whom an individual with a medical cannabis patient card or a medical cannabis
3064 guardian card designates as the patient's caregiver; and

3065 (ii) who registers with the department under Section ~~[26-61a-202]~~ 26B-4-214; or

3066 (b) (i) a facility that an individual designates as a designated caregiver in accordance
3067 with Subsection ~~[26-61a-202]~~ 26B-4-214(1)(b); or

3068 (ii) an assigned employee of the facility described in Subsection ~~[26-61a-202]~~
3069 26B-4-214(1)(b)(ii).

3070 (15) "Directions of use" means recommended routes of administration for a medical
3071 cannabis treatment and suggested usage guidelines.

3072 (16) "Dosing guidelines" means a quantity range and frequency of administration for a
3073 recommended treatment of medical cannabis.

3074 (17) "Financial institution" means a bank, trust company, savings institution, or credit
3075 union, chartered and supervised under state or federal law.

3076 (18) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy
3077 that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
3078 shipments to a medical cannabis cardholder's home address to fulfill electronic orders that the
3079 state central patient portal facilitates.

3080 (19) "Inventory control system" means the system described in Section [4-41a-103](#).

3081 (20) "Legal dosage limit" means an amount that:

3082 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
3083 relevant recommending medical provider or the state central patient portal or pharmacy
3084 medical provider, in accordance with Subsection [~~26-61a-502~~] [26B-4-230](#)(4) or (5),
3085 recommends; and

3086 (b) may not exceed:

3087 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

3088 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,
3089 greater than 20 grams of active tetrahydrocannabinol.

3090 (21) "Legal use termination date" means a date on the label of a container of
3091 unprocessed cannabis flower:

3092 (a) that is 60 days after the date of purchase of the cannabis; and

3093 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
3094 primary residence of the relevant medical cannabis patient cardholder.

3095 (22) "Limited medical provider" means an individual who:

3096 (a) meets the recommending qualifications; and

3097 (b) has no more than 15 patients with a valid medical cannabis patient card or
3098 provisional patient card as a result of the individual's recommendation, in accordance with
3099 Subsection [~~26-61a-106~~] [26B-4-204](#)(1)(b).

3100 (23) "Marijuana" means the same as that term is defined in Section [58-37-2](#).

3101 (24) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
3102 product in a medicinal dosage form.

3103 (25) "Medical cannabis card" means a medical cannabis patient card, a medical
3104 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
3105 card.

3106 (26) "Medical cannabis cardholder" means:

- 3107 (a) a holder of a medical cannabis card; or
- 3108 (b) a facility or assigned employee, described in Subsection(14)(b), only:
- 3109 (i) within the scope of the facility's or assigned employee's performance of the role of a
- 3110 medical cannabis patient cardholder's caregiver designation under Subsection [~~26-61a-202~~]
- 3111 26B-4-214(1)(b); and
- 3112 (ii) while in possession of documentation that establishes:
- 3113 (A) a caregiver designation described in Subsection [~~26-61a-202~~] 26B-4-214(1)(b);
- 3114 (B) the identity of the individual presenting the documentation; and
- 3115 (C) the relation of the individual presenting the documentation to the caregiver
- 3116 designation.
- 3117 (27) "Medical cannabis caregiver card" means an electronic document that a cardholder
- 3118 may print or store on an electronic device or a physical card or document that:
- 3119 (a) the department issues to an individual whom a medical cannabis patient cardholder
- 3120 or a medical cannabis guardian cardholder designates as a designated caregiver; and
- 3121 (b) is connected to the electronic verification system.
- 3122 (28) "Medical cannabis courier" means a courier that:
- 3123 (a) the department licenses in accordance with Section [~~26-61a-604~~] 26B-4-239; and
- 3124 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
- 3125 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.
- 3126 (29) "Medical cannabis courier agent" means an individual who:
- 3127 (a) is an employee of a medical cannabis courier; and
- 3128 (b) who holds a valid medical cannabis courier agent registration card.
- 3129 (30) (a) "Medical cannabis device" means a device that an individual uses to ingest or
- 3130 inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
- 3131 (b) "Medical cannabis device" does not include a device that:
- 3132 (i) facilitates cannabis combustion; or
- 3133 (ii) an individual uses to ingest substances other than cannabis.

3134 (31) "Medical cannabis guardian card" means an electronic document that a cardholder
3135 may print or store on an electronic device or a physical card or document that:

3136 (a) the department issues to the parent or legal guardian of a minor with a qualifying
3137 condition; and

3138 (b) is connected to the electronic verification system.

3139 (32) "Medical cannabis patient card" means an electronic document that a cardholder
3140 may print or store on an electronic device or a physical card or document that:

3141 (a) the department issues to an individual with a qualifying condition; and

3142 (b) is connected to the electronic verification system.

3143 (33) "Medical cannabis pharmacy" means a person that:

3144 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
3145 medicinal dosage form from a cannabis processing facility or another medical cannabis
3146 pharmacy or a medical cannabis device; or

3147 (ii) possesses medical cannabis or a medical cannabis device; and

3148 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
3149 cannabis cardholder.

3150 (34) "Medical cannabis pharmacy agent" means an individual who:

3151 (a) is an employee of a medical cannabis pharmacy; and

3152 (b) who holds a valid medical cannabis pharmacy agent registration card.

3153 (35) "Medical cannabis pharmacy agent registration card" means a registration card
3154 issued by the department that authorizes an individual to act as a medical cannabis pharmacy
3155 agent.

3156 (36) "Medical cannabis shipment" means a shipment of medical cannabis or a medical
3157 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis
3158 courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical
3159 cannabis order that the state central patient portal facilitates.

3160 (37) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a

3161 cannabis product in a medicinal dosage form, or a medical cannabis device.

3162 (38) (a) "Medicinal dosage form" means:

3163 (i) for processed medical cannabis or a medical cannabis product, the following with a
3164 specific and consistent cannabinoid content:

3165 (A) a tablet;

3166 (B) a capsule;

3167 (C) a concentrated liquid or viscous oil;

3168 (D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;

3169 (E) a topical preparation;

3170 (F) a transdermal preparation;

3171 (G) a sublingual preparation;

3172 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
3173 rectangular cuboid shape;

3174 (I) a resin or wax; or

3175 (J) an aerosol; or

3176 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

3177 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the
3178 stated weight at the time of packaging;

3179 (B) at any time the medical cannabis cardholder transports or possesses the container in
3180 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;
3181 and

3182 (C) is labeled with the container's content and weight, the date of purchase, the legal
3183 use termination date, and after December 31, 2020, a barcode that provides information
3184 connected to an inventory control system; and

3185 (iii) a form measured in grams, milligrams, or milliliters.

3186 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

3187 (i) the medical cannabis cardholder has recently removed from the container described

3188 in Subsection (38)(a)(ii) for use; and
3189 (ii) does not exceed the quantity described in Subsection (38)(a)(ii).
3190 (c) "Medicinal dosage form" does not include:
3191 (i) any unprocessed cannabis flower outside of the container described in Subsection
3192 (38)(a)(ii), except as provided in Subsection (38)(b);
3193 (ii) any unprocessed cannabis flower in a container described in Subsection (38)(a)(ii)
3194 after the legal use termination date;
3195 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
3196 on a nail or other metal object that is heated by a flame, including a blowtorch; or
3197 (iv) a liquid suspension that is branded as a beverage.
3198 (39) "Nonresident patient" means an individual who:
3199 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
3200 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
3201 card under the laws of another state, district, territory, commonwealth, or insular possession of
3202 the United States; and
3203 (c) has been diagnosed with a qualifying condition as described in Section
3204 ~~[26-61a-104]~~ [26B-4-203](#).
3205 (40) "Payment provider" means an entity that contracts with a cannabis production
3206 establishment or medical cannabis pharmacy to facilitate transfers of funds between the
3207 establishment or pharmacy and other businesses or individuals.
3208 (41) "Pharmacy medical provider" means the medical provider required to be on site at
3209 a medical cannabis pharmacy under Section ~~[26-61a-403]~~ [26B-4-219](#).
3210 (42) "Provisional patient card" means a card that:
3211 (a) the department issues to a minor with a qualifying condition for whom:
3212 (i) a recommending medical provider has recommended a medical cannabis treatment;
3213 and
3214 (ii) the department issues a medical cannabis guardian card to the minor's parent or

3215 legal guardian; and

3216 (b) is connected to the electronic verification system.

3217 (43) "Qualified medical provider" means an individual:

3218 (a) who meets the recommending qualifications; and

3219 (b) whom the department registers to recommend treatment with cannabis in a

3220 medicinal dosage form under Section [~~26-61a-106~~] [26B-4-204](#).

3221 (44) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section

3222 [~~26-61a-109~~] [26B-1-310](#).

3223 (45) "Qualifying condition" means a condition described in Section [~~26-61a-104~~]

3224 [26B-4-203](#).

3225 (46) "Recommend" or "recommendation" means, for a recommending medical

3226 provider, the act of suggesting the use of medical cannabis treatment, which:

3227 (a) certifies the patient's eligibility for a medical cannabis card; and

3228 (b) may include, at the recommending medical provider's discretion, directions of use,

3229 with or without dosing guidelines.

3230 (47) "Recommending medical provider" means a qualified medical provider or a

3231 limited medical provider.

3232 (48) "Recommending qualifications" means that an individual:

3233 (a) (i) has the authority to write a prescription;

3234 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah

3235 Controlled Substances Act; and

3236 (iii) possesses the authority, in accordance with the individual's scope of practice, to

3237 prescribe a Schedule II controlled substance; and

3238 (b) is licensed as:

3239 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

3240 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice

3241 Act;

(iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

(49) "State central patient portal" means the website the department creates, in accordance with Section ~~[26-61a-601]~~ [26B-4-236](#), to facilitate patient safety, education, and an electronic medical cannabis order.

(50) "State central patient portal medical provider" means a physician or pharmacist that the department employs in relation to the state central patient portal to consult with medical cannabis cardholders in accordance with Section ~~[26-61a-602]~~ [26B-4-237](#).

(51) "State electronic verification system" means the system described in Section ~~[26-61a-103]~~ [26B-4-202](#).

(52) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a synthetic equivalent as described in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

(53) "THC analog" means the same as that term is defined in Section [4-41-102](#).

(54) "Valid form of photo identification" means any of the following forms of identification that is either current or has expired within the previous six months:

(a) a valid state-issued driver license or identification card;

(b) a valid United States federal-issued photo identification, including:

(i) a United States passport;

(ii) a United States passport card;

(iii) a United States military identification card; or

(iv) a permanent resident card or alien registration receipt card; or

(c) a passport that another country issued.

Section 60. Section **26B-4-202**, which is renumbered from Section 26-61a-103 is renumbered and amended to read:

~~[26-61a-103]~~. **26B-4-202. Electronic verification system.**

(1) The Department of Agriculture and Food, the department, the Department of Public

3269 Safety, and the Division of Technology Services shall:

3270 (a) enter into a memorandum of understanding in order to determine the function and
3271 operation of the state electronic verification system in accordance with Subsection (2);

3272 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
3273 Procurement Code, to develop a request for proposals for a third-party provider to develop and
3274 maintain the state electronic verification system in coordination with the Division of
3275 Technology Services; and

3276 (c) select a third-party provider who:

3277 (i) meets the requirements contained in the request for proposals issued under
3278 Subsection (1)(b); and

3279 (ii) may not have any commercial or ownership interest in a cannabis production
3280 establishment or a medical cannabis pharmacy.

3281 (2) The Department of Agriculture and Food, the department, the Department of Public
3282 Safety, and the Division of Technology Services shall ensure that, on or before March 1, 2020,
3283 the state electronic verification system described in Subsection (1):

3284 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
3285 medical cannabis guardian card, provided that the card may not become active until:

3286 (i) the relevant qualified medical provider completes the associated medical cannabis
3287 recommendation; or

3288 (ii) for a medical cannabis card related to a limited medical provider's
3289 recommendation, the medical cannabis pharmacy completes the recording described in
3290 Subsection (2)(d);

3291 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
3292 cannabis guardian card in accordance with Section ~~[26-61a-201]~~ [26B-4-213](#);

3293 (c) allows a qualified medical provider, or an employee described in Subsection (3)
3294 acting on behalf of the qualified medical provider, to:

3295 (i) access dispensing and card status information regarding a patient:

3296 (A) with whom the qualified medical provider has a provider-patient relationship; and

3297 (B) for whom the qualified medical provider has recommended or is considering
3298 recommending a medical cannabis card;

3299 (ii) electronically recommend, after an initial face-to-face visit with a patient described
3300 in Subsection [~~26-61a-201~~] [26B-4-213](#)(4)(a)(iii), treatment with cannabis in a medicinal
3301 dosage form or a cannabis product in a medicinal dosage form and optionally recommend
3302 dosing guidelines; and

3303 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
3304 medical cannabis guardian cardholder:

3305 (A) using telehealth services, for the qualified medical provider who originally
3306 recommended a medical cannabis treatment during a face-to-face visit with the patient; or

3307 (B) during a face-to-face visit with the patient, for a qualified medical provider who
3308 did not originally recommend the medical cannabis treatment during a face-to-face visit.

3309 (d) beginning on the earlier of September 1, 2021, or the date on which the electronic
3310 verification system is functionally capable of facility medical cannabis pharmacy recording,
3311 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in
3312 accordance with Subsection [~~26-61a-501~~] [26B-4-229](#)(10)(a), to:

3313 (i) access the electronic verification system to review the history within the system of a
3314 patient with whom the provider or agent is interacting, limited to read-only access for medical
3315 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge
3316 authorizes add and edit access;

3317 (ii) record a patient's recommendation from a limited medical provider, including any
3318 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;
3319 and

3320 (iii) record a limited medical provider's renewal of the provider's previous
3321 recommendation;

3322 (e) connects with:

3323 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
3324 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
3325 medicinal dosage form, or a medical cannabis device, including:

3326 (A) the time and date of each purchase;

3327 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
3328 purchased;

3329 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
3330 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
3331 device; and

3332 (D) the personally identifiable information of the medical cannabis cardholder who
3333 made the purchase; and

3334 (ii) any commercially available inventory control system that a cannabis production
3335 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
3336 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
3337 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
3338 track and confirm compliance;

3339 (f) provides access to:

3340 (i) the department to the extent necessary to carry out the department's functions and
3341 responsibilities under this ~~chapter~~ part;

3342 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
3343 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
3344 41a, Cannabis Production Establishments; and

3345 (iii) the Division of Professional Licensing to the extent necessary to carry out the
3346 functions and responsibilities related to the participation of the following in the
3347 recommendation and dispensing of medical cannabis:

3348 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

3349 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

3350 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
3351 Practice Act;

3352 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
3353 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

3354 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
3355 Act;

3356 (g) provides access to and interaction with the state central patient portal;

3357 (h) communicates dispensing information from a record that a medical cannabis
3358 pharmacy submits to the state electronic verification system under Subsection [~~26-61a-502~~
3359 26B-4-230](6)(a)(ii) to the controlled substance database;

3360 (i) provides access to state or local law enforcement:

3361 (i) during a law enforcement encounter, without a warrant, using the individual's driver
3362 license or state ID, only for the purpose of determining if the individual subject to the law
3363 enforcement encounter has a valid medical cannabis card; or

3364 (ii) after obtaining a warrant; and

3365 (j) creates a record each time a person accesses the system that identifies the person
3366 who accesses the system and the individual whose records the person accesses.

3367 (3) (a) Beginning on the earlier of September 1, 2021, or the date on which the
3368 electronic verification system is functionally capable of allowing employee access under this
3369 Subsection (3), an employee of a qualified medical provider may access the electronic
3370 verification system for a purpose described in Subsection (2)(c) on behalf of the qualified
3371 medical provider if:

3372 (i) the qualified medical provider has designated the employee as an individual
3373 authorized to access the electronic verification system on behalf of the qualified medical
3374 provider;

3375 (ii) the qualified medical provider provides written notice to the department of the
3376 employee's identity and the designation described in Subsection (3)(a)(i); and

3377 (iii) the department grants to the employee access to the electronic verification system.

3378 (b) An employee of a business that employs a qualified medical provider may access
3379 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
3380 qualified medical provider if:

3381 (i) the qualified medical provider has designated the employee as an individual
3382 authorized to access the electronic verification system on behalf of the qualified medical
3383 provider;

3384 (ii) the qualified medical provider and the employing business jointly provide written
3385 notice to the department of the employee's identity and the designation described in Subsection
3386 (3)(b)(i); and

3387 (iii) the department grants to the employee access to the electronic verification system.

3388 (4) (a) As used in this Subsection (4), "prescribing provider" means:

3389 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

3390 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
3391 Practice Act;

3392 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
3393 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

3394 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
3395 Assistant Act.

3396 (b) Beginning on the earlier of September 1, 2021, or the date on which the electronic
3397 verification system is functionally capable of allowing provider access under this Subsection
3398 (4), a prescribing provider may access information in the electronic verification system
3399 regarding a patient the prescribing provider treats.

3400 (5) The department may release limited data that the system collects for the purpose of:

3401 (a) conducting medical and other department approved research;

3402 (b) providing the report required by Section [~~26-61a-703~~] 26B-4-222; and

3403 (c) other official department purposes.

(6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

(a) the limitations on access to the data in the state electronic verification system as described in this section; and

(b) standards and procedures to ensure accurate identification of an individual requesting information or receiving information in this section.

(7) (a) Any person who knowingly and intentionally releases any information in the state electronic verification system in violation of this section is guilty of a third degree felony.

(b) Any person who negligently or recklessly releases any information in the state electronic verification system in violation of this section is guilty of a class C misdemeanor.

(8) (a) Any person who obtains or attempts to obtain information from the state electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

(b) Any person who obtains or attempts to obtain information from the state electronic verification system for a purpose other than a purpose this ~~chapter~~ part authorizes is guilty of a third degree felony.

(9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and intentionally use, release, publish, or otherwise make available to any other person information obtained from the state electronic verification system for any purpose other than a purpose specified in this section.

(b) Each separate violation of this Subsection (9) is:

(i) a third degree felony; and

(ii) subject to a civil penalty not to exceed \$5,000.

(c) The department shall determine a civil violation of this Subsection (9) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(d) Civil penalties assessed under this Subsection (9) shall be deposited into the General Fund.

(e) This Subsection (9) does not prohibit a person who obtains information from the

3431 state electronic verification system under Subsection (2)(a), (c), or (f) from:

3432 (i) including the information in the person's medical chart or file for access by a person
3433 authorized to review the medical chart or file;

3434 (ii) providing the information to a person in accordance with the requirements of the
3435 Health Insurance Portability and Accountability Act of 1996; or

3436 (iii) discussing or sharing that information about the patient with the patient.

3437 Section 61. Section **26B-4-203**, which is renumbered from Section 26-61a-104 is
3438 renumbered and amended to read:

3439 ~~[26-61a-104]~~. **26B-4-203. Qualifying condition.**

3440 (1) By designating a particular condition under Subsection (2) for which the use of
3441 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively
3442 state that:

3443 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
3444 treatment for the condition; or

3445 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

3446 (2) For the purposes of this ~~[chapter]~~ part, each of the following conditions is a
3447 qualifying condition:

3448 (a) HIV or acquired immune deficiency syndrome;

3449 (b) Alzheimer's disease;

3450 (c) amyotrophic lateral sclerosis;

3451 (d) cancer;

3452 (e) cachexia;

3453 (f) persistent nausea that is not significantly responsive to traditional treatment, except
3454 for nausea related to:

3455 (i) pregnancy;

3456 (ii) cannabis-induced cyclical vomiting syndrome; or

3457 (iii) cannabinoid hyperemesis syndrome;

- 3458 (g) Crohn's disease or ulcerative colitis;
- 3459 (h) epilepsy or debilitating seizures;
- 3460 (i) multiple sclerosis or persistent and debilitating muscle spasms;
- 3461 (j) post-traumatic stress disorder that is being treated and monitored by a licensed
- 3462 mental health therapist, as that term is defined in Section 58-60-102, and that:
- 3463 (i) has been diagnosed by a healthcare provider or mental health provider employed or
- 3464 contracted by the United States Veterans Administration, evidenced by copies of medical
- 3465 records from the United States Veterans Administration that are included as part of the
- 3466 qualified medical provider's pre-treatment assessment and medical record documentation; or
- 3467 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
- 3468 the patient, by a provider who is:
- 3469 (A) a licensed board-eligible or board-certified psychiatrist;
- 3470 (B) a licensed psychologist with a master's-level degree;
- 3471 (C) a licensed clinical social worker with a master's-level degree; or
- 3472 (D) a licensed advanced practice registered nurse who is qualified to practice within
- 3473 the psychiatric mental health nursing specialty and who has completed the clinical practice
- 3474 requirements in psychiatric mental health nursing, including in psychotherapy, in accordance
- 3475 with Subsection 58-31b-302(5)(g);
- 3476 (k) autism;
- 3477 (l) a terminal illness when the patient's remaining life expectancy is less than six
- 3478 months;
- 3479 (m) a condition resulting in the individual receiving hospice care;
- 3480 (n) a rare condition or disease that:
- 3481 (i) affects less than 200,000 individuals in the United States, as defined in Section 526
- 3482 of the Federal Food, Drug, and Cosmetic Act; and
- 3483 (ii) is not adequately managed despite treatment attempts using:
- 3484 (A) conventional medications other than opioids or opiates; or

(B) physical interventions;
(o) pain lasting longer than two weeks that is not adequately managed, in the qualified medical provider's opinion, despite treatment attempts using:

(i) conventional medications other than opioids or opiates; or

(ii) physical interventions;

(p) pain that is expected to last for two weeks or longer for an acute condition, including a surgical procedure, for which a medical professional may generally prescribe opioids for a limited duration, subject to Subsection ~~[26-61a-201]~~ 26B-4-213(5)(c); and

(q) a condition that the Compassionate Use Board approves under Section ~~[26-61a-105]~~ 26B-1-421, on an individual, case-by-case basis.

Section 62. Section **26B-4-204**, which is renumbered from Section 26-61a-106 is renumbered and amended to read:

~~[26-61a-106]~~. **26B-4-204. Qualified medical provider registration -- Continuing education -- Treatment recommendation -- Limited medical provider.**

(1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a medical cannabis treatment unless the department registers the individual as a qualified medical provider in accordance with this section.

(ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a medical cannabis treatment except within the course and scope of a practice of podiatry, as that term is defined in Section 58-5a-102.

(b) Beginning on the earlier of September 1, 2021, or the date on which the department gives notice that the electronic verification system is functionally capable as described in Subsection ~~[26-61a-103]~~ 26B-4-202(2)(d), an individual who meets the recommending qualifications may recommend a medical cannabis treatment as a limited medical provider without registering under Subsection (1)(a) if:

(i) the individual recommends the use of medical cannabis to the patient through an

3512 order described in Subsection (1)(c) after:

3513 (A) a face-to-face visit for an initial recommendation or the renewal of a
3514 recommendation for a patient for whom the limited medical provider did not make the patient's
3515 original recommendation; or

3516 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
3517 whom the limited medical provider made the patient's original recommendation; and

3518 (ii) the individual's recommendation or renewal would not cause the total number of
3519 the individual's patients who have a valid medical cannabis patient card or provisional patient
3520 card resulting from the individual's recommendation to exceed 15.

3521 (c) The individual described in Subsection (1)(b) shall communicate the individual's
3522 recommendation through an order for the medical cannabis pharmacy to record the individual's
3523 recommendation or renewal in the state electronic verification system under the individual's
3524 recommendation that:

3525 (i) (A) that the individual or the individual's employee sends electronically to a medical
3526 cannabis pharmacy; or

3527 (B) that the individual gives to the patient in writing for the patient to deliver to a
3528 medical cannabis pharmacy; and

3529 (ii) may include:

3530 (A) directions of use or dosing guidelines; and

3531 (B) an indication of a need for a caregiver in accordance with Subsection [~~26-61a-201~~]
3532 [26B-4-213](#)(3)(c).

3533 (d) If the limited medical provider gives the patient a written recommendation to
3534 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
3535 provider shall ensure that the document includes all of the information that is included on a
3536 prescription the provider would issue for a controlled substance, including:

3537 (i) the date of issuance;

3538 (ii) the provider's name, address and contact information, controlled substance license

3539 information, and signature; and

3540 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
3541 condition.

3542 (e) In considering making a recommendation as a limited medical provider, an
3543 individual may consult information that the department makes available on the department's
3544 website for recommending providers.

3545 (2) (a) The department shall, within 15 days after the day on which the department
3546 receives an application from an individual, register and issue a qualified medical provider
3547 registration card to the individual if the individual:

3548 (i) provides to the department the individual's name and address;

3549 (ii) provides to the department a report detailing the individual's completion of the
3550 applicable continuing education requirement described in Subsection (3);

3551 (iii) provides to the department evidence that the individual meets the recommending
3552 qualifications;

3553 (iv) for an applicant on or after November 1, 2021, provides to the department the
3554 information described in Subsection (10)(a); and

3555 (v) pays the department a fee in an amount that:

3556 (A) the department sets, in accordance with Section [63J-1-504](#); and

3557 (B) does not exceed \$300 for an initial registration.

3558 (b) The department may not register an individual as a qualified medical provider if the
3559 individual is:

3560 (i) a pharmacy medical provider; or

3561 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
3562 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

3563 (3) (a) An individual shall complete the continuing education described in this
3564 Subsection (3) in the following amounts:

3565 (i) for an individual as a condition precedent to registration, four hours; and

(ii) for a qualified medical provider as a condition precedent to renewal, four hours every two years.

(b) In accordance with Subsection (3)(a), a qualified medical provider shall:

(i) complete continuing education:

(A) regarding the topics described in Subsection (3)(d); and

(B) offered by the department under Subsection (3)(c) or an accredited or approved continuing education provider that the department recognizes as offering continuing education appropriate for the recommendation of cannabis to patients; and

(ii) make a continuing education report to the department in accordance with a process that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the Division of Professional Licensing and:

(A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, the Podiatric Physician Board;

(B) for an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, the Board of Nursing;

(C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical Practice Act, the Physicians Licensing Board;

(D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board; and

(E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act, the Physician Assistant Licensing Board.

(c) The department may, in consultation with the Division of Professional Licensing, develop the continuing education described in this Subsection (3).

(d) The continuing education described in this Subsection (3) may discuss:

(i) the provisions of this ~~chapter~~ part;

(ii) general information about medical cannabis under federal and state law;
(iii) the latest scientific research on the endocannabinoid system and medical cannabis, including risks and benefits;

(iv) recommendations for medical cannabis as it relates to the continuing care of a patient in pain management, risk management, potential addiction, or palliative care; and

(v) best practices for recommending the form and dosage of medical cannabis products based on the qualifying condition underlying a medical cannabis recommendation.

(4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not recommend a medical cannabis treatment to more than 275 of the qualified medical provider's patients at the same time, as determined by the number of medical cannabis cards under the qualified medical provider's name in the state electronic verification system.

(b) A qualified medical provider may recommend a medical cannabis treatment to up to 600 of the qualified medical provider's patients at any given time, as determined by the number of medical cannabis cards under the qualified medical provider's name in the state electronic verification system, if:

(i) the appropriate American medical board has certified the qualified medical provider in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or psychiatry; or

(ii) a licensed business employs or contracts with the qualified medical provider for the specific purpose of providing hospice and palliative care.

(5) A recommending medical provider may recommend medical cannabis to an individual under this ~~[chapter]~~ part only in the course of a provider-patient relationship after the recommending medical provider has completed and documented in the patient's medical record a thorough assessment of the patient's condition and medical history based on the appropriate standard of care for the patient's condition.

(6) (a) Except as provided in Subsection (6)(b), an individual may not advertise that the

3620 individual recommends a medical cannabis treatment.

3621 (b) Notwithstanding Subsection (6)(a) and subject to Section ~~[26-61a-116]~~ [26B-4-223](#),
3622 a qualified medical provider or clinic or office that employs a qualified medical provider may
3623 advertise the following:

3624 (i) a green cross;

3625 (ii) the provider's or clinic's name and logo;

3626 (iii) a qualifying condition that the individual treats;

3627 (iv) that the individual is registered as a qualified medical provider and recommends
3628 medical cannabis; or

3629 (v) a scientific study regarding medical cannabis use.

3630 (7) (a) A qualified medical provider registration card expires two years after the day on
3631 which the department issues the card.

3632 (b) The department shall renew a qualified medical provider's registration card if the
3633 provider:

3634 (i) applies for renewal;

3635 (ii) is eligible for a qualified medical provider registration card under this section,
3636 including maintaining an unrestricted license under the recommending qualifications;

3637 (iii) certifies to the department in a renewal application that the information in
3638 Subsection (2)(a) is accurate or updates the information;

3639 (iv) submits a report detailing the completion of the continuing education requirement
3640 described in Subsection (3); and

3641 (v) pays the department a fee in an amount that:

3642 (A) the department sets, in accordance with Section [63J-1-504](#); and

3643 (B) does not exceed \$50 for a registration renewal.

3644 (8) The department may revoke the registration of a qualified medical provider who
3645 fails to maintain compliance with the requirements of this section.

3646 (9) A recommending medical provider may not receive any compensation or benefit for

3647 the qualified medical provider's medical cannabis treatment recommendation from:

3648 (a) a cannabis production establishment or an owner, officer, director, board member,
3649 employee, or agent of a cannabis production establishment;

3650 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
3651 employee, or agent of a medical cannabis pharmacy; or

3652 (c) a recommending medical provider or pharmacy medical provider.

3653 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to
3654 the department, in a manner designated by the department:

3655 (i) if applicable, that the qualified medical provider or the entity that employs the
3656 qualified medical provider represents online or on printed material that the qualified medical
3657 provider is a qualified medical provider or offers medical cannabis recommendations to
3658 patients; and

3659 (ii) the fee amount that the qualified medical provider or the entity that employs the
3660 qualified medical provider charges a patient for a medical cannabis recommendation, either as
3661 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

3662 (b) The department shall:

3663 (i) ensure that the following information related to qualified medical providers and
3664 entities described in Subsection (10)(a)(i) is available on the department's website or on the
3665 health care price transparency tool under Subsection (10)(b)(ii):

3666 (A) the name of the qualified medical provider and, if applicable, the name of the
3667 entity that employs the qualified medical provider;

3668 (B) the address of the qualified medical provider's office or, if applicable, the entity
3669 that employs the qualified medical provider; and

3670 (C) the fee amount described in Subsection (10)(a)(ii); and

3671 (ii) share data collected under this Subsection (10) with the state auditor for use in the
3672 health care price transparency tool described in Section [67-3-11](#).

3673 Section 63. Section **26B-4-205**, which is renumbered from Section 26-61a-107 is

3674 renumbered and amended to read:

3675 ~~[26-61a-107]~~. **26B-4-205. Standard of care -- Physicians and pharmacists**
3676 **not liable -- No private right of action.**

3677 (1) An individual described in Subsection (2) is not subject to the following solely for
3678 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,
3679 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the
3680 United States Food and Drug Administration has not approved:

3681 (a) civil or criminal liability; or

3682 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
3683 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58,
3684 Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician
3685 Assistant Act.

3686 (2) The limitations of liability described in Subsection (1) apply to:

3687 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,
3688 an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act,
3689 a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
3690 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under
3691 Title 58, Chapter 70a, Utah Physician Assistant Act:

3692 (i) (A) whom the department has registered as a qualified medical provider; or

3693 (B) who makes a recommendation as a limited medical provider; and

3694 (ii) who recommends treatment with cannabis in a medicinal dosage form or a cannabis
3695 product in a medicinal dosage form to a patient in accordance with this ~~[chapter]~~ part; and

3696 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

3697 (i) whom the department has registered as a pharmacy medical provider; and

3698 (ii) who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a
3699 medicinal dosage form or a cannabis product in a medicinal dosage form to a medical cannabis
3700 cardholder in accordance with this ~~[chapter]~~ part.

(3) Nothing in this section or ~~[chapter]~~ part reduces or in any way negates the duty of an individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a patient:

(a) who may have a qualifying condition; and

(b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has recommended or might consider recommending a treatment with cannabis or a cannabis product; or

(ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the dosing or dispensing of cannabis or a cannabis product.

(4) (a) As used in this Subsection (4), "healthcare facility" means ~~[the same as that term is]~~ a health care facility as defined in Section ~~[26-21-2]~~ [26B-2-201](#).

(b) A healthcare facility may adopt restrictions on the possession, use, and storage of medical cannabis on the premises of the healthcare facility by a medical cannabis cardholder who resides at or is actively receiving treatment or care at the healthcare facility.

(c) An employee or agent of a healthcare facility described in this Subsection (4) is not subject to civil or criminal liability for carrying out employment duties, including:

(i) providing or supervising care to a medical cannabis cardholder; or

(ii) in accordance with a caregiver designation under Section ~~[26-61a-202]~~ [26B-4-214](#) for a medical cannabis cardholder residing at the healthcare facility, purchasing, transporting, or possessing medical cannabis for the relevant patient and in accordance with the designation.

(d) Nothing in this section requires a healthcare facility to adopt a restriction under Subsection (4)(b).

Section 64. Section **26B-4-206**, which is renumbered from Section 26-61a-108 is renumbered and amended to read:

~~[26-61a-108]~~. **26B-4-206. Agreement with a tribe.**

(1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian band.

(2) (a) In accordance with this section, the governor may enter into an agreement with a tribe to allow for the operation of a medical cannabis pharmacy on tribal land located within the state.

(b) An agreement described in Subsection (2)(a) may not exempt any person from the requirements of this ~~[chapter]~~ part.

(c) The governor shall ensure that an agreement described in Subsection (2)(a):

(i) is in writing;

(ii) is signed by:

(A) the governor; and

(B) the governing body of the tribe that the tribe designates and has the authority to bind the tribe to the terms of the agreement;

(iii) states the effective date of the agreement;

(iv) provides that the governor shall renegotiate the agreement if the agreement is or becomes inconsistent with a state statute; and

(v) includes any accommodation that the tribe makes:

(A) to which the tribe agrees; and

(B) that is reasonably related to the agreement.

(d) Before executing an agreement under this Subsection (2), the governor shall consult with the department.

(e) At least 30 days before the execution of an agreement described in this Subsection (2), the governor or the governor's designee shall provide a copy of the agreement in the form in which the agreement will be executed to:

(i) the chairs of the Native American Legislative Liaison Committee; and

(ii) the Office of Legislative Research and General Counsel.

Section 65. Section **26B-4-207**, which is renumbered from Section 26-61a-111 is renumbered and amended to read:

~~[26-61a-111]~~. **26B-4-207. Nondiscrimination for medical care or**

government employment -- Notice to prospective and current public employees -- No effect on private employers.

(1) For purposes of medical care, including an organ or tissue transplant, a patient's use, in accordance with this ~~[chapter]~~ part, of cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form:

(a) is considered the equivalent of the authorized use of any other medication used at the discretion of a physician; and

(b) does not constitute the use of an illicit substance or otherwise disqualify an individual from needed medical care.

(2) (a) Notwithstanding any other provision of law and except as provided in Subsection (2)(b), the state or any political subdivision shall treat:

(i) an employee's use of medical cannabis in accordance with this ~~[chapter]~~ part or Section [58-37-3.7](#) in the same way the state or political subdivision treats employee use of any prescribed controlled substance; and

(ii) an employee's status as a medical cannabis cardholder or an employee's medical cannabis recommendation from a qualified medical provider or limited provider in the same way the state or political subdivision treats an employee's prescriptions for any prescribed controlled substance.

(b) A state or political subdivision employee who has a valid medical cannabis card is not subject to retaliatory action, as that term is defined in Section [67-19a-101](#), for failing a drug test due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired or otherwise adversely affected in the employee's job performance due to the use of medical cannabis.

(c) Subsections (2)(a) and (b) do not apply:

(i) where the application of Subsection (2)(a) or (b) would jeopardize federal funding, a federal security clearance, or any other federal background determination required for the employee's position;

(ii) if the employee's position is dependent on a license or peace officer certification that is subject to federal regulations, including 18 U.S.C. Sec. 922(g)(3); or

(iii) if an employee described in Subsections 34A-2-102(1)(h)(ii) through (vi) uses medical cannabis during the 12 hours immediately preceding the employee's shift or during the employee's shift.

(3) (a) (i) A state employer or a political subdivision employer shall take the action described in Subsection (3)(a)(ii) before:

(A) giving to a current employee an assignment or duty that arises from or directly relates to an obligation under this ~~chapter~~ part; or

(B) hiring a prospective employee whose assignments or duties would include an assignment or duty that arises from or directly relates to an obligation under this ~~chapter~~ part.

(ii) The employer described in Subsection (3)(a)(i) shall give the employee or prospective employee described in Subsection (3)(a)(i) a written notice that notifies the employee or prospective employee:

(A) that the employee's or prospective employee's job duties may require the employee or prospective employee to engage in conduct which is in violation of the criminal laws of the United States; and

(B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i), although the employee or prospective employee is entitled to the protections of Title 67, Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to carry out an assignment or duty that may be a violation of the criminal laws of the United States with respect to the manufacture, sale, or distribution of cannabis.

(b) The Division of Human Resource Management shall create, revise, and publish the form of the notice described in Subsection (3)(a).

(c) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice described in Subsection (3)(a) may not:

(i) claim in good faith that the employee's actions violate or potentially violate the laws

of the United States with respect to the manufacture, sale, or distribution of cannabis; or

(ii) refuse to carry out a directive that the employee reasonably believes violates the criminal laws of the United States with respect to the manufacture, sale, or distribution of cannabis.

(d) An employer may not take retaliatory action as defined in Section 67-19a-101 against a current employee who refuses to sign the notice described in Subsection (3)(a).

(4) Nothing in this section requires a private employer to accommodate the use of medical cannabis or affects the ability of a private employer to have policies restricting the use of medical cannabis by applicants or employees.

Section 66. Section 26B-4-208, which is renumbered from Section 26-61a-112 is renumbered and amended to read:

~~[26-61a-112].~~ **26B-4-208. No insurance requirement.**

Nothing in this ~~[chapter]~~ part requires an insurer, a third-party administrator, or an employer to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device.

Section 67. Section 26B-4-209, which is renumbered from Section 26-61a-113 is renumbered and amended to read:

~~[26-61a-113].~~ **26B-4-209. No effect on use of hemp extract -- Cannabidiol -- Approved drugs.**

(1) Nothing in this ~~[chapter]~~ part prohibits an individual from purchasing, selling, possessing, or using a cannabinoid product in accordance with Section 4-41-402.

(2) Nothing in this ~~[chapter]~~ part restricts or otherwise affects the prescription, distribution, or dispensing of a product that the United States Food and Drug Administration has approved.

Section 68. Section 26B-4-210, which is renumbered from Section 26-61a-114 is renumbered and amended to read:

~~[26-61a-114].~~ **26B-4-210. Severability clause.**

(1) If any provision of this title or Laws of Utah 2018, Third Special Session, Chapter 1

or the application of any provision of this title or Laws of Utah 2018, Third Special Session, Chapter 1 to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remaining provisions of this title and Laws of Utah 2018, Third Special Session, Chapter 1 remain effective without the invalidated provision or application.

(2) The provisions of this title and Laws of Utah 2018, Third Special Session, Chapter 1 are severable.

Section 69. Section **26B-4-211**, which is renumbered from Section 26-61a-115 is renumbered and amended to read:

~~[26-61a-115]~~. **26B-4-211. Analogous to prescribed controlled substances.**

When an employee, officer, or agent of the state or a political subdivision makes a finding, determination, or otherwise considers an individual's possession or use of cannabis, a cannabis product, or a medical cannabis device, the employee, officer, or agent may not consider the individual's possession or use any differently than the lawful possession or use of any prescribed controlled substance, if the individual's possession or use complies with:

(1) this ~~[chapter]~~ part;

(2) Title 4, Chapter 41a, Cannabis Production Establishments; or

(3) Subsection ~~58-37-3.7~~(2) or (3).

Section 70. Section **26B-4-212**, which is renumbered from Section 26-61-103 is renumbered and amended to read:

~~[26-61-103]~~. **26B-4-212. Institutional review board -- Approved study of cannabis, a cannabinoid product, or an expanded cannabinoid product.**

(1) As used in this section:

(a) "Approved study" means a medical research study:

(i) the purpose of which is to investigate the medical benefits and risks of cannabinoid products; and

(ii) that is approved by an IRB.

(b) "Board" means the Cannabis Research Review Board created in Section

3863 [26B-1-420.](#)

3864 (c) "Cannabinoid product" means the same as that term is defined in Section [58-37-3.6.](#)

3865 (d) "Cannabis" means the same as that term is defined in Section [58-37-3.6.](#)

3866 (e) "Expanded cannabinoid product" means the same as that term is defined in Section
3867 [58-37-3.6.](#)

3868 (f) "Institutional review board" or "IRB" means an institutional review board that is
3869 registered for human subject research by the United States Department of Health and Human
3870 Services.

3871 ~~[(1)]~~ (2) A person conducting an approved study may, for the purposes of the study:

3872 (a) process a cannabinoid product or an expanded cannabinoid product;

3873 (b) possess a cannabinoid product or an expanded cannabinoid product; and

3874 (c) administer a cannabinoid product, or an expanded cannabinoid product to an
3875 individual in accordance with the approved study.

3876 ~~[(2)]~~ (3) A person conducting an approved study may:

3877 (a) import cannabis, a cannabinoid product, or an expanded cannabinoid product from
3878 another state if:

3879 (i) the importation complies with federal law; and

3880 (ii) the person uses the cannabis, cannabinoid product, or expanded cannabinoid
3881 product in accordance with the approved study; or

3882 (b) obtain cannabis, a cannabinoid product, or an expanded cannabinoid product from
3883 the National Institute on Drug Abuse.

3884 ~~[(3)]~~ (4) A person conducting an approved study may distribute cannabis, a
3885 cannabinoid product, or an expanded cannabinoid product outside the state if:

3886 (a) the distribution complies with federal law; and

3887 (b) the distribution is for the purposes of, and in accordance with, the approved study.

3888 Section 71. Section **26B-4-213**, which is renumbered from Section 26-61a-201 is
3889 renumbered and amended to read:

~~[26-61a-201]~~. **26B-4-213. Medical cannabis patient card -- Medical cannabis guardian card -- Conditional medical cannabis card -- Application -- Fees -- Studies.**

(1) (a) The department shall, within 15 days after the day on which an individual who satisfies the eligibility criteria in this section or Section ~~[26-61a-202]~~ 26B-4-214 submits an application in accordance with this section or Section ~~[26-61a-202]~~ 26B-4-214:

(i) issue a medical cannabis patient card to an individual described in Subsection

(2)(a);

(ii) issue a medical cannabis guardian card to an individual described in Subsection

(2)(b);

(iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

(iv) issue a medical cannabis caregiver card to an individual described in Subsection ~~[26-61a-202]~~ 26B-4-214(4).

(b) (i) Beginning on the earlier of September 1, 2021, or the date on which the electronic verification system is functionally capable of facilitating a conditional medical cannabis card under this Subsection (1)(b), upon the entry of a recommending medical provider's medical cannabis recommendation for a patient in the state electronic verification system, either by the provider or the provider's employee or by a medical cannabis pharmacy medical provider or medical cannabis pharmacy in accordance with Subsection ~~[26-61a-501]~~ 26B-4-229(10)(a), the department shall issue to the patient an electronic conditional medical cannabis card, in accordance with this Subsection (1)(b).

(ii) A conditional medical cannabis card is valid for the lesser of:

(A) 60 days; or

(B) the day on which the department completes the department's review and issues a medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card application, or revokes the conditional medical cannabis card under Subsection (8).

(iii) The department may issue a conditional medical cannabis card to an individual

3917 applying for a medical cannabis patient card for which approval of the Compassionate Use
3918 Board is not required.

3919 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
3920 obligations under law applicable to a holder of the medical cannabis card for which the
3921 individual applies and for which the department issues the conditional medical cannabis card.

3922 (2) (a) An individual is eligible for a medical cannabis patient card if:

3923 (i) (A) the individual is at least 21 years old; or

3924 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
3925 Use Board under Section [~~26-61a-105~~] [26B-1-421](#), and the Compassionate Use Board
3926 recommends department approval of the petition;

3927 (ii) the individual is a Utah resident;

3928 (iii) the individual's recommending medical provider recommends treatment with
3929 medical cannabis in accordance with Subsection (4);

3930 (iv) the individual signs an acknowledgment stating that the individual received the
3931 information described in Subsection (9); and

3932 (v) the individual pays to the department a fee in an amount that, subject to Subsection
3933 [~~26-61a-109~~] [26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#).

3934 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

3935 (A) is at least 18 years old;

3936 (B) is a Utah resident;

3937 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
3938 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
3939 Use Board under Section [~~26-61a-105~~] [26B-1-421](#), and the Compassionate Use Board
3940 recommends department approval of the petition;

3941 (D) the individual signs an acknowledgment stating that the individual received the
3942 information described in Subsection (9);

3943 (E) pays to the department a fee in an amount that, subject to Subsection [~~26-61a-109~~]

[26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#), plus the cost of the criminal background check described in Section [~~26-61a-203~~] [26B-4-215](#); and

(F) the individual has not been convicted of a misdemeanor or felony drug distribution offense under either state or federal law, unless the individual completed any imposed sentence six months or more before the day on which the individual applies for a medical cannabis guardian card.

(ii) The department shall notify the Department of Public Safety of each individual that the department registers for a medical cannabis guardian card.

(c) (i) A minor is eligible for a provisional patient card if:

(A) the minor has a qualifying condition;

(B) the minor's qualified medical provider recommends a medical cannabis treatment to address the minor's qualifying condition;

(C) one of the minor's parents or legal guardians petitions the Compassionate Use Board under Section [~~26-6a-105~~] [26B-1-421](#), and the Compassionate Use Board recommends department approval of the petition; and

(D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a medical cannabis caregiver card under Section [~~26-61a-202~~] [26B-4-214](#).

(ii) The department shall automatically issue a provisional patient card to the minor described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis guardian card to the minor's parent or legal guardian.

(d) Beginning on the earlier of September 1, 2021, or the date on which the electronic verification system is functionally capable of servicing the designation, if the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may designate up to two caregivers in accordance with Subsection [~~26-61a-202~~] [26B-4-214](#)(1)(c) to ensure that the minor has adequate and safe access to the recommended medical cannabis

3971 treatment.

3972 (3) (a) An individual who is eligible for a medical cannabis card described in
3973 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
3974 department:

3975 (i) through an electronic application connected to the state electronic verification
3976 system;

3977 (ii) with the recommending medical provider; and

3978 (iii) with information including:

3979 (A) the applicant's name, gender, age, and address;

3980 (B) the number of the applicant's valid form of photo identification;

3981 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
3982 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
3983 and

3984 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
3985 holds the associated medical cannabis guardian card.

3986 (b) The department shall ensure that a medical cannabis card the department issues
3987 under this section contains the information described in Subsection (3)(a)(iii).

3988 (c) (i) If a recommending medical provider determines that, because of age, illness, or
3989 disability, a medical cannabis patient cardholder requires assistance in administering the
3990 medical cannabis treatment that the recommending medical provider recommends, the
3991 recommending medical provider may indicate the cardholder's need in the state electronic
3992 verification system, either directly or, for a limited medical provider, through the order
3993 described in Subsections [~~26-61a-106~~] 26B-4-204(1)(c) and (d).

3994 (ii) If a recommending medical provider makes the indication described in Subsection
3995 (3)(c)(i):

3996 (A) the department shall add a label to the relevant medical cannabis patient card
3997 indicating the cardholder's need for assistance;

(B) any adult who is 18 years old or older and who is physically present with the cardholder at the time the cardholder needs to use the recommended medical cannabis treatment may handle the medical cannabis treatment and any associated medical cannabis device as needed to assist the cardholder in administering the recommended medical cannabis treatment; and

(C) an individual of any age who is physically present with the cardholder in the event of an emergency medical condition, as that term is defined in Section 31A-1-301, may handle the medical cannabis treatment and any associated medical cannabis device as needed to assist the cardholder in administering the recommended medical cannabis treatment.

(iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

(A) ingest or inhale medical cannabis;

(B) possess, transport, or handle medical cannabis or a medical cannabis device outside of the immediate area where the cardholder is present or with an intent other than to provide assistance to the cardholder; or

(C) possess, transport, or handle medical cannabis or a medical cannabis device when the cardholder is not in the process of being dosed with medical cannabis.

(4) To recommend a medical cannabis treatment to a patient or to renew a recommendation, a recommending medical provider shall:

(a) before recommending or renewing a recommendation for medical cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form:

(i) verify the patient's and, for a minor patient, the minor patient's parent or legal guardian's valid form of identification described in Subsection (3)(a);

(ii) review any record related to the patient and, for a minor patient, the patient's parent or legal guardian in:

(A) for a qualified medical provider, the state electronic verification system; and

(B) the controlled substance database created in Section 58-37f-201; and

(iii) consider the recommendation in light of the patient's qualifying condition, history

4025 of substance use or opioid use disorder, and history of medical cannabis and controlled
4026 substance use during an initial face-to-face visit with the patient; and

4027 (b) state in the recommending medical provider's recommendation that the patient:

4028 (i) suffers from a qualifying condition, including the type of qualifying condition; and

4029 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
4030 product in a medicinal dosage form.

4031 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
4032 department issues under this section is valid for the lesser of:

4033 (i) an amount of time that the recommending medical provider determines; or

4034 (ii) (A) six months for the first issuance, and, except as provided in Subsection
4035 (5)(a)(ii)(B), for a renewal; or

4036 (B) for a renewal, one year if, after at least one year following the issuance of the
4037 original medical cannabis card, the recommending medical provider determines that the patient
4038 has been stabilized on the medical cannabis treatment and a one-year renewal period is
4039 justified.

4040 (b) (i) A medical cannabis card that the department issues in relation to a terminal
4041 illness described in Section [~~26-61a-104~~] [26B-4-203](#) expires after one year.

4042 (ii) The recommending medical provider may revoke a recommendation that the
4043 provider made in relation to a terminal illness described in Section [~~26-61a-104~~] [26B-4-203](#) if
4044 the medical cannabis cardholder no longer has the terminal illness.

4045 (c) A medical cannabis card that the department issues in relation to acute pain as
4046 described in Section [~~26-61a-104~~] [26B-4-203](#) expires 30 days after the day on which the
4047 department first issues a conditional or full medical cannabis card.

4048 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
4049 renewable if:

4050 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or

4051 (b); or

(ii) the cardholder received the medical cannabis card through the recommendation of the Compassionate Use Board under Section ~~[26-61a-105]~~ [26B-1-421](#).

(b) The recommending medical provider who made the underlying recommendation for the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card through phone or video conference with the cardholder, at the recommending medical provider's discretion.

(c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b) shall pay to the department a renewal fee in an amount that:

(i) subject to Subsection ~~[26-61a-109]~~ [26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#); and

(ii) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

(d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional patient card renews automatically at the time the minor's parent or legal guardian renews the parent or legal guardian's associated medical cannabis guardian card.

(7) (a) A cardholder under this section shall carry the cardholder's valid medical cannabis card with the patient's name.

(b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may purchase, in accordance with this ~~[chapter]~~ [part](#) and the recommendation underlying the card, cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device.

(ii) A cardholder under this section may possess or transport, in accordance with this ~~[chapter]~~ [part](#) and the recommendation underlying the card, cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device.

(iii) To address the qualifying condition underlying the medical cannabis treatment recommendation:

(A) a medical cannabis patient cardholder or a provisional patient cardholder may use

4079 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
4080 or a medical cannabis device; and

4081 (B) a medical cannabis guardian cardholder may assist the associated provisional
4082 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
4083 product in a medicinal dosage form, or a medical cannabis device.

4084 (8) The department may revoke a medical cannabis card that the department issues
4085 under this section if the cardholder:

4086 (a) violates this ~~[chapter]~~ part; or

4087 (b) is convicted under state or federal law of, after March 17, 2021, a drug distribution
4088 offense.

4089 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
4090 Utah Administrative Rulemaking Act, a process to provide information regarding the following
4091 to an individual receiving a medical cannabis card:

4092 (a) risks associated with medical cannabis treatment;

4093 (b) the fact that a condition's listing as a qualifying condition does not suggest that
4094 medical cannabis treatment is an effective treatment or cure for that condition, as described in
4095 Subsection ~~[26-61a-104]~~ 26B-4-203(1); and

4096 (c) other relevant warnings and safety information that the department determines.

4097 (10) The department may establish procedures by rule, in accordance with Title 63G,
4098 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
4099 provisions of this section.

4100 (11) (a) On or before September 1, 2021, the department shall establish by rule, in
4101 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
4102 an individual from another state to register with the department in order to purchase medical
4103 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual
4104 is visiting the state.

4105 (b) The department may only provide the registration process described in Subsection

4106 (11)(a):

4107 (i) to a nonresident patient; and

4108 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
4109 per visitation period.

4110 (12) (a) A person may submit to the department a request to conduct a research study
4111 using medical cannabis cardholder data that the state electronic verification system contains.

4112 (b) The department shall review a request described in Subsection (12)(a) to determine
4113 whether an institutional review board, as that term is defined in Section [~~26-61-102~~]
4114 26B-4-201, could approve the research study.

4115 (c) At the time an individual applies for a medical cannabis card, the department shall
4116 notify the individual:

4117 (i) of how the individual's information will be used as a cardholder;

4118 (ii) that by applying for a medical cannabis card, unless the individual withdraws
4119 consent under Subsection (12)(d), the individual consents to the use of the individual's
4120 information for external research; and

4121 (iii) that the individual may withdraw consent for the use of the individual's
4122 information for external research at any time, including at the time of application.

4123 (d) An applicant may, through the medical cannabis card application, and a medical
4124 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
4125 cardholder's consent to participate in external research at any time.

4126 (e) The department may release, for the purposes of a study described in this
4127 Subsection (12), information about a cardholder under this section who consents to participate
4128 under Subsection (12)(c).

4129 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
4130 consent:

4131 (i) applies to external research that is initiated after the withdrawal of consent; and

4132 (ii) does not apply to research that was initiated before the withdrawal of consent.

(g) The department may establish standards for a medical research study's validity, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(13) The department shall record the issuance or revocation of a medical cannabis card under this section in the controlled substance database.

Section 72. Section **26B-4-214**, which is renumbered from Section 26-61a-202 is renumbered and amended to read:

~~[26-61a-202].~~ **26B-4-214. Medical cannabis caregiver card -- Registration -- Renewal -- Revocation.**

(1) (a) A cardholder described in Section ~~[26-61a-201]~~ 26B-4-213 may designate, through the state central patient portal, up to two individuals, or an individual and a facility in accordance with Subsection (1)(b), to serve as a designated caregiver for the cardholder.

(b) (i) Beginning on the earlier of September 1, 2021, or the date on which the electronic verification system is functionally capable of servicing the designation, a cardholder described in Section ~~[26-61a-201]~~ 26B-4-213 may designate one of the following types of facilities as one of the caregivers described in Subsection (1)(a):

(A) for a patient or resident, an assisted living facility, as that term is defined in Section ~~[26-21-2]~~ 26B-2-201;

(B) for a patient or resident, a nursing care facility, as that term is defined in Section ~~[26-21-2]~~ 26B-2-201; or

(C) for a patient, a general acute hospital, as that term is defined in Section ~~[26-21-2]~~ 26B-2-201.

(ii) A facility may:

(A) assign one or more employees to assist patients with medical cannabis treatment under the caregiver designation described in this Subsection (1)(b); and

(B) receive a medical cannabis shipment from a medical cannabis pharmacy or a medical cannabis courier on behalf of the medical cannabis cardholder within the facility who designated the facility as a caregiver.

(iii) The department shall make rules to regulate the practice of facilities and facility employees serving as designated caregivers under this Subsection (1)(b).

(c) A parent or legal guardian described in Subsection ~~[26-61a-201]~~ [26B-4-213](#)(2)(d), in consultation with the minor and the minor's qualified medical provider, may designate, through the state central patient portal, up to two individuals to serve as a designated caregiver for the minor, if the department determines that the parent or legal guardian is not eligible for a medical cannabis guardian card under Section ~~[26-61a-201]~~ [26B-4-213](#).

(d) (i) Beginning on the earlier of September 1, 2022, or the date on which the electronic verification system is functionally capable of facilitating a conditional medical cannabis caregiver card under this Subsection (1)(d), upon the entry of a caregiver designation under Subsection (1) by a patient with a terminal illness described in Section ~~[26-61a-104]~~ [26B-4-203](#), the department shall issue to the designated caregiver an electronic conditional medical cannabis caregiver card, in accordance with this Subsection (1)(d).

(ii) A conditional medical cannabis caregiver card is valid for the lesser of:

(A) 60 days; or

(B) the day on which the department completes the department's review and issues a medical cannabis caregiver card under Subsection (1)(a), denies the patient's medical cannabis caregiver card application, or revokes the conditional medical cannabis caregiver card under Subsection (8).

(iii) The department may issue a conditional medical cannabis card to an individual applying for a medical cannabis patient card for which approval of the Compassionate Use Board is not required.

(iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and obligations under law applicable to a holder of the medical cannabis card for which the individual applies and for which the department issues the conditional medical cannabis card.

(2) An individual that the department registers as a designated caregiver under this section and a facility described in Subsection (1)(b):

4187 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
4188 card;

4189 (b) in accordance with this ~~[chapter]~~ part, may purchase, possess, transport, or assist
4190 the patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
4191 dosage form, or a medical cannabis device on behalf of the designating medical cannabis
4192 cardholder;

4193 (c) may not charge a fee to an individual to act as the individual's designated caregiver
4194 or for a service that the designated caregiver provides in relation to the role as a designated
4195 caregiver; and

4196 (d) may accept reimbursement from the designating medical cannabis cardholder for
4197 direct costs the designated caregiver incurs for assisting with the designating cardholder's
4198 medicinal use of cannabis.

4199 (3) (a) The department shall:

4200 (i) within 15 days after the day on which an individual submits an application in
4201 compliance with this section, issue a medical cannabis card to the applicant if the applicant:

4202 (A) is designated as a caregiver under Subsection (1);

4203 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

4204 (C) complies with this section; and

4205 (ii) notify the Department of Public Safety of each individual that the department
4206 registers as a designated caregiver.

4207 (b) The department shall ensure that a medical cannabis caregiver card contains the
4208 information described in Subsections (5)(b) and (3)(c)(i).

4209 (c) If a cardholder described in Section ~~[26-61a-201]~~ 26B-4-213 designates an
4210 individual as a caregiver who already holds a medical cannabis caregiver card, the individual
4211 with the medical cannabis caregiver card:

4212 (i) shall report to the department the information required of applicants under
4213 Subsection (5)(b) regarding the new designation;

(ii) if the individual makes the report described in Subsection (3)(c)(i), is not required to file an application for another medical cannabis caregiver card;

(iii) may receive an additional medical cannabis caregiver card in relation to each additional medical cannabis patient who designates the caregiver; and

(iv) is not subject to an additional background check.

(4) An individual is eligible for a medical cannabis caregiver card if the individual:

(a) is at least 21 years old;

(b) is a Utah resident;

(c) pays to the department a fee in an amount that, subject to Subsection ~~[26-61a-109]~~ 26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus the cost of the criminal background check described in Section ~~[26-61a-203]~~ 26B-4-215;

(d) signs an acknowledgment stating that the applicant received the information described in Subsection ~~[26-61a-201]~~ 26B-4-213(9); and

(e) has not been convicted of a misdemeanor or felony drug distribution offense that is a felony under either state or federal law, unless the individual completes any imposed sentence two or more years before the day on which the individual submits the application.

(5) An eligible applicant for a medical cannabis caregiver card shall:

(a) submit an application for a medical cannabis caregiver card to the department through an electronic application connected to the state electronic verification system; and

(b) submit the following information in the application described in Subsection (5)(a):

(i) the applicant's name, gender, age, and address;

(ii) the name, gender, age, and address of the cardholder described in Section ~~[26-61a-201]~~ 26B-4-213 who designated the applicant;

(iii) if a medical cannabis guardian cardholder designated the caregiver, the name, gender, and age of the minor receiving a medical cannabis treatment in relation to the medical cannabis guardian cardholder; and

(iv) any additional information that the department requests to assist in matching the

4241 application with the designating medical cannabis patient.

4242 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
4243 department issues under this section is valid for the lesser of:

4244 (a) an amount of time that the cardholder described in Section [~~26-61a-201~~] 26B-4-213
4245 who designated the caregiver determines; or

4246 (b) the amount of time remaining before the card of the cardholder described in Section
4247 [~~26-61a-201~~] 26B-4-213 expires.

4248 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
4249 designated caregiver's medical cannabis caregiver card renews automatically at the time the
4250 cardholder described in Section [~~26-61a-201~~] 26B-4-213 who designated the caregiver:

4251 (i) renews the cardholder's card; and

4252 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

4253 (b) The department shall provide a method in the card renewal process to allow a
4254 cardholder described in Section [~~26-61a-201~~] 26B-4-213 who has designated a caregiver to:

4255 (i) signify that the cardholder renews the caregiver's designation;

4256 (ii) remove a caregiver's designation; or

4257 (iii) designate a new caregiver.

4258 (8) The department may revoke a medical cannabis caregiver card if the designated
4259 caregiver:

4260 (a) violates this [~~chapter~~] part; or

4261 (b) is convicted under state or federal law of:

4262 (i) a felony drug distribution offense; or

4263 (ii) after December 3, 2018, a misdemeanor drug distribution offense.

4264 (9) The department shall record the issuance or revocation of a medical cannabis card
4265 under this section in the controlled substance database.

4266 Section 73. Section **26B-4-215**, which is renumbered from Section 26-61a-203 is
4267 renumbered and amended to read:

~~[26-61a-203].~~ **26B-4-215. Designated caregiver -- Guardian -- Criminal background check.**

(1) Except for an applicant reapplying for a medical cannabis card within less than one year after the expiration of the applicant's previous medical cannabis card, each applicant for a medical cannabis guardian card under Section ~~[26-61a-201]~~ 26B-4-213 or a medical cannabis caregiver card under Section ~~[26-61a-202]~~ 26B-4-214 shall:

(a) submit to the department, at the time of application:

(i) a fingerprint card in a form acceptable to the Department of Public Safety; and

(ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the applicant's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

(b) consent to a fingerprint background check by:

(i) the Bureau of Criminal Identification; and

(ii) the Federal Bureau of Investigation.

(2) The Bureau of Criminal Identification shall:

(a) check the fingerprints the applicant submits under Subsection (1)(a) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(b) report the results of the background check to the department;

(c) maintain a separate file of fingerprints that applicants submit under Subsection (1)(a) for search by future submissions to the local and regional criminal records databases, including latent prints;

(d) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(e) establish a privacy risk mitigation strategy to ensure that the department only

4295 receives notifications for an individual with whom the department maintains an authorizing
4296 relationship.

4297 (3) The department shall:

4298 (a) assess an applicant who submits fingerprints under Subsection (1)(a) a fee in an
4299 amount that the department sets in accordance with Section 63J-1-504 for the services that the
4300 Bureau of Criminal Identification or another authorized agency provides under this section; and

4301 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
4302 Identification.

4303 Section 74. Section 26B-4-216, which is renumbered from Section 26-61a-204 is
4304 renumbered and amended to read:

4305 ~~[26-61a-204].~~ **26B-4-216. Medical cannabis card -- Patient and designated**
4306 **caregiver requirements -- Rebuttable presumption.**

4307 (1) (a) A medical cannabis cardholder who possesses medical cannabis that the
4308 cardholder purchased under this ~~[chapter]~~ part:

4309 (i) shall carry:

4310 (A) at all times the cardholder's medical cannabis card; and

4311 (B) with the medical cannabis, a label that identifies that the medical cannabis was sold
4312 from a licensed medical cannabis pharmacy and includes an identification number that links the
4313 medical cannabis to the inventory control system;

4314 (ii) may possess up to the legal dosage limit of:

4315 (A) unprocessed cannabis in medicinal dosage form; and

4316 (B) a cannabis product in medicinal dosage form;

4317 (iii) may not possess more medical cannabis than described in Subsection (1)(a)(ii);

4318 (iv) may only possess the medical cannabis in the container in which the cardholder
4319 received the medical cannabis from the medical cannabis pharmacy; and

4320 (v) may not alter or remove any label described in Section 4-41a-602 from the
4321 container described in Subsection (1)(a)(iv).

4322 (b) Except as provided in Subsection (1)(c) or (e), a medical cannabis cardholder who
4323 possesses medical cannabis in violation of Subsection (1)(a) is:

4324 (i) guilty of an infraction; and

4325 (ii) subject to a \$100 fine.

4326 (c) A medical cannabis cardholder or a nonresident patient who possesses medical
4327 cannabis in an amount that is greater than the legal dosage limit and equal to or less than twice
4328 the legal dosage limit is:

4329 (i) for a first offense:

4330 (A) guilty of an infraction; and

4331 (B) subject to a fine of up to \$100; and

4332 (ii) for a second or subsequent offense:

4333 (A) guilty of a class B misdemeanor; and

4334 (B) subject to a fine of \$1,000.

4335 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is
4336 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
4337 conduct underlying the penalty described in Subsection (1)(b) or (c).

4338 (e) A nonresident patient who possesses medical cannabis that is not in a medicinal
4339 dosage form is:

4340 (i) for a first offense:

4341 (A) guilty of an infraction; and

4342 (B) subject to a fine of up to \$100; and

4343 (ii) for a second or subsequent offense, is subject to the penalties described in Title 58,
4344 Chapter 37, Utah Controlled Substances Act.

4345 (f) A medical cannabis cardholder or a nonresident patient who possesses medical
4346 cannabis in an amount that is greater than twice the legal dosage limit is subject to the penalties
4347 described in Title 58, Chapter 37, Utah Controlled Substances Act.

4348 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same

4349 as that term is defined in Section 31A-1-301.

4350 (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder, a
4351 provisional patient cardholder, or a nonresident patient may not use, in public view, medical
4352 cannabis or a cannabis product.

4353 (c) In the event of an emergency medical condition, an individual described in
4354 Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a medical
4355 cannabis caregiver card may administer to the cardholder's charge, in public view, cannabis in a
4356 medicinal dosage form or a cannabis product in a medicinal dosage form.

4357 (d) An individual described in Subsection (2)(b) who violates Subsection (2)(b) is:

4358 (i) for a first offense:

4359 (A) guilty of an infraction; and

4360 (B) subject to a fine of up to \$100; and

4361 (ii) for a second or subsequent offense:

4362 (A) guilty of a class B misdemeanor; and

4363 (B) subject to a fine of \$1,000.

4364 (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis
4365 in a medicinal dosage form or a cannabis product in compliance with Subsection (1), or a
4366 medical cannabis device that corresponds with the cannabis or cannabis product:

4367 (a) there is a rebuttable presumption that the cardholder possesses the cannabis,
4368 cannabis product, or medical cannabis device legally; and

4369 (b) there is no probable cause, based solely on the cardholder's possession of the
4370 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
4371 cannabis device, to believe that the cardholder is engaging in illegal activity.

4372 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a
4373 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
4374 device, and the individual represents to the law enforcement officer that the individual holds a
4375 valid medical cannabis card, but the individual does not have the medical cannabis card in the

individual's possession at the time of the stop by the law enforcement officer, the law enforcement officer shall attempt to access the state electronic verification system to determine whether the individual holds a valid medical cannabis card.

(b) If the law enforcement officer is able to verify that the individual described in Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:

(i) may not arrest or take the individual into custody for the sole reason that the individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device; and

(ii) may not seize the cannabis, cannabis product, or medical cannabis device.

Section 75. Section **26B-4-217**, which is renumbered from Section 26-61a-401 is renumbered and amended to read:

~~[26-61a-401]~~. **26B-4-217. Medical cannabis pharmacy agent -- Registration.**

(1) An individual may not serve as a medical cannabis pharmacy agent of a medical cannabis pharmacy unless the department registers the individual as a medical cannabis pharmacy agent.

(2) A recommending medical provider may not act as a medical cannabis pharmacy agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or have the power to direct or cause the management or control of a medical cannabis pharmacy.

(3) (a) The department shall, within 15 days after the day on which the department receives a complete application from a medical cannabis pharmacy on behalf of a prospective medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent registration card to the prospective agent if the medical cannabis pharmacy:

(i) provides to the department:

(A) the prospective agent's name and address;

(B) the name and location of the licensed medical cannabis pharmacy where the prospective agent seeks to act as the medical cannabis pharmacy agent; and

4403 (C) the submission required under Subsection (3)(b); and
4404 (ii) pays a fee to the department in an amount that, subject to Subsection [~~26-61a-109~~
4405 26B-1-310](5), the department sets in accordance with Section 63J-1-504.
4406 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent
4407 registration card within less than one year after the expiration of the applicant's previous
4408 medical cannabis pharmacy agent registration card, each prospective agent described in
4409 Subsection (3)(a) shall:
4410 (i) submit to the department:
4411 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
4412 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
4413 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
4414 Generation Identification System's Rap Back Service; and
4415 (ii) consent to a fingerprint background check by:
4416 (A) the Bureau of Criminal Identification; and
4417 (B) the Federal Bureau of Investigation.
4418 (c) The Bureau of Criminal Identification shall:
4419 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
4420 the applicable state, regional, and national criminal records databases, including the Federal
4421 Bureau of Investigation Next Generation Identification System;
4422 (ii) report the results of the background check to the department;
4423 (iii) maintain a separate file of fingerprints that prospective agents submit under
4424 Subsection (3)(b) for search by future submissions to the local and regional criminal records
4425 databases, including latent prints;
4426 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
4427 Generation Identification System's Rap Back Service for search by future submissions to
4428 national criminal records databases, including the Next Generation Identification System and
4429 latent prints; and

(v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(d) The department shall:

(i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal Identification.

(4) The department shall designate, on an individual's medical cannabis pharmacy agent registration card the name of the medical cannabis pharmacy where the individual is registered as an agent.

(5) A medical cannabis pharmacy agent shall comply with a certification standard that the department develops in collaboration with the Division of Professional Licensing and the Board of Pharmacy, or a third-party certification standard that the department designates by rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6) The department shall ensure that the certification standard described in Subsection (5) includes training in:

(a) Utah medical cannabis law; and

(b) medical cannabis pharmacy best practices.

(7) The department may revoke the medical cannabis pharmacy agent registration card of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual who:

(a) violates the requirements of this ~~chapter~~ part; or

(b) is convicted under state or federal law of:

(i) a felony within the preceding 10 years; or

4457 (ii) after December 3, 2018, a misdemeanor for drug distribution.

4458 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
4459 day on which the department issues or renews the card.

4460 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
4461 agent:

4462 (i) is eligible for a medical cannabis pharmacy agent registration card under this
4463 section;

4464 (ii) certifies to the department in a renewal application that the information in
4465 Subsection (3)(a) is accurate or updates the information; and

4466 (iii) pays to the department a renewal fee in an amount that:

4467 (A) subject to Subsection [~~26-61a-109~~] 26B-1-310(5), the department sets in
4468 accordance with Section 63J-1-504; and

4469 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
4470 comparison to the original application process.

4471 (9) (a) As a condition precedent to registration and renewal of a medical cannabis
4472 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

4473 (i) complete at least one hour of continuing education regarding patient privacy and
4474 federal health information privacy laws that is offered by the department under Subsection
4475 (9)(b) or an accredited or approved continuing education provider that the department
4476 recognizes as offering continuing education appropriate for the medical cannabis pharmacy
4477 practice; and

4478 (ii) make a continuing education report to the department in accordance with a process
4479 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
4480 Administrative Rulemaking Act, and in collaboration with the Division of Professional
4481 Licensing and the Board of Pharmacy.

4482 (b) The department may, in consultation with the Division of Professional Licensing,
4483 develop the continuing education described in this Subsection (9).

(c) The pharmacist-in-charge described in Section ~~[26-61a-403]~~ 26B-4-219 shall ensure that each medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to the state electronic verification system is in compliance with this Subsection (9).

Section 76. Section **26B-4-218**, which is renumbered from Section 26-61a-402 is renumbered and amended to read:

~~[26-61a-402].~~ **26B-4-218.** **Medical cannabis pharmacy agent registration card -- Rebuttable presumption.**

(1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis pharmacy agent registration card with the individual at all times when:

- (a) the individual is on the premises of a medical cannabis pharmacy; and
- (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device between a cannabis production establishment and a medical cannabis pharmacy.

(2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1):

- (a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis product, or medical cannabis device legally; and
- (b) there is no probable cause, based solely on the individual's possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device in compliance with Subsection (1), that the individual is engaging in illegal activity.

(3) (a) A medical cannabis pharmacy agent who fails to carry the agent's medical cannabis pharmacy agent registration card in accordance with Subsection (1) is:

4511 (i) for a first or second offense in a two-year period:
4512 (A) guilty of an infraction; and
4513 (B) is subject to a \$100 fine; or
4514 (ii) for a third or subsequent offense in a two-year period:
4515 (A) guilty of a class C misdemeanor; and
4516 (B) subject to a \$750 fine.

4517 (b) (i) The prosecuting entity shall notify the department and the relevant medical
4518 cannabis pharmacy of each conviction under Subsection (3)(a).

4519 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
4520 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule
4521 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
4522 Administrative Rulemaking Act.

4523 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not
4524 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4525 underlying the violation described in Subsection (3)(a).

4526 Section 77. Section **26B-4-219**, which is renumbered from Section 26-61a-403 is
4527 renumbered and amended to read:

4528 ~~[26-61a-403]~~. **26B-4-219**. **Pharmacy medical providers -- Registration --**
4529 **Continuing education.**

4530 (1) (a) A medical cannabis pharmacy:
4531 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
4532 Practice Act, as a pharmacy medical provider;
4533 (ii) may employ a physician who has the authority to write a prescription and is
4534 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
4535 Osteopathic Medical Practice Act, as a pharmacy medical provider;
4536 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
4537 works onsite during all business hours; and

(iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as the pharmacist-in-charge to oversee the operation of and generally supervise the medical cannabis pharmacy.

(b) An individual may not serve as a pharmacy medical provider unless the department registers the individual as a pharmacy medical provider in accordance with Subsection (2).

(2) (a) The department shall, within 15 days after the day on which the department receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy medical provider, register and issue a pharmacy medical provider registration card to the prospective pharmacy medical provider if the medical cannabis pharmacy:

(i) provides to the department:

(A) the prospective pharmacy medical provider's name and address;

(B) the name and location of the licensed medical cannabis pharmacy where the prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

(C) a report detailing the completion of the continuing education requirement described in Subsection (3); and

(D) evidence that the prospective pharmacy medical provider is a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

(ii) pays a fee to the department in an amount that, subject to Subsection [~~26-61a-109~~ 26B-1-310](5), the department sets in accordance with Section ~~63J-1-504~~.

(b) The department may not register a recommending medical provider or a state central patient portal medical provider as a pharmacy medical provider.

(3) (a) A pharmacy medical provider shall complete the continuing education described in this Subsection (3) in the following amounts:

(i) as a condition precedent to registration, four hours; and

(ii) as a condition precedent to renewal of the registration, four hours every two years.

4565 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:
4566 (i) complete continuing education:
4567 (A) regarding the topics described in Subsection (3)(d); and
4568 (B) offered by the department under Subsection (3)(c) or an accredited or approved
4569 continuing education provider that the department recognizes as offering continuing education
4570 appropriate for the medical cannabis pharmacy practice; and
4571 (ii) make a continuing education report to the department in accordance with a process
4572 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
4573 Administrative Rulemaking Act, and in collaboration with the Division of Professional
4574 Licensing and:
4575 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
4576 Pharmacy Practice Act, the Board of Pharmacy;
4577 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
4578 Practice Act, the Physicians Licensing Board; and
4579 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
4580 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.
4581 (c) The department may, in consultation with the Division of Professional Licensing,
4582 develop the continuing education described in this Subsection (3).
4583 (d) The continuing education described in this Subsection (3) may discuss:
4584 (i) the provisions of this ~~chapter~~ part;
4585 (ii) general information about medical cannabis under federal and state law;
4586 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
4587 including risks and benefits;
4588 (iv) recommendations for medical cannabis as it relates to the continuing care of a
4589 patient in pain management, risk management, potential addiction, and palliative care; or
4590 (v) best practices for recommending the form and dosage of a medical cannabis
4591 product based on the qualifying condition underlying a medical cannabis recommendation.

(4) (a) A pharmacy medical provider registration card expires two years after the day on which the department issues or renews the card.

(b) A pharmacy medical provider may renew the provider's registration card if the provider:

(i) is eligible for a pharmacy medical provider registration card under this section;

(ii) certifies to the department in a renewal application that the information in Subsection (2)(a) is accurate or updates the information;

(iii) submits a report detailing the completion of the continuing education requirement described in Subsection (3); and

(iv) pays to the department a renewal fee in an amount that:

(A) subject to Subsection ~~[26-61a-109]~~ 26B-1-310(5), the department sets in accordance with Section 63J-1-504; and

(B) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

(5) (a) Except as provided in Subsection (5)(b), a person may not advertise that the person or another person dispenses medical cannabis.

(b) Notwithstanding Subsection (5)(a) and subject to Section ~~[26-61a-116]~~ 26B-4-223, a registered pharmacy medical provider may advertise the following:

(i) a green cross;

(ii) that the person is registered as a pharmacy medical provider and dispenses medical cannabis; or

(iii) a scientific study regarding medical cannabis use.

Section 78. Section **26B-4-220**, which is renumbered from Section 26-61a-701 is renumbered and amended to read:

~~[26-61a-701]~~. **26B-4-220. Enforcement -- Misdemeanor.**

(1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments, and Sections ~~[26-61a-502, 26-61a-605, and 26-61a-607]~~ 26B-4-230, 26B-4-240, and

4619 [26B-4-242](#), it is unlawful for a medical cannabis cardholder to sell or otherwise give to another
4620 medical cannabis cardholder cannabis in a medicinal dosage form, a cannabis product in a
4621 medicinal dosage form, a medical cannabis device, or any cannabis residue remaining in or
4622 from a medical cannabis device.

4623 (2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who
4624 violates Subsection (1) is:

4625 (i) guilty of a class B misdemeanor; and

4626 (ii) subject to a \$1,000 fine.

4627 (b) An individual is not guilty under Subsection (2)(a) if the individual:

4628 (i) (A) is a designated caregiver; and

4629 (B) gives the product described in Subsection (1) to the medical cannabis cardholder
4630 who designated the individual as a designated caregiver; or

4631 (ii) (A) is a medical cannabis guardian cardholder; and

4632 (B) gives the product described in Subsection (1) to the relevant provisional patient
4633 cardholder.

4634 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not
4635 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4636 underlying the violation described in Subsection (2)(a).

4637 Section 79. Section **26B-4-221**, which is renumbered from Section 26-61a-702 is
4638 renumbered and amended to read:

4639 ~~[26-61a-702]~~. **26B-4-221. Enforcement -- Fine -- Citation.**

4640 (1) (a) The department may, for a medical cannabis pharmacy's or a medical cannabis
4641 courier's violation of this ~~[chapter]~~ part or an applicable administrative rule:

4642 (i) revoke the medical cannabis pharmacy or medical cannabis courier license;

4643 (ii) refuse to renew the medical cannabis pharmacy or medical cannabis courier
4644 license; or

4645 (iii) assess the medical cannabis pharmacy or medical cannabis courier an

4646 administrative penalty.

4647 (b) The department may, for a medical cannabis pharmacy agent's or medical cannabis
4648 courier agent's violation of this [~~chapter~~] part:

4649 (i) revoke the medical cannabis pharmacy agent or medical cannabis courier agent
4650 registration card;

4651 (ii) refuse to renew the medical cannabis pharmacy agent or medical cannabis courier
4652 agent registration card; or

4653 (iii) assess the medical cannabis pharmacy agent or medical cannabis courier agent an
4654 administrative penalty.

4655 (2) The department shall deposit an administrative penalty imposed under this section
4656 into the General Fund.

4657 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding
4658 of a violation in an adjudicative proceeding under this section, the department may:

4659 (a) for a fine amount not already specified in law, assess the person a fine of up to
4660 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule
4661 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

4662 (b) order the person to cease and desist from the action that creates a violation.

4663 (4) The department may not revoke a medical cannabis pharmacy's license or a medical
4664 cannabis courier's license without first directing the medical cannabis pharmacy or the medical
4665 cannabis courier to appear before an adjudicative proceeding conducted under Title 63G,
4666 Chapter 4, Administrative Procedures Act.

4667 (5) If, within 20 calendar days after the day on which the department issues a citation
4668 for a violation of this [~~chapter~~] part, the person that is the subject of the citation fails to request
4669 a hearing to contest the citation, the citation becomes the department's final order.

4670 (6) The department may, for a person who fails to comply with a citation under this
4671 section:

4672 (a) refuse to issue or renew the person's license or agent registration card; or

4673 (b) suspend, revoke, or place on probation the person's license or agent registration
4674 card.

4675 (7) (a) Except where a criminal penalty is expressly provided for a specific violation of
4676 this [~~chapter~~] part, if an individual violates a provision of this [~~chapter~~] part, the individual is:

4677 (i) guilty of an infraction; and

4678 (ii) subject to a \$100 fine.

4679 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not
4680 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4681 underlying the violation described in Subsection (7)(a).

4682 Section 80. Section **26B-4-222**, which is renumbered from Section 26-61a-703 is
4683 renumbered and amended to read:

4684 [~~26-61a-703~~]. **26B-4-222. Report.**

4685 (1) By the November interim meeting each year beginning in 2020, the department
4686 shall report to the Health and Human Services Interim Committee on:

4687 (a) the number of applications and renewal applications filed for medical cannabis
4688 cards;

4689 (b) the number of qualifying patients and designated caregivers;

4690 (c) the nature of the debilitating medical conditions of the qualifying patients;

4691 (d) the age and county of residence of cardholders;

4692 (e) the number of medical cannabis cards revoked;

4693 (f) the number of practitioners providing recommendations for qualifying patients;

4694 (g) the number of license applications and renewal license applications received;

4695 (h) the number of licenses the department has issued in each county;

4696 (i) the number of licenses the department has revoked;

4697 (j) the quantity of medical cannabis shipments that the state central patient portal
4698 facilitates;

4699 (k) the number of overall purchases of medical cannabis and medical cannabis products

4700 from each medical cannabis pharmacy;

4701 (l) the expenses incurred and revenues generated from the medical cannabis program;

4702 and

4703 (m) an analysis of product availability in medical cannabis pharmacies.

4704 (2) The department may not include personally identifying information in the report
4705 described in this section.

4706 (3) During the 2022 legislative interim, the department shall report to the working
4707 group described in Section 36-12-8.2 as requested by the working group.

4708 Section 81. Section **26B-4-223**, which is renumbered from Section 26-61a-116 is
4709 renumbered and amended to read:

4710 ~~[26-61a-116].~~ **26B-4-223. Advertising.**

4711 (1) Except as provided in this ~~[chapter]~~ part, a person may not advertise regarding the
4712 recommendation, sale, dispensing, or transportation of medical cannabis.

4713 (2) Notwithstanding any authorization to advertise regarding medical cannabis under
4714 this ~~[chapter]~~ part, the person advertising may not advertise:

4715 (a) using promotional discounts or incentives;

4716 (b) a particular medical cannabis product, medical cannabis device, or medicinal
4717 dosage form; or

4718 (c) an assurance regarding an outcome related to medical cannabis treatment.

4719 (3) Notwithstanding Subsection (1):

4720 (a) a nonprofit organization that offers financial assistance for medical cannabis

4721 treatment to low-income patients may advertise the organization's assistance if the

4722 advertisement does not relate to a specific medical cannabis pharmacy or a specific medical
4723 cannabis product; and

4724 (b) a medical cannabis pharmacy may provide information regarding subsidies for the
4725 cost of medical cannabis treatment to patients who affirmatively accept receipt of the subsidy
4726 information.

(4) To ensure that the name and logo of a licensee under this ~~[chapter]~~ part have a medical rather than a recreational disposition, the name and logo of the licensee:

(a) may include terms and images associated with:

(i) a medical disposition, including "medical," "medicinal," "medicine," "pharmacy," "apothecary," "wellness," "therapeutic," "health," "care," "cannabis," "clinic," "compassionate," "relief," "treatment," and "patient;" or

(ii) the plant form of cannabis, including "leaf," "flower," and "bloom";

(b) may not include:

(i) any term, statement, design representation, picture, or illustration that is associated with a recreational disposition or that appeals to children;

(ii) an emphasis on a psychoactive ingredient;

(iii) a specific cannabis strain; or

(iv) terms related to recreational marijuana, including "weed," "pot," "reefer," "grass," "hash," "ganga," "Mary Jane," "high," "buzz," "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust," "bong," "budtender," "dab," "blaze," "toke," or "420."

(5) The department shall define standards for advertising authorized under this ~~[chapter]~~ part, including names and logos in accordance with Subsection (4), to ensure a medical rather than recreational disposition.

Section 82. Section **26B-4-224**, which is renumbered from Section 26-61a-301 is renumbered and amended to read:

~~[26-61a-301].~~ **26B-4-224.** **Medical cannabis pharmacy -- License -- Eligibility.**

(1) A person may not operate as a medical cannabis pharmacy without a license that the department issues under ~~[this part]~~ Sections 26B-4-224 through 26B-4-228.

(2) (a) (i) Subject to Subsections (4) and (5) and to Section ~~[26-61a-305]~~ 26B-4-228, the department shall issue a license to operate a medical cannabis pharmacy in accordance with

4754 Title 63G, Chapter 6a, Utah Procurement Code.

4755 (ii) The department may not issue a license to operate a medical cannabis pharmacy to
4756 an applicant who is not eligible for a license under this section.

4757 (b) An applicant is eligible for a license under this section if the applicant submits to
4758 the department:

4759 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
4760 operate the medical cannabis pharmacy;

4761 (ii) the name and address of an individual who:

4762 (A) for a publicly traded company, has a financial or voting interest of 2% or greater in
4763 the proposed medical cannabis pharmacy;

4764 (B) for a privately held company, a financial or voting interest in the proposed medical
4765 cannabis pharmacy; or

4766 (C) has the power to direct or cause the management or control of a proposed medical
4767 cannabis pharmacy;

4768 (iii) a statement that the applicant will obtain and maintain a performance bond that a
4769 surety authorized to transact surety business in the state issues in an amount of at least
4770 \$100,000 for each application that the applicant submits to the department;

4771 (iv) an operating plan that:

4772 (A) complies with Section ~~[26-61a-304]~~ [26B-4-227](#);

4773 (B) includes operating procedures to comply with the operating requirements for a
4774 medical cannabis pharmacy described in this ~~[chapter]~~ part and with a relevant municipal or
4775 county law that is consistent with Section ~~[26-61a-507]~~ [26B-4-235](#); and

4776 (C) the department approves;

4777 (v) an application fee in an amount that, subject to Subsection ~~[26-61a-109]~~
4778 [26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#); and

4779 (vi) a description of any investigation or adverse action taken by any licensing
4780 jurisdiction, government agency, law enforcement agency, or court in any state for any

4781 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
4782 or businesses.

4783 (c) (i) A person may not locate a medical cannabis pharmacy:

4784 (A) within 200 feet of a community location; or

4785 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
4786 as primarily residential.

4787 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
4788 from the nearest entrance to the medical cannabis pharmacy establishment by following the
4789 shortest route of ordinary pedestrian travel to the property boundary of the community location
4790 or residential area.

4791 (iii) The department may grant a waiver to reduce the proximity requirements in
4792 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
4793 for the applicant to site the proposed medical cannabis pharmacy without the waiver.

4794 (iv) An applicant for a license under this section shall provide evidence of compliance
4795 with the proximity requirements described in Subsection (2)(c)(i).

4796 (d) The department may not issue a license to an eligible applicant that the department
4797 has selected to receive a license until the selected eligible applicant obtains the performance
4798 bond described in Subsection (2)(b)(iii).

4799 (e) If the department receives more than one application for a medical cannabis
4800 pharmacy within the same city or town, the department shall consult with the local land use
4801 authority before approving any of the applications pertaining to that city or town.

4802 (3) If the department selects an applicant for a medical cannabis pharmacy license
4803 under this section, the department shall:

4804 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
4805 ~~[26-61a-109]~~ 26B-1-310(5), the department sets in accordance with Section 63J-1-504;

4806 (b) notify the Department of Public Safety of the license approval and the names of
4807 each individual described in Subsection (2)(b)(ii); and

4808 (c) charge the licensee a fee in an amount that, subject to Subsection ~~[26-61a-109]~~
4809 26B-1-310(5), the department sets in accordance with Section 63J-1-504, for any change in
4810 location, ownership, or company structure.

4811 (4) The department may not issue a license to operate a medical cannabis pharmacy to
4812 an applicant if an individual described in Subsection (2)(b)(ii):

4813 (a) has been convicted under state or federal law of:

4814 (i) a felony; or

4815 (ii) after December 3, 2018, a misdemeanor for drug distribution;

4816 (b) is younger than 21 years old; or

4817 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

4818 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds
4819 a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the department may not give
4820 preference to the applicant based on the applicant's status as a holder of the license.

4821 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
4822 license to operate a cannabis cultivation facility under Title 4, Chapter 41a, Cannabis
4823 Production Establishments, the department:

4824 (i) shall consult with the Department of Agriculture and Food regarding the applicant;
4825 and

4826 (ii) may give consideration to the applicant based on the applicant's status as a holder
4827 of a license to operate a cannabis cultivation facility if:

4828 (A) the applicant demonstrates that a decrease in costs to patients is more likely to
4829 result from the applicant's vertical integration than from a more competitive marketplace; and

4830 (B) the department finds multiple other factors, in addition to the existing license, that
4831 support granting the new license.

4832 (6) (a) The department may revoke a license under ~~[this part]~~ Sections 26B-4-224
4833 through 26B-4-228:

4834 (i) if the medical cannabis pharmacy does not begin operations within one year after

the day on which the department issues an announcement of the department's intent to award a license to the medical cannabis pharmacy;

(ii) after the third the same violation of this ~~[chapter]~~ part in any of the licensee's licensed cannabis production establishments or medical cannabis pharmacies;

(iii) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is active, under state or federal law of:

(A) a felony; or

(B) after December 3, 2018, a misdemeanor for drug distribution;

(iv) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at the time of application, or fails to supplement the information described in Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the application within 14 calendar days after the licensee receives notice of the investigation or adverse action;

(v) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the requirements of this ~~[chapter]~~ part or the rules the department makes in accordance with this ~~[chapter]~~ part; or

(vi) if, after a change of ownership described in Subsection (11)(c), the department determines that the medical cannabis pharmacy no longer meets the minimum standards for licensure and operation of the medical cannabis pharmacy described in this ~~[chapter]~~ part.

(b) The department shall rescind a notice of an intent to issue a license under ~~[this part]~~ Sections 26B-4-224 through 26B-4-228 to an applicant or revoke a license issued under ~~[this part]~~ Sections 26B-4-224 through 26B-4-228 if the associated medical cannabis pharmacy does not begin operation on or before June 1, 2021.

(7) (a) A person who receives a medical cannabis pharmacy license under this ~~[chapter]~~ part, if the municipality or county where the licensed medical cannabis pharmacy will be located requires a local land use permit, shall submit to the department a copy of the licensee's approved application for the land use permit within 120 days after the day on which the

4862 department issues the license.

4863 (b) If a licensee fails to submit to the department a copy the licensee's approved land
4864 use permit application in accordance with Subsection (7)(a), the department may revoke the
4865 licensee's license.

4866 (8) The department shall deposit the proceeds of a fee imposed by this section into the
4867 Qualified Patient Enterprise Fund.

4868 (9) The department shall begin accepting applications under ~~[this part]~~ Sections
4869 26B-4-224 through 26B-4-228 on or before March 1, 2020.

4870 (10) (a) The department's authority to issue a license under this section is plenary and is
4871 not subject to review.

4872 (b) Notwithstanding Subsection (2), the decision of the department to award a license
4873 to an applicant is not subject to:

4874 (i) Title 63G, Chapter 6a, Part 16, Protests; or

4875 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

4876 (11) (a) A medical cannabis pharmacy license is not transferrable or assignable.

4877 (b) A medical cannabis pharmacy shall report in writing to the department no later than
4878 10 business days before the date of any change of ownership of the medical cannabis
4879 pharmacy.

4880 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

4881 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
4882 pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection
4883 (2)(c);

4884 (ii) within 30 days of the submission of the application, the department shall:

4885 (A) conduct an application review; and

4886 (B) award a license to the medical cannabis pharmacy for the remainder of the term of
4887 the medical cannabis pharmacy's license before the ownership change if the medical cannabis
4888 pharmacy meets the minimum standards for licensure and operation of the medical cannabis

pharmacy described in this ~~[chapter]~~ part; and

(iii) if the department approves the license application, notwithstanding Subsection (3), the medical cannabis pharmacy shall pay a license fee that the department sets in accordance with Section ~~63J-1-504~~ in an amount that covers the board's cost of conducting the application review.

Section 83. Section ~~26B-4-225~~, which is renumbered from Section 26-61a-302 is renumbered and amended to read:

~~[26-61a-302]~~. **26B-4-225. Medical cannabis pharmacy owners and directors -- Criminal background checks.**

(1) Each applicant to whom the department issues a notice of intent to award a license to operate as a medical cannabis pharmacy shall submit, before the department may award the license, from each individual who has a financial or voting interest of 2% or greater in the applicant or who has the power to direct or cause the management or control of the applicant:

(a) a fingerprint card in a form acceptable to the Department of Public Safety;
(b) a signed waiver in accordance with Subsection ~~53-10-108~~(4) acknowledging the registration of the individual's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

(c) consent to a fingerprint background check by:

(i) the Bureau of Criminal Identification; and
(ii) the Federal Bureau of Investigation.

(2) The Bureau of Criminal Identification shall:

(a) check the fingerprints the applicant submits under Subsection (1) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(b) report the results of the background check to the department;

(c) maintain a separate file of fingerprints that applicants submit under Subsection (1) for search by future submissions to the local and regional criminal records databases, including

4916 latent prints;

4917 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
4918 Generation Identification System's Rap Back Service for search by future submissions to
4919 national criminal records databases, including the Next Generation Identification System and
4920 latent prints; and

4921 (e) establish a privacy risk mitigation strategy to ensure that the department only
4922 receives notifications for an individual with whom the department maintains an authorizing
4923 relationship.

4924 (3) The department shall:

4925 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
4926 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
4927 Bureau of Criminal Identification or another authorized agency provides under this section; and

4928 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
4929 Identification.

4930 Section 84. Section **26B-4-226**, which is renumbered from Section 26-61a-303 is
4931 renumbered and amended to read:

4932 ~~[26-61a-303]~~. **26B-4-226. Renewal.**

4933 (1) The department shall renew a license under ~~[this part]~~ Sections [26B-4-224](#) through
4934 [26B-4-228](#) every year if, at the time of renewal:

4935 (a) the licensee meets the requirements of Section ~~[26-61a-301]~~ [26B-4-224](#);

4936 (b) the licensee pays the department a license renewal fee in an amount that, subject to
4937 Subsection ~~[26-61a-109]~~ [26B-1-310](#)(5), the department sets in accordance with Section
4938 [63J-1-504](#); and

4939 (c) if the medical cannabis pharmacy changes the operating plan described in Section
4940 ~~[26-61a-304]~~ [26B-4-227](#) that the department approved under Subsection ~~[26-61a-301]~~
4941 [26B-4-224](#)(2)(b)(iv), the department approves the new operating plan.

4942 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis

4943 pharmacy's license, the department shall publish notice of an available license:

4944 (i) in a newspaper of general circulation for the geographic area in which the medical
4945 cannabis pharmacy license is available; or

4946 (ii) on the Utah Public Notice Website established in Section 63A-16-601.

4947 (b) The department may establish criteria, in collaboration with the Division of
4948 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
4949 3, Utah Administrative Rulemaking Act, to identify the medical cannabis pharmacy actions that
4950 constitute abandonment of a medical cannabis pharmacy license.

4951 (3) If the department has not completed the necessary processes to make a
4952 determination on a license renewal under Subsections (1)(a) and (c) before the expiration of a
4953 license, the department may issue a conditional medical cannabis pharmacy license to a
4954 licensed medical cannabis pharmacy that has applied for license renewal under this section and
4955 paid the fee described in Subsection (1)(b).

4956 Section 85. Section **26B-4-227**, which is renumbered from Section 26-61a-304 is
4957 renumbered and amended to read:

4958 ~~[26-61a-304].~~ **26B-4-227. Operating plan.**

4959 A person applying for a medical cannabis pharmacy license shall submit to the
4960 department a proposed operation plan for the medical cannabis pharmacy that complies with
4961 this section and that includes:

4962 (1) a description of the physical characteristics of the proposed facility, including a
4963 floor plan and an architectural elevation;

4964 (2) a description of the credentials and experience of:

4965 (a) each officer, director, or owner of the proposed medical cannabis pharmacy; and

4966 (b) any highly skilled or experienced prospective employee;

4967 (3) the medical cannabis pharmacy's employee training standards;

4968 (4) a security plan;

4969 (5) a description of the medical cannabis pharmacy's inventory control system,

including a plan to make the inventory control system compatible with the state electronic verification system;

(6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a manner that is sanitary and preserves the integrity of the cannabis; and

(7) a description of the proposed medical cannabis pharmacy's strategic plan for opening the medical cannabis pharmacy, including gauging appropriate timing based on:

(a) the supply of medical cannabis and medical cannabis products, in consultation with the Department of Agriculture and Food; and

(b) the quantity and condition of the population of medical cannabis cardholders, in consultation with the department.

Section 86. Section **26B-4-228**, which is renumbered from Section 26-61a-305 is renumbered and amended to read:

~~[26-61a-305].~~ **26B-4-228. Maximum number of licenses -- Home delivery medical cannabis pharmacies.**

(1) (a) Except as provided in Subsections (1)(b) or (d), if a sufficient number of applicants apply, the department shall issue up to 15 medical cannabis pharmacy licenses in accordance with this section.

(b) If an insufficient number of qualified applicants apply for the available number of medical cannabis pharmacy licenses, the department shall issue a medical cannabis pharmacy license to each qualified applicant.

(c) The department may issue the licenses described in Subsection (1)(a) in accordance with this Subsection (1)(c).

(i) Using one procurement process, the department may issue eight licenses to an initial group of medical cannabis pharmacies and six licenses to a second group of medical cannabis pharmacies.

(ii) If the department issues licenses in two phases in accordance with Subsection (1)(c)(i), the department shall:

4997 (A) divide the state into no less than four geographic regions;

4998 (B) issue at least one license in each geographic region during each phase of issuing
4999 licenses; and

5000 (C) complete the process of issuing medical cannabis pharmacy licenses no later than
5001 July 1, 2020.

5002 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that the
5003 license recipient will locate the medical cannabis pharmacy within Dagget, Duchesne, Uintah,
5004 Carbon, Sevier, Emery, Grand, or San Juan County.

5005 (d) (i) The department may issue licenses to operate a medical cannabis pharmacy in
5006 addition to the licenses described in Subsection (1)(a) if the department determines, in
5007 consultation with the Department of Agriculture and Food and after an annual or more frequent
5008 analysis of the current and anticipated market for medical cannabis, that each additional license
5009 is necessary to provide an adequate supply, quality, or variety of medical cannabis to medical
5010 cannabis cardholders.

5011 (ii) The department shall:

5012 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5013 make rules to establish criteria and processes for the consultation, analysis, and application for
5014 a license described in Subsection (1)(d)(i); and

5015 (B) report to the Executive Appropriations Committee of the Legislature before each
5016 time the department issues an additional license under Subsection (1)(d)(i) regarding the results
5017 of the consultation and analysis described in Subsection (1)(d)(i) and the application of the
5018 criteria described in Subsection (1)(d)(ii)(A).

5019 (2) (a) If there are more qualified applicants than there are available licenses for
5020 medical cannabis pharmacies, the department shall:

5021 (i) evaluate each applicant and award the license to the applicant that best
5022 demonstrates:

5023 (A) experience with establishing and successfully operating a business that involves

5024 complying with a regulatory environment, tracking inventory, and training, evaluating, and
5025 monitoring employees;

5026 (B) an operating plan that will best ensure the safety and security of patrons and the
5027 community;

5028 (C) positive connections to the local community;

5029 (D) the suitability of the proposed location and the location's accessibility for
5030 qualifying patients;

5031 (E) the extent to which the applicant can increase efficiency and reduce the cost of
5032 medical cannabis for patients; and

5033 (F) a strategic plan described in Subsection [~~26-61a-304~~] [26B-4-227](#)(7) that has a
5034 comparatively high likelihood of success; and

5035 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
5036 maximize access to the largest number of medical cannabis cardholders.

5037 (b) In making the evaluation described in Subsection (2)(a), the department may give
5038 increased consideration to applicants who indicate a willingness to:

5039 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic
5040 medical cannabis orders that the state central patient portal facilitates; and

5041 (ii) accept payments through:

5042 (A) a payment provider that the Division of Finance approves, in consultation with the
5043 state treasurer, in accordance with Section [~~26-61a-603~~] [26B-4-238](#); or

5044 (B) a financial institution in accordance with Subsection [~~26-61a-603~~] [26B-4-238](#)(4).

5045 (3) The department may conduct a face-to-face interview with an applicant for a
5046 license that the department evaluates under Subsection (2).

5047 (4) (a) The department may designate a medical cannabis pharmacy as a home delivery
5048 medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's
5049 operating plan demonstrates the functional and technical ability to:

5050 (i) safely conduct transactions for medical cannabis shipments;

- 5051 (ii) accept electronic medical cannabis orders that the state central patient portal
5052 facilitates; and
- 5053 (iii) accept payments through:
- 5054 (A) a payment provider that the Division of Finance approves, in consultation with the
5055 state treasurer, in accordance with Section ~~[26-61a-603]~~ 26B-4-238; or
- 5056 (B) a financial institution in accordance with Subsection ~~[26-61a-603]~~ 26B-4-238(4).
- 5057 (b) An applicant seeking a designation as a home delivery medical cannabis pharmacy
5058 shall identify in the applicant's operating plan any information relevant to the department's
5059 evaluation described in Subsection (4)(a), including:
- 5060 (i) the name and contact information of the payment provider;
- 5061 (ii) the nature of the relationship between the prospective licensee and the payment
5062 provider;
- 5063 (iii) the processes of the following to safely and reliably conduct transactions for
5064 medical cannabis shipments:
- 5065 (A) the prospective licensee; and
- 5066 (B) the electronic payment provider or the financial institution described in Subsection
5067 (4)(a)(iii); and
- 5068 (iv) the ability of the licensee to comply with the department's rules regarding the
5069 secure transportation and delivery of medical cannabis or medical cannabis product to a
5070 medical cannabis cardholder.
- 5071 (c) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
5072 that the department designates as a home delivery medical cannabis pharmacy may deliver
5073 medical cannabis shipments in accordance with this ~~[chapter]~~ part.
- 5074 Section 87. Section **26B-4-229**, which is renumbered from Section 26-61a-501 is
5075 renumbered and amended to read:
- 5076 ~~[26-61a-501]~~. **26B-4-229. Operating requirements -- General.**
- 5077 (1) (a) A medical cannabis pharmacy shall operate:

- 5078 (i) at the physical address provided to the department under Section ~~[26-61a-301]~~
5079 26B-4-224; and
- 5080 (ii) in accordance with the operating plan provided to the department under Section
5081 ~~[26-61a-301]~~ 26B-4-224 and, if applicable, Section ~~[26-61a-304]~~ 26B-4-227.
- 5082 (b) A medical cannabis pharmacy shall notify the department before a change in the
5083 medical cannabis pharmacy's physical address or operating plan.
- 5084 (2) An individual may not enter a medical cannabis pharmacy unless the individual:
- 5085 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and
- 5086 (b) except as provided in Subsection (4):
- 5087 (i) possesses a valid:
- 5088 (A) medical cannabis pharmacy agent registration card;
- 5089 (B) pharmacy medical provider registration card; or
- 5090 (C) medical cannabis card;
- 5091 (ii) is an employee of the department or the Department of Agriculture and Food
5092 performing an inspection under Section ~~[26-61a-504]~~ 26B-4-232; or
- 5093 (iii) is another individual as the department provides.
- 5094 (3) A medical cannabis pharmacy may not employ an individual who is younger than
5095 21 years old.
- 5096 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
5097 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to
5098 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors
5099 the individual at all times while the individual is at the medical cannabis pharmacy and
5100 maintains a record of the individual's access.
- 5101 (5) A medical cannabis pharmacy shall operate in a facility that has:
- 5102 (a) a single, secure public entrance;
- 5103 (b) a security system with a backup power source that:
- 5104 (i) detects and records entry into the medical cannabis pharmacy; and

5105 (ii) provides notice of an unauthorized entry to law enforcement when the medical
5106 cannabis pharmacy is closed; and

5107 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
5108 cannabis product.

5109 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
5110 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
5111 ~~[26-61a-502]~~ [26B-4-230](#)(2).

5112 (7) Except for an emergency situation described in Subsection ~~[26-61a-201]~~
5113 [26B-4-213](#)(3)(c), a medical cannabis pharmacy may not allow any individual to consume
5114 cannabis on the property or premises of the medical cannabis pharmacy.

5115 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without
5116 first indicating on the cannabis or cannabis product label the name of the medical cannabis
5117 pharmacy.

5118 (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
5119 following information regarding each recommendation underlying a transaction:

5120 (i) the recommending medical provider's name, address, and telephone number;

5121 (ii) the patient's name and address;

5122 (iii) the date of issuance;

5123 (iv) directions of use and dosing guidelines or an indication that the recommending
5124 medical provider did not recommend specific directions of use or dosing guidelines; and

5125 (v) if the patient did not complete the transaction, the name of the medical cannabis
5126 cardholder who completed the transaction.

5127 (b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
5128 not sell medical cannabis unless the medical cannabis has a label securely affixed to the
5129 container indicating the following minimum information:

5130 (A) the name, address, and telephone number of the medical cannabis pharmacy;

5131 (B) the unique identification number that the medical cannabis pharmacy assigns;

5132 (C) the date of the sale;
5133 (D) the name of the patient;
5134 (E) the name of the recommending medical provider who recommended the medical
5135 cannabis treatment;
5136 (F) directions for use and cautionary statements, if any;
5137 (G) the amount dispensed and the cannabinoid content;
5138 (H) the suggested use date;
5139 (I) for unprocessed cannabis flower, the legal use termination date; and
5140 (J) any other requirements that the department determines, in consultation with the
5141 Division of Professional Licensing and the Board of Pharmacy.
5142 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
5143 following information under Subsection (9)(b)(i) if the information is already provided on the
5144 product label that a cannabis production establishment affixes:
5145 (A) a unique identification number;
5146 (B) directions for use and cautionary statements;
5147 (C) amount and cannabinoid content; and
5148 (D) a suggested use date.
5149 (iii) If the size of a medical cannabis container does not allow sufficient space to
5150 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis
5151 pharmacy may provide the following information described in Subsection (9)(b)(i) on a
5152 supplemental label attached to the container or an informational enclosure that accompanies the
5153 container:
5154 (A) the cannabinoid content;
5155 (B) the suggested use date; and
5156 (C) any other requirements that the department determines.
5157 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
5158 cannabis pharmacy without a label described in Subsection (9)(b)(i).

5159 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
5160 (a) upon receipt of an order from a limited medical provider in accordance with
5161 Subsections [~~26-61a-106~~] 26B-4-204(1)(b) through (d):
5162 (i) for a written order or an electronic order under circumstances that the department
5163 determines, contact the limited medical provider or the limited medical provider's office to
5164 verify the validity of the recommendation; and
5165 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
5166 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to
5167 verification under Subsection (10)(a)(i), enter the limited medical provider's recommendation
5168 or renewal, including any associated directions of use, dosing guidelines, or caregiver
5169 indication, in the state electronic verification system;
5170 (b) in processing an order for a holder of a conditional medical cannabis card described
5171 in Subsection [~~26-61a-201~~] 26B-4-213(1)(b) that appears irregular or suspicious in the
5172 judgment of the pharmacy medical provider or medical cannabis pharmacy agent, contact the
5173 recommending medical provider or the recommending medical provider's office to verify the
5174 validity of the recommendation before processing the cardholder's order;
5175 (c) unless the medical cannabis cardholder has had a consultation under Subsection
5176 [~~26-61a-502~~] 26B-4-230(4) or (5), verbally offer to a medical cannabis cardholder at the time
5177 of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal
5178 counseling with the pharmacy medical provider; and
5179 (d) provide a telephone number or website by which the cardholder may contact a
5180 pharmacy medical provider for counseling.
5181 (11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
5182 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a
5183 medical cannabis device, or medical cannabis product in a locked box or other secure
5184 receptacle within the medical cannabis pharmacy.
5185 (b) A medical cannabis pharmacy with a disposal program described in Subsection

(11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider can access deposited medical cannabis or medical cannabis products.

(c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or medical cannabis products by:

(i) rendering the deposited medical cannabis or medical cannabis products unusable and unrecognizable before transporting deposited medical cannabis or medical cannabis products from the medical cannabis pharmacy; and

(ii) disposing of the deposited medical cannabis or medical cannabis products in accordance with:

(A) federal and state law, rules, and regulations related to hazardous waste;

(B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

(C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

(D) other regulations that the department makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(12) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products by a medical cannabis pharmacy.

Section 88. Section **26B-4-230**, which is renumbered from Section 26-61a-502 is renumbered and amended to read:

~~[26-61a-502].~~ 26B-4-230. Dispensing -- Amount a medical cannabis pharmacy may dispense -- Reporting -- Form of cannabis or cannabis product.

(1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this ~~[chapter]~~ part:

(i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired from another medical cannabis pharmacy or a cannabis processing facility that is licensed under Section ~~4-41a-201~~;

(ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy

5213 acquired from another medical cannabis pharmacy or a cannabis processing facility that is
5214 licensed under Section [4-41a-201](#);

5215 (iii) a medical cannabis device; or
5216 (iv) educational material related to the medical use of cannabis.

5217 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
5218 an individual with:

5219 (i) (A) a medical cannabis card;
5220 (B) a department registration described in [~~Section 26-61a-201~~] Subsection
5221 [26B-4-213](#)(10); and
5222 (ii) a corresponding valid form of photo identification.

5223 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
5224 cannabis-based drug that the United States Food and Drug Administration has approved.

5225 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
5226 medical cannabis device to an individual described in Subsection [~~26-61a-201~~]
5227 [26B-4-213](#)(2)(a)(i)(B) or to a minor described in Subsection [~~26-61a-201~~] [26B-4-213](#)(2)(c)
5228 unless the individual or minor has the approval of the Compassionate Use Board in accordance
5229 with Subsection [~~26-61a-105~~] [26B-1-421](#)(5).

5230 (2) A medical cannabis pharmacy:

5231 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
5232 legal dosage limit of:

5233 (i) unprocessed cannabis that:
5234 (A) is in a medicinal dosage form; and
5235 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
5236 cannabidiol in the cannabis; and
5237 (ii) a cannabis product that is in a medicinal dosage form; and
5238 (b) may not dispense:
5239 (i) more medical cannabis than described in Subsection (2)(a); or

(ii) to an individual whose recommending medical provider did not recommend directions of use and dosing guidelines, until the individual consults with the pharmacy medical provider in accordance with Subsection (4), any medical cannabis.

(3) An individual with a medical cannabis card:

(a) may purchase, in any one 28-day period, up to the legal dosage limit of:

(i) unprocessed cannabis in a medicinal dosage form; and

(ii) a cannabis product in a medicinal dosage form;

(b) may not purchase:

(i) more medical cannabis than described in Subsection (3)(a); or

(ii) if the relevant recommending medical provider did not recommend directions of use and dosing guidelines, until the individual consults with the pharmacy medical provider in accordance with Subsection (4), any medical cannabis; and

(c) may not use a route of administration that the relevant recommending medical provider or the pharmacy medical provider, in accordance with Subsection (4) or (5), has not recommended.

(4) If a recommending medical provider recommends treatment with medical cannabis but wishes for the pharmacy medical provider to determine directions of use and dosing guidelines:

(a) the recommending medical provider shall provide to the pharmacy medical provider, either through the state electronic verification system or through a medical cannabis pharmacy's recording of a recommendation under the order of a limited medical provider, any of the following information that the recommending medical provider feels would be needed to provide appropriate directions of use and dosing guidelines:

(i) information regarding the qualifying condition underlying the recommendation;

(ii) information regarding prior treatment attempts with medical cannabis; and

(iii) portions of the patient's current medication list; and

(b) before the relevant medical cannabis cardholder may obtain medical cannabis, the

5267 pharmacy medical provider shall:

5268 (i) review pertinent medical records, including the recommending medical provider
5269 documentation described in Subsection (4)(a); and

5270 (ii) unless the pertinent medical records show directions of use and dosing guidelines
5271 from a state central patient portal medical provider in accordance with Subsection (5), after
5272 completing the review described in Subsection (4)(b)(i) and consulting with the recommending
5273 medical provider as needed, determine the best course of treatment through consultation with
5274 the cardholder regarding:

5275 (A) the patient's qualifying condition underlying the recommendation from the
5276 recommending medical provider;

5277 (B) indications for available treatments;

5278 (C) directions of use and dosing guidelines; and

5279 (D) potential adverse reactions.

5280 (5) (a) A state central patient portal medical provider may provide the consultation and
5281 make the determination described in Subsection (4)(b) for a medical cannabis patient
5282 cardholder regarding an electronic order that the state central patient portal facilitates.

5283 (b) The state central patient portal medical provider described in Subsection (5)(a)
5284 shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)
5285 in the pertinent medical records.

5286 (6) (a) A medical cannabis pharmacy shall:

5287 (i) (A) access the state electronic verification system before dispensing cannabis or a
5288 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
5289 where applicable, the associated patient has met the maximum amount of medical cannabis
5290 described in Subsection (2); and

5291 (B) if the verification in Subsection (6)(a)(i) indicates that the individual has met the
5292 maximum amount described in Subsection (2), decline the sale, and notify the recommending
5293 medical provider who made the underlying recommendation;

(ii) submit a record to the state electronic verification system each time the medical cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

(iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews each medical cannabis transaction before dispensing the medical cannabis to the cardholder in accordance with pharmacy practice standards;

(iv) package any medical cannabis that is in a container that:

(A) complies with Subsection [4-41a-602\(1\)\(b\)](#) or, if applicable, provisions related to a container for unprocessed cannabis flower in the definition of "medicinal dosage form" in Section [\[26-61a-102\]](#) [26B-4-201](#);

(B) is tamper-resistant and tamper-evident; and

(C) provides an opaque bag or box for the medical cannabis cardholder's use in transporting the container in public; and

(v) for a product that is a cube that is designed for ingestion through chewing or holding in the mouth for slow dissolution, include a separate, off-label warning about the risks of over-consumption.

(b) A medical cannabis cardholder transporting or possessing the container described in Subsection (6)(a)(iv) in public shall keep the container within the opaque bag or box that the medical cannabis pharmacist provides.

(7) (a) Except as provided in Subsection (7)(b), a medical cannabis pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device that is intentionally designed or constructed to resemble a cigarette.

(b) A medical cannabis pharmacy may sell a medical cannabis device that warms cannabis material into a vapor without the use of a flame and that delivers cannabis to an individual's respiratory system.

(8) (a) A medical cannabis pharmacy may not give, at no cost, a product that the medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

(b) A medical cannabis pharmacy may give, at no cost, educational material related to

the medical use of cannabis.

(9) The department may impose a uniform fee on each medical cannabis transaction in a medical cannabis pharmacy in an amount that, subject to Subsection ~~[26-61a-109]~~ 26B-1-310(5), the department sets in accordance with Section ~~63J-1-504~~.

(10) A medical cannabis pharmacy may purchase and store medical cannabis devices regardless of whether the seller has a cannabis-related license under this title or Title 4, Chapter 41a, Cannabis Production Establishments.

Section 89. Section **26B-4-231**, which is renumbered from Section 26-61a-503 is renumbered and amended to read:

~~[26-61a-503]~~. **26B-4-231. Partial filling.**

(1) As used in this section, "partially fill" means to provide less than the full amount of cannabis or cannabis product that the recommending medical provider recommends, if the recommending medical provider recommended specific dosing parameters.

(2) A pharmacy medical provider may partially fill a recommendation for a medical cannabis treatment at the request of the recommending medical provider who issued the medical cannabis treatment recommendation or the medical cannabis cardholder.

(3) The department shall make rules, in collaboration with the Division of Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date, quantity supplied, and quantity remaining of a partially filled medical cannabis treatment recommendation.

(4) A pharmacy medical provider who is a pharmacist may, upon the request of a medical cannabis cardholder, determine different dosing parameters, subject to the dosing limits in Subsection ~~[26-61a-502]~~ 26B-4-230(2), to fill the quantity remaining of a partially filled medical cannabis treatment recommendation if:

(a) the pharmacy medical provider determined dosing parameters for the partial fill under Subsection ~~[26-61a-502]~~ 26B-4-230(4) or (5); and

(b) the medical cannabis cardholder reports that:

(i) the partial fill did not substantially affect the qualifying condition underlying the medical cannabis recommendation; or

(ii) the patient experienced an adverse reaction to the partial fill or was otherwise unable to successfully use the partial fill.

Section 90. Section **26B-4-232**, which is renumbered from Section 26-61a-504 is renumbered and amended to read:

~~[26-61a-504]~~. **26B-4-232. Inspections.**

(1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis treatment recommendation files and other records in accordance with this ~~[chapter]~~ part, department rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

(2) The department or the Department of Agriculture and Food may inspect the records, facility, and inventory of a medical cannabis pharmacy at any time during business hours in order to determine if the medical cannabis pharmacy complies with this ~~[chapter]~~ part and Title 4, Chapter 41a, Cannabis Production Establishments.

(3) An inspection under this section may include:

(a) inspection of a site, facility, vehicle, book, record, paper, document, data, or other physical or electronic information, or any combination of the above;

(b) questioning of any relevant individual;

(c) inspection of equipment, an instrument, a tool, or machinery, including a container or label;

(d) random sampling of medical cannabis by the Department of Agriculture and Food in accordance with rules described in Section ~~4-41a-701~~; or

(e) seizure of medical cannabis, medical cannabis devices, or educational material as evidence in a department investigation or inspection or in instances of compliance failure.

(4) In making an inspection under this section, the department or the Department of Agriculture and Food may freely access any area and review and make copies of a book,

record, paper, document, data, or other physical or electronic information, including financial data, sales data, shipping data, pricing data, and employee data.

(5) Failure to provide the department, the Department of Agriculture and Food, or the authorized agents of the department or the Department of Agriculture and Food immediate access to records and facilities during business hours in accordance with this section may result in:

(a) the imposition of a civil monetary penalty that the department sets in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) license or registration suspension or revocation; or

(c) an immediate cessation of operations under a cease and desist order that the department issues.

(6) Notwithstanding any other provision of law, the department may temporarily store in any department facility the items the department seizes under Subsection (3)(e) until the department:

(a) determines that sufficient compliance justifies the return of the seized items; or

(b) disposes of the items in the same manner as a cannabis production establishment in accordance with Section 4-41a-405.

Section 91. Section **26B-4-233**, which is renumbered from Section 26-61a-505 is renumbered and amended to read:

~~[26-61a-505]~~. **26B-4-233. Advertising.**

(1) Except as provided in this section, a person may not advertise in any medium regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.

(2) Subject to Section ~~[26-61a-116]~~ 26B-4-223, a medical cannabis pharmacy may:

(a) advertise an employment opportunity at the medical cannabis pharmacy;

(b) notwithstanding any municipal or county ordinance prohibiting signage, use signage on the outside of the medical cannabis pharmacy that:

(i) includes only:

5402 (A) in accordance with Subsection [~~26-61a-116~~] 26B-4-223(4), the medical cannabis
5403 pharmacy's name, logo, and hours of operation; and

5404 (B) a green cross; and

5405 (ii) complies with local ordinances regulating signage;

5406 (c) advertise in any medium:

5407 (i) the pharmacy's name and logo;

5408 (ii) the location and hours of operation of the medical cannabis pharmacy;

5409 (iii) a service available at the medical cannabis pharmacy;

5410 (iv) personnel affiliated with the medical cannabis pharmacy;

5411 (v) whether the medical cannabis pharmacy is licensed as a home delivery medical
5412 cannabis pharmacy;

5413 (vi) best practices that the medical cannabis pharmacy upholds; and

5414 (vii) educational material related to the medical use of cannabis, as defined by the
5415 department;

5416 (d) hold an educational event for the public or medical providers in accordance with
5417 Subsection (3) and the rules described in Subsection (4); and

5418 (e) maintain on the medical cannabis pharmacy's website non-promotional information
5419 regarding the medical cannabis pharmacy's inventory.

5420 (3) A medical cannabis pharmacy may not include in an educational event described in
5421 Subsection (2)(d):

5422 (a) any topic that conflicts with this chapter part or Title 4, Chapter 41a, Cannabis
5423 Production Establishments;

5424 (b) any gift items or merchandise other than educational materials, as those terms are
5425 defined by the department;

5426 (c) any marketing for a specific product from the medical cannabis pharmacy or any
5427 other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic
5428 Act, 21 U.S.C. Sec. 301, et seq.; or

5429 (d) a presenter other than the following:

5430 (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

5431 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse

5432 Practice Act;

5433 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or

5434 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

5435 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician

5436 Assistant Act;

5437 (v) a medical practitioner, similar to the practitioners described in this Subsection

5438 (3)(d)(v), who is licensed in another state or country;

5439 (vi) a state employee; or

5440 (vii) if the presentation relates to a cannabis topic other than medical treatment or

5441 medical conditions, an individual whom the department approves based on the individual's

5442 background and credentials in the presented topic.

5443 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah

5444 Administrative Rulemaking Act, to define:

5445 (a) the educational material described in Subsection (2)(c)(vii); and

5446 (b) the elements of and restrictions on the educational event described in Subsection

5447 (3), including:

5448 (i) a minimum age of 21 years old for attendees; and

5449 (ii) an exception to the minimum age for a medical cannabis patient cardholder who is

5450 at least 18 years old.

5451 Section 92. Section **26B-4-234**, which is renumbered from Section 26-61a-506 is

5452 renumbered and amended to read:

5453 ~~[26-61a-506]~~. **26B-4-234. Medical cannabis transportation.**

5454 (1) Only the following individuals may transport medical cannabis under this ~~[chapter]~~

5455 part:

5456 (a) a registered medical cannabis pharmacy agent;
5457 (b) a registered medical cannabis courier agent;
5458 (c) a registered pharmacy medical provider; or
5459 (d) a medical cannabis cardholder who is transporting a medical cannabis treatment
5460 that the cardholder is authorized to transport.

5461 (2) Except for an individual with a valid medical cannabis card under this ~~chapter~~
5462 part who is transporting a medical cannabis treatment that the cardholder is authorized to
5463 transport, an individual described in Subsection (1) shall possess a transportation manifest that:

5464 (a) includes a unique identifier that links the cannabis or cannabis product to a relevant
5465 inventory control system;

5466 (b) includes origin and destination information for the medical cannabis that the
5467 individual is transporting; and

5468 (c) identifies the departure and arrival times and locations of the individual
5469 transporting the medical cannabis.

5470 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
5471 establish by rule, in collaboration with the Division of Professional Licensing and the Board of
5472 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5473 requirements for transporting medical cannabis to ensure that the medical cannabis remains
5474 safe for human consumption.

5475 (b) The transportation described in Subsection (1)(a) is limited to transportation
5476 between a medical cannabis pharmacy and:

5477 (i) another medical cannabis pharmacy; or

5478 (ii) for a medical cannabis shipment, a medical cannabis cardholder's home address.

5479 (4) (a) It is unlawful for an individual described in Subsection (1) to make a transport
5480 described in this section with a manifest that does not meet the requirements of this section.

5481 (b) Except as provided in Subsection (4)(d), an individual who violates Subsection
5482 (4)(a) is:

5483 (i) guilty of an infraction; and

5484 (ii) subject to a \$100 fine.

5485 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
5486 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
5487 underlying the violation described in Subsection (4)(b).

5488 (d) If the individual described in Subsection (4)(a) is transporting more medical
5489 cannabis than the manifest identifies, except for a de minimis administrative error:

5490 (i) this ~~[chapter]~~ part does not apply; and

5491 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
5492 Substances Act.

5493 (5) An individual other than an individual described in Subsection (1) may transport a
5494 medical cannabis device within the state if the transport does not also contain medical
5495 cannabis.

5496 Section 93. Section **26B-4-235**, which is renumbered from Section 26-61a-507 is
5497 renumbered and amended to read:

5498 ~~[26-61a-507]~~. **26B-4-235. Local control.**

5499 (1) The operation of a medical cannabis pharmacy:

5500 (a) shall be a permitted use:

5501 (i) in any zone, overlay, or district within the municipality or county except for a
5502 primarily residential zone; and

5503 (ii) on land that the municipality or county has not zoned; and

5504 (b) is subject to the land use regulations, as defined in Sections [~~10-9a-103~~] 26B-7-506
5505 and 17-27a-103, that apply in the underlying zone.

5506 (2) A municipality or county may not:

5507 (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal
5508 law regarding the legal status of cannabis, deny or revoke:

5509 (i) a land use permit, as that term is defined in Sections 10-9a-103 and 17-27a-103, to

5510 operate a medical cannabis pharmacy; or
5511 (ii) a business license to operate a medical cannabis pharmacy;
5512 (b) require a certain distance between a medical cannabis pharmacy and:
5513 (i) another medical cannabis pharmacy;
5514 (ii) a cannabis production establishment;
5515 (iii) a retail tobacco specialty business, as that term is defined in Section [~~26-62-103~~]
5516 26B-7-506; or
5517 (iv) an outlet, as that term is defined in Section 32B-1-202; or
5518 (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use
5519 regulation against a medical cannabis pharmacy that was not in effect on the day on which the
5520 medical cannabis pharmacy submitted a complete land use application.
5521 (3) (a) A municipality or county may enact an ordinance that:
5522 (i) is not in conflict with this [~~chapter~~] part; and
5523 (ii) governs the time, place, or manner of medical cannabis pharmacy operations in the
5524 municipality or county.
5525 (b) An ordinance that a municipality or county enacts under Subsection (3)(a) may not
5526 restrict the hours of operation from 7 a.m. to 10 p.m.
5527 (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall
5528 comply with the land use requirements and application process described in:
5529 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,
5530 including Section 10-9a-528; and
5531 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,
5532 including Section 17-27a-525.
5533 Section 94. Section **26B-4-236**, which is renumbered from Section 26-61a-601 is
5534 renumbered and amended to read:
5535 **[~~26-61a-601~~]. 26B-4-236. State central patient portal -- Department duties.**
5536 (1) On or before July 1, 2020, the department shall establish or contract to establish, in

5537 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central patient portal as
5538 described in this section.

5539 (2) The state central patient portal shall:

5540 (a) authenticate each user to ensure the user is a valid medical cannabis patient
5541 cardholder;

5542 (b) allow a medical cannabis patient cardholder to:

5543 (i) obtain and download the cardholder's medical cannabis card;

5544 (ii) review the cardholder's medical cannabis purchase history; and

5545 (iii) manage the cardholder's personal information, including withdrawing consent for
5546 the use of the cardholder's information for a study described in Subsection [~~26-61a-201~~]

5547 [26B-4-213](#)(12);

5548 (c) if the cardholder's recommending medical provider recommended the use of
5549 medical cannabis without providing directions of use and dosing guidelines and the cardholder
5550 has not yet received the counseling or consultation required in Subsection [~~26-61a-502~~]

5551 [26B-4-230](#)(4):

5552 (i) alert the cardholder of the outstanding need for consultation; and

5553 (ii) provide the cardholder with access to the contact information for each state central
5554 patient portal medical provider and each pharmacy medical provider;

5555 (d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis
5556 order:

5557 (i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or

5558 (ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in
5559 person from the pharmacy;

5560 (e) prohibit a patient from completing an electronic medical cannabis order described
5561 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection

5562 [~~26-61a-502~~] [26B-4-230](#)(2)(a) or (b);

5563 (f) provide educational information to medical cannabis patient cardholders regarding

the state's medical cannabis laws and regulatory programs and other relevant information regarding medical cannabis; and

(g) allow the patient to designate up to two caregivers who may receive a medical cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in accordance with this ~~[chapter]~~ part.

(3) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the state central patient portal.

Section 95. Section **26B-4-237**, which is renumbered from Section 26-61a-602 is renumbered and amended to read:

~~[26-61a-602].~~ **26B-4-237. State central patient portal medical provider.**

(1) In relation to the state central patient portal:

(a) the department may only employ, as a state central patient portal medical provider:

(i) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act; or

(ii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

(b) if the department employs a state central patient portal medical provider, the department shall ensure that a state central patient portal medical provider is available during normal business hours.

(2) A state central patient portal medical provider may:

(a) provide consultations to medical cannabis cardholders and qualified medical providers; and

(b) determine dosing parameters in accordance with Subsection ~~[26-61a-502]~~ 26B-4-230(5).

Section 96. Section **26B-4-238**, which is renumbered from Section 26-61a-603 is renumbered and amended to read:

~~[26-61a-603].~~ **26B-4-238. Payment provider for electronic medical cannabis transactions.**

(1) A cannabis production establishment, a medical cannabis pharmacy, or a prospective home delivery medical cannabis pharmacy seeking to use a payment provider shall submit to the Division of Finance and the state treasurer information regarding the payment provider the prospective licensee will use to conduct financial transactions related to medical cannabis, including:

- (a) the name and contact information of the payment provider;
- (b) the nature of the relationship between the establishment, pharmacy, or prospective pharmacy and the payment provider; and
- (c) for a prospective home delivery medical cannabis pharmacy, the processes the prospective licensee and the payment provider have in place to safely and reliably conduct financial transactions for medical cannabis shipments.

(2) The Division of Finance shall, in consultation with the state treasurer:

- (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish standards for identifying payment providers that demonstrate the functional and technical ability to safely conduct financial transactions related to medical cannabis, including medical cannabis shipments;
- (b) review submissions the Division of Finance and the state treasurer receive under Subsection (1);
- (c) approve a payment provider that meets the standards described in Subsection (2)(a); and
- (d) establish a list of approved payment providers.

(3) Any licensed cannabis production establishment, licensed medical cannabis pharmacy, or medical cannabis courier may use a payment provider that the Division of Finance approves, in consultation with the state treasurer, to conduct transactions related to the establishment's, pharmacy's, or courier's respective medical cannabis business.

(4) If Congress passes legislation that allows a cannabis-related business to facilitate payments through or deposit funds in a financial institution, a cannabis production

establishment or a medical cannabis pharmacy may facilitate payments through or deposit funds in a financial institution in addition to or instead of a payment provider that the Division of Finance approves, in consultation with the state treasurer, under this section.

Section 97. Section **26B-4-239**, which is renumbered from Section 26-61a-604 is renumbered and amended to read:

~~[26-61a-604]~~. **26B-4-239. Home delivery of medical cannabis shipments -- Medical cannabis couriers -- License.**

(1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the state central patient portal facilitates, including rules regarding the safe and controlled delivery of medical cannabis shipments.

(2) A person may not operate as a medical cannabis courier without a license that the department issues under this section.

(3) (a) Subject to Subsections (5) and (6), the department shall issue a license to operate as a medical cannabis courier to an applicant who is eligible for a license under this section.

(b) An applicant is eligible for a license under this section if the applicant submits to the department:

(i) the name and address of an individual who:

(A) has a financial or voting interest of 2% or greater in the proposed medical cannabis pharmacy; or

(B) has the power to direct or cause the management or control of a proposed cannabis production establishment;

(ii) an operating plan that includes operating procedures to comply with the operating requirements for a medical cannabis courier described in this ~~[chapter]~~ part; and

(iii) an application fee in an amount that, subject to Subsection ~~[26-61a-109]~~

5645 26B-1-310(5), the department sets in accordance with Section 63J-1-504.

5646 (4) If the department determines that an applicant is eligible for a license under this
5647 section, the department shall:

5648 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
5649 ~~[26-61a-109]~~ 26B-1-310(5), the department sets in accordance with Section 63J-1-504; and

5650 (b) notify the Department of Public Safety of the license approval and the names of
5651 each individual described in Subsection (3)(b)(ii).

5652 (5) The department may not issue a license to operate as a medical cannabis courier to
5653 an applicant if an individual described in Subsection (3)(b)(ii):

5654 (a) has been convicted under state or federal law of:

5655 (i) a felony; or

5656 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

5657 (b) is younger than 21 years old.

5658 (6) The department may revoke a license under ~~[this part]~~ Sections 26B-4-236 through
5659 26B-4-242 if:

5660 (a) the medical cannabis courier does not begin operations within one year after the day
5661 on which the department issues the initial license;

5662 (b) the medical cannabis courier makes the same violation of this ~~[chapter]~~ part three
5663 times;

5664 (c) an individual described in Subsection (3)(b)(ii) is convicted, while the license is
5665 active, under state or federal law of:

5666 (i) a felony; or

5667 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

5668 (d) after a change of ownership described in Subsection (15)(c), the department
5669 determines that the medical cannabis courier no longer meets the minimum standards for
5670 licensure and operation of the medical cannabis courier described in this ~~[chapter]~~ part.

5671 (7) The department shall deposit the proceeds of a fee imposed by this section in the

5672 Qualified Patient Enterprise Fund.

5673 (8) The department shall begin accepting applications under this section on or before
5674 July 1, 2020.

5675 (9) The department's authority to issue a license under this section is plenary and is not
5676 subject to review.

5677 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
5678 of application, from each individual who has a financial or voting interest of 2% or greater in
5679 the applicant or who has the power to direct or cause the management or control of the
5680 applicant:

5681 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

5682 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
5683 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
5684 Generation Identification System's Rap Back Service; and

5685 (c) consent to a fingerprint background check by:

5686 (i) the Bureau of Criminal Identification; and

5687 (ii) the Federal Bureau of Investigation.

5688 (11) The Bureau of Criminal Identification shall:

5689 (a) check the fingerprints the applicant submits under Subsection (10) against the
5690 applicable state, regional, and national criminal records databases, including the Federal
5691 Bureau of Investigation Next Generation Identification System;

5692 (b) report the results of the background check to the department;

5693 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
5694 for search by future submissions to the local and regional criminal records databases, including
5695 latent prints;

5696 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
5697 Generation Identification System's Rap Back Service for search by future submissions to
5698 national criminal records databases, including the Next Generation Identification System and

5699 latent prints; and

5700 (e) establish a privacy risk mitigation strategy to ensure that the department only
5701 receives notifications for an individual with whom the department maintains an authorizing
5702 relationship.

5703 (12) The department shall:

5704 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
5705 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
5706 Bureau of Criminal Identification or another authorized agency provides under this section; and

5707 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
5708 Identification.

5709 (13) The department shall renew a license under this section every year if, at the time
5710 of renewal:

5711 (a) the licensee meets the requirements of this section; and

5712 (b) the licensee pays the department a license renewal fee in an amount that, subject to
5713 Subsection [~~26-61a-109~~] [26B-1-310](#)(5), the department sets in accordance with Section
5714 [63J-1-504](#).

5715 (14) A person applying for a medical cannabis courier license shall submit to the
5716 department a proposed operating plan that complies with this section and that includes:

5717 (a) a description of the physical characteristics of any proposed facilities, including a
5718 floor plan and an architectural elevation, and delivery vehicles;

5719 (b) a description of the credentials and experience of each officer, director, or owner of
5720 the proposed medical cannabis courier;

5721 (c) the medical cannabis courier's employee training standards;

5722 (d) a security plan; and

5723 (e) storage and delivery protocols, both short and long term, to ensure that medical
5724 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
5725 integrity of the cannabis.

(15) (a) A medical cannabis courier license is not transferrable or assignable.

(b) A medical cannabis courier shall report in writing to the department no later than 10 business days before the date of any change of ownership of the medical cannabis courier.

(c) If the ownership of a medical cannabis courier changes by 50% or more:

(i) concurrent with the report described in Subsection (15)(b), the medical cannabis courier shall submit a new application described in Subsection (3)(b);

(ii) within 30 days of the submission of the application, the department shall:

(A) conduct an application review; and

(B) award a license to the medical cannabis courier for the remainder of the term of the medical cannabis courier's license before the ownership change if the medical cannabis courier meets the minimum standards for licensure and operation of the medical cannabis courier described in this ~~[chapter]~~ part; and

(iii) if the department approves the license application, notwithstanding Subsection (4), the medical cannabis courier shall pay a license fee that the department sets in accordance with Section ~~63J-1-504~~ in an amount that covers the board's cost of conducting the application review.

(16) (a) Except as provided in Subsection (15)(b), a person may not advertise regarding the transportation of medical cannabis.

(b) Notwithstanding Subsection (15)(a) and subject to Section ~~[26-61a-116]~~ 26B-4-223, a licensed home delivery medical cannabis pharmacy or a licensed medical cannabis courier may advertise:

(i) a green cross;

(ii) the pharmacy's or courier's name and logo; and

(iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

Section 98. Section ~~26B-4-240~~, which is renumbered from Section 26-61a-605 is renumbered and amended to read:

~~[26-61a-605]~~. **26B-4-240. Medical cannabis shipment transportation.**

(1) The department shall ensure that each home delivery medical cannabis pharmacy is capable of delivering, directly or through a medical cannabis courier, medical cannabis shipments in a secure manner.

(2) (a) A home delivery medical cannabis pharmacy may contract with a licensed medical cannabis courier to deliver medical cannabis shipments to fulfill electronic medical cannabis orders that the state central patient portal facilitates.

(b) If a home delivery medical cannabis pharmacy enters into a contract described in Subsection (2)(a), the pharmacy shall:

(i) impose security and personnel requirements on the medical cannabis courier sufficient to ensure the security and safety of medical cannabis shipments; and

(ii) provide regular oversight of the medical cannabis courier.

(3) Except for an individual with a valid medical cannabis card who transports a shipment the individual receives, an individual may not transport a medical cannabis shipment unless the individual is:

(a) a registered pharmacy medical provider;

(b) a registered medical cannabis pharmacy agent; or

(c) a registered agent of the medical cannabis courier described in Subsection (2).

(4) An individual transporting a medical cannabis shipment under Subsection (3) shall possess a physical or electronic transportation manifest that:

(a) includes a unique identifier that links the medical cannabis shipment to a relevant inventory control system;

(b) includes origin and destination information for the medical cannabis shipment the individual is transporting; and

(c) indicates the departure and estimated arrival times and locations of the individual transporting the medical cannabis shipment.

(5) In addition to the requirements in Subsections (3) and (4), the department may establish by rule, in collaboration with the Division of Professional Licensing and the Board of

Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting medical cannabis shipments that are related to safety for human consumption of cannabis or a cannabis product.

(6) (a) It is unlawful for an individual to transport a medical cannabis shipment with a manifest that does not meet the requirements of Subsection (4).

(b) Except as provided in Subsection (6)(d), an individual who violates Subsection (6)(a) is:

(i) guilty of an infraction; and

(ii) subject to a \$100 fine.

(c) An individual who is guilty of a violation described in Subsection (6)(b) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (6)(b).

(d) If the individual described in Subsection (6)(a) is transporting more cannabis, cannabis product, or medical cannabis devices than the manifest identifies, except for a de minimis administrative error:

(i) this ~~[chapter]~~ part does not apply; and

(ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled Substances Act.

Section 99. Section **26B-4-241**, which is renumbered from Section 26-61a-606 is renumbered and amended to read:

~~[26-61a-606]~~. **26B-4-241. Medical cannabis courier agent -- Background check -- Registration card -- Rebuttable presumption.**

(1) An individual may not serve as a medical cannabis courier agent unless:

(a) the individual is an employee of a licensed medical cannabis courier; and

(b) the department registers the individual as a medical cannabis courier agent.

(2) (a) The department shall, within 15 days after the day on which the department receives a complete application from a medical cannabis courier on behalf of a medical

5807 cannabis courier agent, register and issue a medical cannabis courier agent registration card to
5808 the prospective agent if the medical cannabis courier:

5809 (i) provides to the department:

5810 (A) the prospective agent's name and address;

5811 (B) the name and address of the medical cannabis courier;

5812 (C) the name and address of each home delivery medical cannabis pharmacy with

5813 which the medical cannabis courier contracts to deliver medical cannabis shipments; and

5814 (D) the submission required under Subsection (2)(b);

5815 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
5816 law of:

5817 (A) a felony; or

5818 (B) after December 3, 2018, a misdemeanor for drug distribution; and

5819 (iii) pays the department a fee in an amount that, subject to Subsection [~~26-61a-109~~]

5820 26B-1-310(5), the department sets in accordance with Section 63J-1-504.

5821 (b) Except for an applicant reapplying for a medical cannabis courier agent registration
5822 card within less than one year after the expiration of the applicant's previous medical cannabis
5823 courier agent registration card, each prospective agent described in Subsection (2)(a) shall:

5824 (i) submit to the department:

5825 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

5826 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
5827 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
5828 Generation Identification System's Rap Back Service; and

5829 (ii) consent to a fingerprint background check by:

5830 (A) the Bureau of Criminal Identification; and

5831 (B) the Federal Bureau of Investigation.

5832 (c) The Bureau of Criminal Identification shall:

5833 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against

the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(ii) report the results of the background check to the department;

(iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (2)(b) for search by future submissions to the local and regional criminal records databases, including latent prints;

(iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(d) The department shall:

(i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal Identification.

(3) The department shall designate on an individual's medical cannabis courier agent registration card the name of the medical cannabis pharmacy where the individual is registered as an agent and each home delivery medical cannabis courier for which the medical cannabis courier delivers medical cannabis shipments.

(4) (a) A medical cannabis courier agent shall comply with a certification standard that the department develops, in collaboration with the Division of Professional Licensing and the Board of Pharmacy, or a third-party certification standard that the department designates by rule in collaboration with the Division of Professional Licensing and the Board of Pharmacy

5861 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5862 (b) The department shall ensure that the certification standard described in Subsection
5863 (4)(a) includes training in:

- 5864 (i) Utah medical cannabis law;
5865 (ii) the medical cannabis shipment process; and
5866 (iii) medical cannabis courier agent best practices.

5867 (5) (a) A medical cannabis courier agent registration card expires two years after the
5868 day on which the department issues or renews the card.

5869 (b) A medical cannabis courier agent may renew the agent's registration card if the
5870 agent:

- 5871 (i) is eligible for a medical cannabis courier agent registration card under this section;
5872 (ii) certifies to the department in a renewal application that the information in

5873 Subsection (2)(a) is accurate or updates the information; and

5874 (iii) pays to the department a renewal fee in an amount that:

5875 (A) subject to Subsection [~~26-61a-109~~] 26B-1-310(5), the department sets in
5876 accordance with Section 63J-1-504; and

5877 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
5878 comparison to the original application process.

5879 (6) The department may revoke or refuse to issue or renew the medical cannabis
5880 courier agent registration card of an individual who:

- 5881 (a) violates the requirements of this [~~chapter~~] part; or
5882 (b) is convicted under state or federal law of:
5883 (i) a felony within the preceding 10 years; or
5884 (ii) after December 3, 2018, a misdemeanor for drug distribution.

5885 (7) A medical cannabis courier agent whom the department has registered under this
5886 section shall carry the agent's medical cannabis courier agent registration card with the agent at
5887 all times when:

(a) the agent is on the premises of the medical cannabis courier, a medical cannabis pharmacy, or a medical cannabis cardholder's home address; and

(b) the agent is handling a medical cannabis shipment.

(8) If a medical cannabis courier agent handling a medical cannabis shipment possesses the shipment in compliance with Subsection (7):

(a) there is a rebuttable presumption that the agent possesses the shipment legally; and

(b) there is no probable cause, based solely on the agent's possession of the medical cannabis shipment that the agent is engaging in illegal activity.

(9) (a) A medical cannabis courier agent who violates Subsection (7) is:

(i) guilty of an infraction; and

(ii) subject to a \$100 fine.

(b) An individual who is guilty of a violation described in Subsection (9)(a) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (9)(a).

Section 100. Section **26B-4-242**, which is renumbered from Section 26-61a-607 is renumbered and amended to read:

~~[26-61a-607]~~. **26B-4-242. Home delivery of medical cannabis shipments.**

(1) An individual may not receive and a medical cannabis pharmacy agent or a medical cannabis courier agent may not deliver a medical cannabis shipment from a home delivery medical cannabis pharmacy unless:

(a) the individual receiving the shipment presents:

(i) a valid form of photo identification; and

(ii) (A) a valid medical cannabis card under the same name that appears on the valid form of photo identification; or

(B) for a facility that a medical cannabis cardholder has designated as a caregiver under Subsection ~~[26-61a-202]~~ 26B-4-214(1)(b), evidence of the facility caregiver designation; and

(b) the delivery occurs at:

(i) the medical cannabis cardholder's home address that is on file in the state electronic verification system; or

(ii) the facility that the medical cannabis cardholder has designated as a caregiver under Subsection [~~26-61a-202~~] 26B-4-214(1)(b).

(2) Before a medical cannabis pharmacy agent or a medical cannabis courier agent distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:

(a) verify the shipment information using the state electronic verification system;

(b) ensure that the individual satisfies the identification requirements in Subsection (1);

(c) verify that payment is complete; and

(d) record the completion of the shipment transaction in a manner such that the delivery of the shipment will later be recorded within a reasonable period in the electronic verification system.

(3) The medical cannabis courier shall:

(a) (i) store each medical cannabis shipment in a secure manner until the recipient medical cannabis cardholder receives the shipment or the medical cannabis courier returns the shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4); and

(ii) ensure that only a medical cannabis courier agent is able to access the medical cannabis shipment until the recipient medical cannabis cardholder receives the shipment;

(b) return any undelivered medical cannabis shipment to the home delivery medical cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has possessed the shipment for 10 business days; and

(c) return any medical cannabis shipment to the home delivery medical cannabis pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to accept the shipment.

(4) (a) If a medical cannabis courier or home delivery medical cannabis pharmacy agent returns an undelivered medical cannabis shipment that remains unopened, the home

delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.

(b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the shipment by:

(i) rendering the shipment unusable and unrecognizable before transporting the shipment from the home delivery medical cannabis pharmacy; and

(ii) disposing of the shipment in accordance with:

(A) federal and state laws, rules, and regulations related to hazardous waste;

(B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

(C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

(D) other regulations that the department makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 101. Section **26B-4-301**, which is renumbered from Section 26-10b-101 is renumbered and amended to read:

Part 3. Health Care Access

~~[26-10b-101]~~. **26B-4-301. Definitions.**

As used in this ~~[chapter]~~ part:

(1) "Account" means the Automatic External Defibrillator Restricted Account, created in Section [26B-1-307](#).

(2) "Automatic external defibrillator" or "AED" means an automated or automatic computerized medical device that:

(a) has received pre-market notification approval from the United States Food and Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);

(b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(c) is capable of determining, without intervention by an operator, whether

5969 defibrillation should be performed; and

5970 (d) upon determining that defibrillation should be performed, automatically charges,
5971 enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and
5972 to a person's heart.

5973 (3) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external
5974 chest compression applied to a person who is unresponsive and not breathing.

5975 ~~[(1)]~~ (4) "Committee" means the Primary Care Grant Committee described in Section
5976 ~~[26-106-106]~~ 26B-1-410.

5977 ~~[(2)]~~ (5) "Community based organization":

5978 (a) means a private entity; and

5979 (b) includes for profit and not for profit entities.

5980 ~~[(3)]~~ (6) "Cultural competence" means a set of congruent behaviors, attitudes, and
5981 policies that come together in a system, agency, or profession and enables that system, agency,
5982 or profession to work effectively in cross-cultural situations.

5983 ~~[(4)] "Executive director" means the executive director of the department.]~~

5984 (7) "Emergency medical dispatch center" means a public safety answering point, as
5985 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by
5986 the office.

5987 ~~[(5)]~~ (8) "Health literacy" means the degree to which an individual has the capacity to
5988 obtain, process, and understand health information and services needed to make appropriate
5989 health decisions.

5990 ~~[(6)]~~ (9) "Institutional capacity" means the ability of a community based organization
5991 to implement public and private contracts.

5992 ~~[(7)]~~ (10) "Medically underserved population" means the population of an urban or
5993 rural area or a population group that the committee determines has a shortage of primary health
5994 care.

5995 (11) "Office" means the Office of Emergency Medical Services and Preparedness

5996 within the department.

5997 ~~[(8)]~~ (12) "Primary care grant" means a grant awarded by the department under

5998 Subsection ~~[26-10b-102]~~ 26B-4-310(1).

5999 ~~[(9)]~~ (13) (a) "Primary health care" means:

6000 (i) basic and general health care services given when a person seeks assistance to
6001 screen for or to prevent illness and disease, or for simple and common illnesses and injuries;
6002 and

6003 (ii) care given for the management of chronic diseases.

6004 (b) "Primary health care" includes:

6005 (i) services of physicians, nurses, physician's assistants, and dentists licensed to
6006 practice in this state under Title 58, Occupations and Professions;

6007 (ii) diagnostic and radiologic services;

6008 (iii) preventive health services including perinatal services, well-child services, and
6009 other services that seek to prevent disease or its consequences;

6010 (iv) emergency medical services;

6011 (v) preventive dental services; and

6012 (vi) pharmaceutical services.

6013 ~~[(10)] "Program" means the primary care grant program created under this chapter.]~~

6014 (14) "Sudden cardiac arrest" means a life-threatening condition that results when a
6015 person's heart stops or fails to produce a pulse.

6016 Section 102. Section **26B-4-302**, which is renumbered from Section 26-8b-201 is
6017 renumbered and amended to read:

6018 ~~[26-8b-201].~~ **26B-4-302. Authority to administer CPR or use an AED.**

6019 (1) A person may administer CPR on another person without a license, certificate, or
6020 other governmental authorization if the person reasonably believes that the other person is in
6021 sudden cardiac arrest.

6022 (2) A person may use an AED on another person without a license, certificate, or other

6023 governmental authorization if the person reasonably believes that the other person is in sudden
6024 cardiac arrest.

6025 Section 103. Section **26B-4-303**, which is renumbered from Section 26-8b-202 is
6026 renumbered and amended to read:

6027 **[26-8b-202].** **26B-4-303. Immunity.**

6028 (1) Except as provided in Subsection (3), the following persons are not subject to civil
6029 liability for any act or omission relating to preparing to care for, responding to care for, or
6030 providing care to, another person who reasonably appears to be in sudden cardiac arrest:

6031 (a) a person authorized, under Section [~~26-8b-201~~] [26B-4-302](#), to administer CPR,
6032 who:

6033 (i) gratuitously and in good faith attempts to administer or administers CPR to another
6034 person; or

6035 (ii) fails to administer CPR to another person;

6036 (b) a person authorized, under Section [~~26-8b-201~~] [26B-4-302](#), to use an AED who:

6037 (i) gratuitously and in good faith attempts to use or uses an AED; or

6038 (ii) fails to use an AED;

6039 (c) a person that teaches or provides a training course in administering CPR or using an
6040 AED;

6041 (d) a person that acquires an AED;

6042 (e) a person that owns, manages, or is otherwise responsible for the premises or
6043 conveyance where an AED is located;

6044 (f) a person who retrieves an AED in response to a perceived or potential sudden
6045 cardiac arrest;

6046 (g) a person that authorizes, directs, or supervises the installation or provision of an
6047 AED;

6048 (h) a person involved with, or responsible for, the design, management, or operation of
6049 a CPR or AED program;

(i) a person involved with, or responsible for, reporting, receiving, recording, updating, giving, or distributing information relating to the ownership or location of an AED under [Part 3, Automatic External Defibrillator Databases] Sections [26B-4-304](#) through [26B-4-306](#); or

(j) a physician who gratuitously and in good faith:

(i) provides medical oversight for a public AED program; or

(ii) issues a prescription for a person to acquire or use an AED.

(2) This section does not relieve a manufacturer, designer, developer, marketer, or commercial distributor of an AED, or an accessory for an AED, of any liability.

(3) The liability protection described in Subsection (1) does not apply to an act or omission that constitutes gross negligence or willful misconduct.

Section 104. Section **26B-4-304**, which is renumbered from Section 26-8b-301 is renumbered and amended to read:

~~[26-8b-301].~~ **26B-4-304. Reporting location of automatic external defibrillators.**

(1) In accordance with Subsection (2) and except as provided in Subsection (3):

(a) a person who owns or leases an AED shall report the person's name, address, and telephone number, and the exact location of the AED, in writing or by a web-based AED registration form, if available, to the emergency medical dispatch center that provides emergency dispatch services for the location where the AED is installed, if the person:

(i) installs the AED;

(ii) causes the AED to be installed; or

(iii) allows the AED to be installed; and

(b) a person who owns or leases an AED that is removed from a location where it is installed shall report the person's name, address, and telephone number, and the exact location from which the AED is removed, in writing or by a web-based AED registration form, if available, to the emergency medical dispatch center that provides emergency dispatch services for the location from which the AED is removed, if the person:

6077 (i) removes the AED;
6078 (ii) causes the AED to be removed; or
6079 (iii) allows the AED to be removed.
6080 (2) A report required under Subsection (1) shall be made within 14 days after the day
6081 on which the AED is installed or removed.
6082 (3) Subsection (1) does not apply to an AED:
6083 (a) at a private residence; or
6084 (b) in a vehicle or other mobile or temporary location.
6085 (4) A person who owns or leases an AED that is installed in, or removed from, a
6086 private residence may voluntarily report the location of, or removal of, the AED to the
6087 emergency medical dispatch center that provides emergency dispatch services for the location
6088 where the private residence is located.
6089 (5) The department may not impose a penalty on a person for failing to comply with
6090 the requirements of this section.
6091 Section 105. Section **26B-4-305**, which is renumbered from Section 26-8b-302 is
6092 renumbered and amended to read:
6093 **~~[26-8b-302].~~ 26B-4-305. Distributors to notify of reporting requirements.**
6094 A person in the business of selling or leasing an AED shall, at the time the person
6095 provides, sells, or leases an AED to another person, notify the other person, in writing, of the
6096 reporting requirements described in Section ~~[26-8b-301]~~ 26B-4-304.
6097 Section 106. Section **26B-4-306**, which is renumbered from Section 26-8b-303 is
6098 renumbered and amended to read:
6099 **~~[26-8b-303].~~ 26B-4-306. Duties of emergency medical dispatch centers.**
6100 An emergency medical dispatch center shall:
6101 (1) implement a system to receive and manage the information reported to the
6102 emergency medical dispatch center under Section ~~[26-8b-301]~~ 26B-4-304;
6103 (2) record in the system described in Subsection (1), all information received under

6104 Section [~~26-8b-301~~] 26B-4-304 within 14 days after the day on which the information is
6105 received;

6106 (3) inform a person who calls to report a potential incident of sudden cardiac arrest of
6107 the location of an AED located at the address of the potential sudden cardiac arrest;

6108 (4) provide verbal instructions to a person described in Subsection (3) to:

6109 (a) help a person determine if a patient is in cardiac arrest; and

6110 (b) if needed:

6111 (i) provide direction to start CPR;

6112 (ii) offer instructions on how to perform CPR; or

6113 (iii) offer instructions on how to use an AED, if one is available; and

6114 (5) provide the information contained in the system described in Subsection (1), upon
6115 request, to the [~~bureau~~] office.

6116 Section 107. Section **26B-4-307**, which is renumbered from Section 26-8b-401 is
6117 renumbered and amended to read:

6118 [~~26-8b-401~~]. **26B-4-307. Education and training.**

6119 (1) The [~~bureau~~] office shall work in cooperation with federal, state, and local agencies
6120 and schools, to encourage individuals to complete courses on the administration of CPR and
6121 the use of an AED.

6122 (2) A person who owns or leases an AED shall encourage each person who is likely to
6123 use the AED to complete courses on the administration of CPR and the use of an AED.

6124 Section 108. Section **26B-4-308**, which is renumbered from Section 26-8b-402 is
6125 renumbered and amended to read:

6126 [~~26-8b-402~~]. **26B-4-308. AEDs for demonstration purposes.**

6127 (1) Any AED used solely for demonstration or training purposes, which is not
6128 operational for emergency use is, except for the provisions of this section, exempt from the
6129 provisions of this [~~chapter~~] part.

6130 (2) The owner of an AED described in Subsection (1) shall clearly mark on the exterior

6131 of the AED that the AED is for demonstration or training use only.

6132 Section 109. Section **26B-4-309**, which is renumbered from Section 26-8b-501 is
6133 renumbered and amended to read:

6134 ~~[26-8b-501]~~. **26B-4-309. Tampering with an AED prohibited -- Penalties.**

6135 A person is guilty of a class C misdemeanor if the person removes, tampers with, or
6136 otherwise disturbs an AED, AED cabinet or enclosure, or AED sign, unless:

6137 (1) the person is authorized by the AED owner for the purpose of:

6138 (a) inspecting the AED or AED cabinet or enclosure; or

6139 (b) performing maintenance or repairs on the AED, the AED cabinet or enclosure, a
6140 wall or structure that the AED cabinet or enclosure is directly attached to, or an AED sign;

6141 (2) the person is responding to, or providing care to, a potential sudden cardiac arrest
6142 patient; or

6143 (3) the person acts in good faith with the intent to support, and not to violate, the
6144 recognized purposes of the AED.

6145 Section 110. Section **26B-4-310**, which is renumbered from Section 26-10b-102 is
6146 renumbered and amended to read:

6147 ~~[26-10b-102]~~. **26B-4-310. Department to award primary care grants --**
6148 **Applications.**

6149 (1) Within appropriations specified by the Legislature for this purpose, the department
6150 may, in accordance with the recommendation of the committee, award a grant to a public or
6151 nonprofit entity to provide primary health care to a medically underserved population.

6152 (2) When awarding a grant under Subsection (1), the department shall, in accordance
6153 with the committee's recommendation, consider:

6154 (a) the content of a grant application submitted to the department;

6155 (b) whether an application is submitted in the manner and form prescribed by the
6156 department; and

6157 (c) the criteria established in Section ~~[26-10b-103]~~ 26B-4-311.

(3) The application for a grant under Subsection (2)(a) shall contain:

- (a) a requested award amount;
- (b) a budget; and
- (c) a narrative plan of the manner in which the applicant intends to provide the primary health care described in Subsection (1).

Section 111. Section **26B-4-311**, which is renumbered from Section 26-10b-103 is renumbered and amended to read:

~~[26-10b-103].~~ **26B-4-311. Content of primary care grant applications.**

An applicant for a grant under ~~[this chapter]~~ Section 26B-4-310 shall include, in an application:

- (1) a statement of specific, measurable objectives, and the methods the applicant will use to assess the achievement of those objectives;
 - (2) the precise boundaries of the area the applicant will serve, including a description of the medically underserved population the applicant will serve using the grant;
 - (3) the results of a need assessment that demonstrates that the population the applicant will serve has a need for the services provided by the applicant;
 - (4) a description of the personnel responsible for carrying out the activities of the grant along with a statement justifying the use of any grant funds for the personnel;
 - (5) evidence that demonstrates the applicant's existing financial and professional assistance and any attempts by the applicant to obtain financial and professional assistance;
 - (6) a list of services the applicant will provide;
 - (7) the schedule of fees, if any, the applicant will charge;
 - (8) the estimated number of individuals the applicant will serve with the grant award;
- and
- (9) any other information required by the department in consultation with the committee.

Section 112. Section **26B-4-312**, which is renumbered from Section 26-10b-104 is

6185 renumbered and amended to read:

6186 ~~[26-10b-104].~~ **26B-4-312. Process and criteria for awarding primary care**
6187 **grants.**

6188 (1) The department shall review and rank applications based on the criteria in this
6189 section and transmit the applications to the committee for review.

6190 (2) The committee shall, after reviewing the applications transferred to the committee
6191 under Subsection (1), make recommendations to the executive director.

6192 (3) The executive director shall, in accordance with the committee's recommendations,
6193 decide which applications to award grants under Subsection ~~[26-10b-102]~~ 26B-4-310(1).

6194 (4) The department shall establish rules in accordance with Title 63G, Chapter 3, Utah
6195 Administrative Rulemaking Act, governing the application form, the process, and the criteria
6196 the department will use in reviewing, ranking, and awarding grants and contracts under this
6197 ~~[chapter]~~ part.

6198 (5) When reviewing, ranking, and awarding a primary care grant under Subsection
6199 ~~[26-10b-102]~~ 26B-4-310(1), the department shall consider the extent to which an applicant:

6200 (a) demonstrates that the area or a population group the applicant will serve under the
6201 application has a shortage of primary health care and that the primary health care will be
6202 located so that it provides assistance to the greatest number of individuals in the population
6203 group;

6204 (b) utilizes other sources of funding, including private funding, to provide primary
6205 health care;

6206 (c) demonstrates the ability and expertise to serve a medically underserved population;

6207 (d) agrees to submit a report to the committee annually; and

6208 (e) meets other criteria determined by the department in consultation with the
6209 committee.

6210 (6) The department may use up to 5% of the funds appropriated by the Legislature to
6211 the primary care grant program ~~[under this chapter]~~ to pay the costs of administering the

6212 program.

6213 Section 113. Section **26B-4-313**, which is renumbered from Section 26-10b-107 is
6214 renumbered and amended to read:

6215 ~~[26-10b-107]~~. **26B-4-313. Community education and outreach contracts.**

6216 (1) The department may, as funding permits, contract with community based
6217 organizations for the purpose of developing culturally and linguistically appropriate programs
6218 and services for low income and medically underserved populations to accomplish one or more
6219 of the following:

6220 (a) to educate individuals:

6221 (i) to use private and public health care coverage programs, products, services, and
6222 resources in a timely, effective, and responsible manner;

6223 (ii) to pursue preventive health care, health screenings, and disease management; and

6224 (iii) to locate health care programs and services;

6225 (b) to assist individuals to develop:

6226 (i) personal health management;

6227 (ii) self-sufficiency in daily care; and

6228 (iii) life and disease management skills;

6229 (c) to support translation of health materials and information;

6230 (d) to facilitate an individual's access to primary care and providers, including mental
6231 health services; and

6232 (e) to measure and report empirical results of the pilot project.

6233 (2) When awarding a contract for community based services under Subsection (1), the
6234 department shall consider the extent to which the applicant:

6235 (a) demonstrates that the area or a population group to be served under the application
6236 is a medically underserved population and that the services will be located to provide
6237 assistance to the greatest number of individuals residing in the area or included in the
6238 population group;

(b) utilizes other sources of funding, including private funding, to provide the services described in Subsection (1);

(c) demonstrates the ability and expertise to serve medically underserved populations, including individuals with limited English-speaking ability, single heads of households, the elderly, individuals with low income, and individuals with a chronic disease;

(d) meets other criteria determined by the department; and

(e) demonstrates the ability to empirically measure and report the results of all contract supported activities.

(3) The department may only award a contract under Subsection (1):

(a) in accordance with Title 63G, Chapter 6a, Utah Procurement Code;

(b) that contains the information described in Section ~~[26-10b-103]~~ [26B-4-311](#), relating to grants; and

(c) that complies with Subsections (4) and (5).

(4) An applicant under ~~[this chapter]~~ this section and Sections [26B-4-310](#) through [26B-4-312](#) shall demonstrate to the department that the applicant will not deny services to a person because of the person's inability to pay for the services.

(5) Subsection (4) does not preclude an applicant from seeking payment from the person receiving services, a third party, or a government agency if:

(a) the applicant is authorized to charge for the services; and

(b) the person, third party, or government agency is under legal obligation to pay for the services.

(6) The department shall maximize the use of federal matching funds received for services under Subsection (1) to fund additional contracts under Subsection (1).

Section 114. Section **26B-4-314**, which is renumbered from Section 26-9-1 is renumbered and amended to read:

~~[26-9-1]~~. **26B-4-314. Assistance to rural communities by department.**

The department shall assist rural communities in dealing with primary health care needs

relating to recruiting health professionals, planning, and technical assistance. The department shall assist the communities, at their request, at any stage of development of new or expanded primary health care services and shall work with them to improve primary health care by providing information to increase the effectiveness of their systems, to decrease duplication and fragmentation of services, and to maximize community use of private gifts, and local, state, and federal grants and contracts.

Section 115. Section **26B-4-315**, which is renumbered from Section 26-9-2 is renumbered and amended to read:

~~[26-9-2].~~ 26B-4-315. Responsibility of department for coordinating rural health programs.

The department shall be the lead agency responsible for coordinating rural health programs and shall ~~[insure]~~ ensure that resources available for rural health are efficiently and effectively used.

Section 116. Section **26B-4-316**, which is renumbered from Section 26-9-3 is renumbered and amended to read:

~~[26-9-3].~~ 26B-4-316. Rural health development initiatives.

(1) (a) ~~[The]~~ University of Utah Health ~~[Science Center]~~ shall use any appropriations it receives for developing area health education centers to establish and maintain an area health education center program in accordance with this section.

(b) Implementation and execution of the area health education center program is contingent upon appropriations from the Legislature.

(2) (a) The area health education center program shall consist of a central program office at ~~[the]~~ University of Utah Health ~~[Science Center]~~. The program office shall establish and operate a statewide, decentralized, regional program with emphasis on addressing rural health professions workforce education and training needs.

(b) The area health education center program shall have ~~[five]~~ three regional centers serving the following geographic areas:

6293 (i) the northern center serving Box Elder, Cache, Davis, Rich, Weber, and Morgan
6294 counties;
6295 (ii) the crossroads center serving Salt Lake, Wasatch, Summit, Tooele, and Utah~~[, and~~
6296 ~~Davis]~~ counties; and
6297 (iii) the ~~[central]~~ southern center serving Juab, Millard, Piute, Sanpete, Sevier, ~~[and]~~
6298 Wayne, ~~[counties; (iv) the eastern center serving]~~ Carbon, Daggett, Duchesne, Emery, Grand,
6299 San Juan, ~~[and Uintah counties; and (v) the southwest center serving]~~ Uintah, Beaver,
6300 Garfield, Iron, Kane, and Washington counties.

6301 (3) The area health education center program shall attempt to acquire funding from
6302 state, local, federal, and private sources.

6303 (4) Each area health education center shall provide community-based health
6304 professions education programming for the geographic area described in Subsection (2)(b) of
6305 this section.

6306 Section 117. Section **26B-4-317**, which is renumbered from Section 26-9-5 is
6307 renumbered and amended to read:

6308 **~~[26-9-5]. 26B-4-317. Rural County Health Care Special Service District~~**
6309 **Retirement Grant Program.**

6310 (1) As used in this section:

6311 (a) "Participating employer" means an employer that was required to participate in the
6312 Utah State Retirement System under Section 49-12-201, 49-12-202, 49-13-201, or 49-13-202.

6313 (b) "Retirement liability" means an obligation in excess of \$750,000 owed to the Utah
6314 State Retirement Office by a rural county health care special service district as a participating
6315 employer.

6316 (c) "Rural county health care special service district" means a special service district
6317 formed to provide health care in a third, fourth, fifth, or sixth class county as defined in Section
6318 17-50-501.

6319 (2) Because there is a compelling statewide public purpose in promoting health care in

6320 Utah's rural counties, and particularly in ensuring the continued existence and financial
6321 viability of hospital services provided by rural county health care special service districts, there
6322 is created a grant program to assist rural county health care special service districts in meeting a
6323 retirement liability.

6324 (3) (a) Subject to legislative appropriation and this Subsection (3), the department shall
6325 make grants to rural county health care special service districts.

6326 (b) To qualify for a grant, a rural county health care special service district shall:

6327 (i) file a grant application with the department detailing:

6328 (A) the name of the rural county health care special service district;

6329 (B) the estimated total amount of the retirement liability;

6330 (C) the grant amount that the rural county health care special service district is
6331 requesting; and

6332 (D) the amount of matching funds to be provided by the rural county health care
6333 special service district to help fund the retirement liability as required by Subsection (3)(d); and

6334 (ii) commit to provide matching funds as required by Subsection (3)(d).

6335 (c) The department shall review each grant application and, subject to legislative
6336 appropriation, award grants to each rural health care special service district that qualifies for a
6337 grant under Subsection (3)(b).

6338 (d) The department may not award a grant to a rural county health care special service
6339 district unless the rural county health care special service district commits to provide matching
6340 funds to the grant equal to at least 40% of the amount of the grant.

6341 Section 118. Section **26B-4-318**, which is renumbered from Section 26-10-2 is
6342 renumbered and amended to read:

6343 **[26-10-2]. 26B-4-318. Maternal and child health provided by department.**

6344 The department shall, as funding permits, provide for maternal and child health services
6345 and services for children with a disability if the individual needs the services and the individual
6346 cannot reasonably obtain the services from other sources.

6347 Section 119. Section **26B-4-319**, which is renumbered from Section 26-10-6 is
6348 renumbered and amended to read:

6349 **[26-10-6]. 26B-4-319. Testing of newborn infants.**

6350 (1) Except in the case where parents object on the grounds that they are members of a
6351 specified, well-recognized religious organization whose teachings are contrary to the tests
6352 required by this section, a newborn infant shall be tested for:

6353 (a) phenylketonuria (PKU);

6354 (b) other heritable disorders which may result in an intellectual or physical disability or
6355 death and for which:

6356 (i) a preventive measure or treatment is available; and

6357 (ii) there exists a reliable laboratory diagnostic test method;

6358 (c) (i) an infant born in a hospital with 100 or more live births annually, hearing loss;

6359 and

6360 (ii) an infant born in a setting other than a hospital with 100 or more live births
6361 annually, hearing loss; and

6362 (d) critical congenital heart defects using pulse oximetry.

6363 (2) In accordance with Section **26B-1-209**, the department may charge fees for:

6364 (a) materials supplied by the department to conduct tests required under Subsection (1);

6365 (b) tests required under Subsection (1) conducted by the department;

6366 (c) laboratory analyses by the department of tests conducted under Subsection (1); and

6367 (d) the administrative cost of follow-up contacts with the parents or guardians of tested
6368 infants.

6369 (3) Tests for hearing loss described in Subsection (1) shall be based on one or more
6370 methods approved by the Newborn Hearing Screening Committee created in Section

6371 26B-1-432, including:

6372 (a) auditory brainstem response;

6373 (b) automated auditory brainstem response; and

6374 (c) evoked otoacoustic emissions.

6375 (4) Results of tests for hearing loss described in Subsection (1) shall be reported to:

6376 (a) the department; and

6377 (b) when results of tests for hearing loss under Subsection (1) suggest that additional

6378 diagnostic procedures or medical interventions are necessary:

6379 (i) a parent or guardian of the infant;

6380 (ii) an early intervention program administered by the department in accordance with

6381 Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1431 et seq.; and

6382 (iii) the Utah Schools for the Deaf and the Blind, created in Section [53E-8-201](#).

6383 ~~[(5) (a) There is established the Newborn Hearing Screening Committee.]~~

6384 ~~[(b) The committee shall advise the department on:]~~

6385 ~~[(i) the validity and cost of newborn infant hearing loss testing procedures; and]~~

6386 ~~[(ii) rules promulgated by the department to implement this section.]~~

6387 ~~[(c) The committee shall be composed of at least 11 members appointed by the~~

6388 ~~executive director, including:]~~

6389 ~~[(i) one representative of the health insurance industry;]~~

6390 ~~[(ii) one pediatrician;]~~

6391 ~~[(iii) one family practitioner;]~~

6392 ~~[(iv) one ear, nose, and throat specialist nominated by the Utah Medical Association;]~~

6393 ~~[(v) two audiologists nominated by the Utah Speech-Language-Hearing Association;]~~

6394 ~~[(vi) one representative of hospital neonatal nurseries;]~~

6395 ~~[(vii) one representative of the Early Intervention Baby Watch Program administered~~

6396 ~~by the department;]~~

6397 ~~[(viii) one public health nurse;]~~

6398 ~~[(ix) one consumer; and]~~

6399 ~~[(x) the executive director or the executive director's designee.]~~

6400 ~~[(d) Of the initial members of the committee, the executive director shall appoint as~~

6401 nearly as possible half to two-year terms and half to four-year terms. Thereafter, appointments
6402 shall be for four-year terms except:]

6403 [(i) for those members who have been appointed to complete an unexpired term; and]

6404 [(ii) as necessary to ensure that as nearly as possible the terms of half the appointments
6405 expire every two years.]

6406 [(e) A majority of the members constitute a quorum, and a vote of the majority of the
6407 members present constitutes an action of the committee.]

6408 [(f) The committee shall appoint a chairman from the committee's membership.]

6409 [(g) The committee shall meet at least quarterly.]

6410 [(h) A member may not receive compensation or benefits for the member's service, but
6411 may receive per diem and travel expenses in accordance with:]

6412 [(i) Section ~~63A-3-106~~;

6413 [(ii) Section ~~63A-3-107~~; and]

6414 [(iii) rules made by the Division of Finance pursuant to Sections ~~63A-3-106~~ and
6415 ~~63A-3-107~~.]

6416 [(i) The department shall provide staff for the committee.]

6417 [(6) Before implementing the test required by Subsection (1)(d), the department shall
6418 conduct a pilot program for testing newborns for critical congenital heart defects using pulse
6419 oximetry. The pilot program shall include the development of:]

6420 [(a) appropriate oxygen saturation levels that would indicate a need for further medical
6421 follow-up; and]

6422 [(b) the best methods for implementing the pulse oximetry screening in newborn care
6423 units.]

6424 Section 120. Section **26B-4-320**, which is renumbered from Section 26-10-7 is
6425 renumbered and amended to read:

6426 **[~~26-10-7~~]. 26B-4-320. Dental health programs -- Appointment of director.**

6427 The department shall establish and promote programs to protect and improve the dental

health of the public. The executive director shall appoint a director of the dental health program who shall be a dentist licensed in the state with at least one year of training in an accredited school of public health or not less than two years of experience in public health dentistry.

Section 121. Section **26B-4-321**, which is renumbered from Section 26-10-9 is renumbered and amended to read:

[~~26-10-9~~]. **26B-4-321. Immunizations -- Consent of minor to treatment.**

(1) This section:

(a) is not intended to interfere with the integrity of the family or to minimize the rights of parents or children; and

(b) applies to a minor, who at the time care is sought is:

(i) married or has been married;

(ii) emancipated as provided for in Section [80-7-105](#);

(iii) a parent with custody of a minor child; or

(iv) pregnant.

(2) (a) A minor described in Subsections (1)(b)(i) and (ii) may consent to:

(i) vaccinations against epidemic infections and communicable diseases as defined in Section [~~26-6-2~~] [26B-7-201](#); and

(ii) examinations and vaccinations required to attend school as provided in Title 53G, Public Education System -- Local Administration.

(b) A minor described in Subsections (1)(b)(iii) and (iv) may consent to the vaccinations described in Subsections (2)(a)(i) and (ii), and the vaccine for human papillomavirus only if:

(i) the minor represents to the health care provider that the minor is an abandoned minor as defined in Section [76-5-109.3](#); and

(ii) the health care provider makes a notation in the minor's chart that the minor represented to the health care provider that the minor is an abandoned minor under Section [76-5-109.3](#).

(c) Nothing in Subsection (2)(a) or (b) requires a health care provider to immunize a minor.

(3) The consent of the minor pursuant to this section:

(a) is not subject to later disaffirmance because of the minority of the person receiving the medical services;

(b) is not voidable because of minority at the time the medical services were provided;

(c) has the same legal effect upon the minor and the same legal obligations with regard to the giving of consent as consent given by a person of full age and capacity; and

(d) does not require the consent of any other person or persons to authorize the medical services described in Subsections (2)(a) and (b).

(4) A health care provider who provides medical services to a minor in accordance with the provisions of this section is not subject to civil or criminal liability for providing the services described in Subsections (2)(a) and (b) without obtaining the consent of another person prior to rendering the medical services.

(5) This section does not remove the requirement for parental consent or notice when required by Section 76-7-304 or 76-7-304.5.

(6) The parents, parent, or legal guardian of a minor who receives medical services pursuant to Subsections (2)(a) and (b) are not liable for the payment for those services unless the parents, parent, or legal guardian consented to the medical services.

Section 122. Section **26B-4-322**, which is renumbered from Section 26-10-11 is renumbered and amended to read:

~~[26-10-11]~~. **26B-4-322. Children's Hearing Aid Program -- Rulemaking.**

(1) The department shall offer a program to provide hearing aids to children who qualify under this section.

(2) The department shall provide hearing aids to a child who:

(a) is younger than six years old;

(b) is a resident of Utah;

6482 (c) has been diagnosed with hearing loss by:
6483 (i) an audiologist with pediatric expertise; and
6484 (ii) a physician or physician assistant;
6485 (d) provides documentation from an audiologist with pediatric expertise certifying that
6486 the child needs hearing aids;
6487 (e) has obtained medical clearance by a medical provider for hearing aid fitting;
6488 (f) does not qualify to receive a contribution that equals the full cost of a hearing aid
6489 from the state's Medicaid program or the Utah Children's Health Insurance Program; and
6490 (g) meets the financial need qualification criteria established by the department by rule,
6491 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
6492 participation in the program.

6493 ~~[(3) (a) There is established the Children's Hearing Aid Advisory Committee.]~~
6494 ~~[(b) The committee shall be composed of five members appointed by the executive~~
6495 ~~director, and shall include:]~~

6496 ~~[(i) one audiologist with pediatric expertise;]~~
6497 ~~[(ii) one speech language pathologist;]~~
6498 ~~[(iii) one teacher, certified under Title 53E, Public Education System -- State~~
6499 ~~Administration, as a teacher of the deaf or a listening and spoken language therapist;]~~

6500 ~~[(iv) one ear, nose, and throat specialist; and]~~
6501 ~~[(v) one parent whose child:]~~
6502 ~~[(A) is six years old or older; and]~~
6503 ~~[(B) has hearing loss.]~~
6504 ~~[(c) A majority of the members constitutes a quorum.]~~
6505 ~~[(d) A vote of the majority of the members, with a quorum present, constitutes an~~
6506 ~~action of the committee.]~~

6507 ~~[(e) The committee shall elect a chair from its members.]~~
6508 ~~[(f) The committee shall:]~~

6509 ~~[(i) meet at least quarterly;]~~
6510 ~~[(ii) recommend to the department medical criteria and procedures for selecting~~
6511 ~~children who may qualify for assistance from the account; and]~~
6512 ~~[(iii) review rules developed by the department.]~~
6513 ~~[(g) A member may not receive compensation or benefits for the member's service, but~~
6514 ~~may receive per diem and travel expenses in accordance with Sections 63A-3-106 and~~
6515 ~~63A-3-107 and rules made by the Division of Finance, pursuant to Sections 63A-3-106 and~~
6516 ~~63A-3-107.]~~
6517 ~~[(h) The department shall provide staff to the committee.]~~
6518 ~~[(4) (a) There is created within the General Fund a restricted account known as the~~
6519 ~~"Children's Hearing Aid Program Restricted Account."]~~
6520 ~~[(b) The Children's Hearing Aid Program Restricted Account shall consist of:]~~
6521 ~~[(i) amounts appropriated to the account by the Legislature; and]~~
6522 ~~[(ii) gifts, grants, devises, donations, and bequests of real property, personal property,~~
6523 ~~or services, from any source, or any other conveyance that may be made to the account from~~
6524 ~~private sources.]~~
6525 ~~[(c) Upon appropriation, all actual and necessary operating expenses for the committee~~
6526 ~~described in Subsection (3) shall be paid by the account.]~~
6527 ~~[(d) Upon appropriation, no more than 9% of the account money may be used for the~~
6528 ~~department's expenses.]~~
6529 ~~[(e) If this account is repealed in accordance with Section 63H-1-226, any remaining~~
6530 ~~assets in the account shall be deposited into the General Fund.]~~
6531 ~~[(5)]~~ (3) (a) For each child who receives a hearing aid under Subsection (2), the
6532 department shall maintain a record of the cost of providing services to the child under this
6533 section.
6534 (b) No more than six months after services are provided to a child under this section,
6535 the department shall send a letter to the family of the child who received services that includes

6536 information regarding:

6537 (i) the total amount paid by the department to provide services to the child under this
6538 section; and

6539 (ii) the process by which the family may donate all or part of the amount paid to
6540 provide services to the child to fund the Children's Hearing Aid Program.

6541 (c) All donations made under Subsection ~~[(6)]~~ (4)(c) shall be deposited into the
6542 Children's Hearing Aid Program Restricted Account created in ~~[Subsection (4)(a)]~~ Section
6543 26B-1-333.

6544 ~~[(6)]~~ (4) The department shall make rules, in accordance with Title 63G, Chapter 3,
6545 Utah Administrative Rulemaking Act, to establish procedures for:

6546 (a) identifying the children who are financially eligible to receive services under the
6547 program;

6548 (b) reviewing and paying for services provided to a child under the program; and

6549 (c) an individual to donate to the program all or part of the cost of providing services to
6550 a child under this section, without regard to whether the donation is made in response to the
6551 letter described in Subsection ~~[(5)]~~ (3)(b).

6552 Section 123. Section **26B-4-323**, which is renumbered from Section 26-10-13 is
6553 renumbered and amended to read:

6554 ~~[26-10-13]~~. **26B-4-323. Reporting results of a test for hearing loss.**

6555 (1) As used in this section, "health care provider" means the same as that term is
6556 defined in Section 78B-3-403.

6557 (2) Except as provided in Subsection (3), a health care provider shall report results of a
6558 test for hearing loss to the Utah Schools for the Deaf and the Blind if:

6559 (a) the results suggest that additional diagnostic procedures or medical interventions
6560 are necessary; and

6561 (b) the individual tested for hearing loss is under the age of 22.

6562 (3) A health care provider may not make the report of an individual's results described

in Subsection (2) if the health care provider receives a request to not make the report from:

(a) the individual, if the individual is not a minor; or

(b) the individual's parent or guardian, if the individual is a minor.

Section 124. Section **26B-4-324**, which is renumbered from Section 26-47-103 is renumbered and amended to read:

~~[26-47-103].~~ **26B-4-324. Department to award grants for assistance to persons with bleeding disorders.**

(1) ~~[For purposes of]~~ As used in this section:

(a) "Hemophilia services" means a program for medical care, including the costs of blood transfusions, and the use of blood derivatives and blood clotting factors.

(b) "Person with a bleeding disorder" means a person:

(i) who is medically diagnosed with hemophilia or a bleeding disorder;

(ii) who is not eligible for Medicaid or the Children's Health Insurance Program; and

(iii) who meets one or more of the following:

(A) the person's insurance coverage excludes coverage for hemophilia services;

(B) the person has exceeded the person's insurance plan's annual maximum benefits;

(C) the person has exceeded the person's annual or lifetime maximum benefits payable under private health insurance; or

(D) the premiums for the person's private insurance coverage, or cost sharing under private coverage, are greater than a percentage of the person's annual adjusted gross income as established by the department by administrative rule.

(2) (a) Within appropriations specified by the Legislature for this purpose, the department shall make grants to public and nonprofit entities who assist persons with bleeding disorders with the cost of obtaining hemophilia services or the cost of insurance premiums for coverage of hemophilia services.

(b) Applicants for grants under this section:

(i) shall be submitted to the department in writing; and

(ii) shall comply with Subsection (3).

(3) Applications for grants under this section shall include:

(a) a statement of specific, measurable objectives, and the methods to be used to assess the achievement of those objectives;

(b) a description of the personnel responsible for carrying out the activities of the grant along with a statement justifying the use of any grant funds for the personnel;

(c) letters and other forms of evidence showing that efforts have been made to secure financial and professional assistance and support for the services to be provided under the grant;

(d) a list of services to be provided by the applicant;

(e) the schedule of fees to be charged by the applicant; and

(f) other provisions as determined by the department.

(4) The department may accept grants, gifts, and donations of money or property for use by the grant program.

(5) The department shall establish rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the application form, process, and criteria it will use in awarding grants under this section.

Section 125. Section **26B-4-401**, which is renumbered from Section 26-53-102 is renumbered and amended to read:

Part 4. School Health

~~[26-53-102]~~. **26B-4-401. Definitions.**

As used in this ~~[chapter]~~ part:

(1) "Agent" means a coach, teacher, employee, representative, or volunteer.

(2) (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):

(i) a sports team;

(ii) a public or private school;

(iii) a public or private sports league;

- 6617 (iv) a public or private sports camp; or
6618 (v) any other public or private organization that organizes, manages, or sponsors a
6619 sporting event for its members, enrollees, or attendees.
- 6620 (b) "Amateur sports organization" does not include a professional:
6621 (i) team;
6622 (ii) league; or
6623 (iii) sporting event.
- 6624 (3) "Anaphylaxis" means a potentially life-threatening hypersensitivity to a substance.
6625 (a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty
6626 breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.
6627 (b) Causes of anaphylaxis may include insect sting, food allergy, drug reaction, and
6628 exercise.
- 6629 (4) "Asthma action plan" means a written plan:
6630 (a) developed with a school nurse, a student's parent or guardian, and the student's
6631 health care provider to help control the student's asthma; and
6632 (b) signed by the student's:
6633 (i) parent or guardian; and
6634 (ii) health care provider.
- 6635 (5) "Asthma emergency" means an episode of respiratory distress that may include
6636 symptoms such as wheezing, shortness of breath, coughing, chest tightness, or breathing
6637 difficulty.
- 6638 ~~[(3)]~~ (6) "Child" means an individual who is under the age of 18.
- 6639 (7) "Epinephrine auto-injector" means a portable, disposable drug delivery device that
6640 contains a measured, single dose of epinephrine that is used to treat a person suffering a
6641 potentially fatal anaphylactic reaction.
- 6642 (8) "Health care provider" means an individual who is licensed as:
6643 (a) a physician under Title 58, Chapter 67, Utah Medical Practice Act;

(b) a physician under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(c) an advanced practice registered nurse under Section [58-31b-302](#); or

(d) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

(9) "Pharmacist" means the same as that term is defined in Section [58-17b-102](#).

(10) "Pharmacy intern" means the same as that term is defined in Section [58-17b-102](#).

(11) "Physician" means the same as that term is defined in Section [58-67-102](#).

(12) "Qualified adult" means a person who:

(a) is 18 years of age or older; and

(b) (i) for purposes of administering an epinephrine auto-injector, has successfully completed the training program established in Section [26B-4-407](#); and

(ii) for purposes of administering stock albuterol, has successfully completed the training program established in Section [26B-4-408](#).

(13) "Qualified epinephrine auto-injector entity":

(a) means a facility or organization that employs, contracts with, or has a similar relationship with a qualified adult who is likely to have contact with another person who may experience anaphylaxis; and

(b) includes:

(i) recreation camps;

(ii) an education facility, school, or university;

(iii) a day care facility;

(iv) youth sports leagues;

(v) amusement parks;

(vi) food establishments;

(vii) places of employment; and

(viii) recreation areas.

~~[(4)]~~ (14) "Qualified health care provider" means a health care provider who:

(a) is licensed under Title 58, Occupations and Professions; and

6671 (b) may evaluate and manage a concussion within the health care provider's scope of
6672 practice.

6673 (15) "Qualified stock albuterol entity" means a public or private school that employs,
6674 contracts with, or has a similar relationship with a qualified adult who is likely to have contact
6675 with another person who may experience an asthma emergency.

6676 ~~[(5)]~~ (16) (a) "Sporting event" means any of the following athletic activities that is
6677 organized, managed, or sponsored by an organization:

- 6678 (i) a game;
6679 (ii) a practice;
6680 (iii) a sports camp;
6681 (iv) a physical education class;
6682 (v) a competition; or
6683 (vi) a tryout.

6684 (b) "Sporting event" does not include:

6685 (i) the issuance of a lift ticket or pass by a ski resort, the use of the ticket or pass, or a
6686 ski or snowboarding class or school at a ski resort, unless the skiing or snowboarding is part of
6687 a camp, team, or competition that is organized, managed, or sponsored by the ski resort;

6688 (ii) as applied to a government entity, merely making available a field, facility, or other
6689 location owned, leased, or controlled by the government entity to an amateur sports
6690 organization or a child, regardless of whether the government entity charges a fee for the use;
6691 or

6692 (iii) free play or recess taking place during school hours.

6693 (17) "Stock albuterol" means a prescription inhaled medication:

6694 (a) used to treat asthma; and

6695 (b) that may be delivered through a device, including:

6696 (i) an inhaler; or

6697 (ii) a nebulizer with a mouthpiece or mask.

6698 ~~[(6)]~~ (18) "Traumatic head injury" means an injury to the head arising from blunt
6699 trauma, an acceleration force, or a deceleration force, with one of the following observed or
6700 self-reported conditions attributable to the injury:

- 6701 (a) transient confusion, disorientation, or impaired consciousness;
- 6702 (b) dysfunction of memory;
- 6703 (c) loss of consciousness; or
- 6704 (d) signs of other neurological or neuropsychological dysfunction, including:
 - 6705 (i) seizures;
 - 6706 (ii) irritability;
 - 6707 (iii) lethargy;
 - 6708 (iv) vomiting;
 - 6709 (v) headache;
 - 6710 (vi) dizziness; or
 - 6711 (vii) fatigue.

6712 Section 126. Section **26B-4-402**, which is renumbered from Section 26-10-5 is
6713 renumbered and amended to read:

6714 ~~[26-10-5].~~ **26B-4-402. Plan for school health services.**

6715 The department shall establish a plan for school health services for pupils in elementary
6716 and secondary schools. The department shall cooperate with the State Board of Education and
6717 local health departments in developing such plan and shall coordinate activities between these
6718 agencies. The plan may provide for the delivery of health services by and through intermediate
6719 and local school districts and local health departments.

6720 Section 127. Section **26B-4-403**, which is renumbered from Section 26-53-201 is
6721 renumbered and amended to read:

6722 ~~[26-53-201].~~ **26B-4-403. Adoption and enforcement of concussion and**
6723 **head injury policy -- Notice of policy to parent or guardian.**

6724 Each amateur sports organization shall:

- 6725 (1) adopt and enforce a concussion and head injury policy that:
- 6726 (a) is consistent with the requirements of Section [~~26-53-301~~] 26B-4-404; and
- 6727 (b) describes the nature and risk of:
- 6728 (i) a concussion or a traumatic head injury; and
- 6729 (ii) continuing to participate in a sporting event after sustaining a concussion or a
- 6730 traumatic head injury;
- 6731 (2) ensure that each agent of the amateur sports organization is familiar with, and has a
- 6732 copy of, the concussion and head injury policy; and
- 6733 (3) before permitting a child to participate in a sporting event of the amateur sports
- 6734 organization:
- 6735 (a) provide a written copy of the concussion and head injury policy to a parent or legal
- 6736 guardian of a child; and
- 6737 (b) obtain the signature of a parent or legal guardian of the child, acknowledging that
- 6738 the parent or legal guardian has read, understands, and agrees to abide by, the concussion and
- 6739 head injury policy.
- 6740 Section 128. Section **26B-4-404**, which is renumbered from Section 26-53-301 is
- 6741 renumbered and amended to read:
- 6742 ~~[26-53-301]~~. **26B-4-404. Removal of child suspected of sustaining**
- 6743 **concussion or a traumatic head injury -- Medical clearance required before return to**
- 6744 **participation.**
- 6745 (1) An amateur sports organization, and each agent of the amateur sports organization,
- 6746 shall:
- 6747 (a) immediately remove a child from participating in a sporting event of the amateur
- 6748 sports organization if the child is suspected of sustaining a concussion or a traumatic head
- 6749 injury; and
- 6750 (b) prohibit the child described in Subsection (1)(a) from participating in a sporting
- 6751 event of the amateur sports organization until the child:

(i) is evaluated by a qualified health care provider who is trained in the evaluation and management of a concussion; and

(ii) provides the amateur sports organization with a written statement from the qualified health care provider described in Subsection (1)(b)(i) stating that:

(A) the qualified health care provider has, within three years before the day on which the written statement is made, successfully completed a continuing education course in the evaluation and management of a concussion; and

(B) the child is cleared to resume participation in the sporting event of the amateur sports organization.

(2) This section does not create a new cause of action.

Section 129. Section **26B-4-405**, which is renumbered from Section 26-53-401 is renumbered and amended to read:

~~[26-53-401]~~. **26B-4-405. School nurses evaluating student injuries.**

(1) A school nurse may assess a child who is suspected of sustaining a concussion or a traumatic head injury during school hours on school property regardless of whether the nurse has received specialized training in the evaluation and management of a concussion.

(2) A school nurse who does not meet the requirements of Subsections ~~[26-53-301]~~ 26B-4-404(1)(b)(i) and (1)(b)(ii)(A), but who assesses a child who is suspected of sustaining a concussion or traumatic head injury under Subsection (1):

(a) shall refer the child to a qualified health care provider who is trained in the evaluation and management of a concussion; and

(b) may not provide a written statement permitting the child to resume participation in free play or physical education class under Subsection ~~[26-53-301]~~ 26B-4-404(1)(b)(ii).

(3) A school nurse shall undergo training in the evaluation and management of a concussion, as funding allows.

Section 130. Section **26B-4-406**, which is renumbered from Section 26-41-103 is renumbered and amended to read:

6779 ~~[26-41-103].~~ **26B-4-406. Voluntary participation.**

6780 (1) ~~[This chapter does]~~ Sections 26B-4-406 through 26B-4-411 do not create a duty or
6781 standard of care for:

6782 (a) a person to be trained in the use and storage of epinephrine auto-injectors or stock
6783 albuterol; or

6784 (b) except as provided in Subsection (5), a qualified epinephrine auto-injector entity to
6785 store epinephrine auto-injectors or a qualified stock albuterol entity to store stock albuterol on
6786 its premises.

6787 (2) Except as provided in Subsections (3) and (5), a decision by a person to
6788 successfully complete a training program under Section ~~[26-41-104 or 26-41-104.1]~~ 26B-4-407
6789 or 26B-4-408 and to make emergency epinephrine auto-injectors or stock albuterol available
6790 under the provisions of ~~[this chapter]~~ Sections 26B-4-406 through 26B-4-411 is voluntary.

6791 (3) A school, school board, or school official may not prohibit or dissuade a teacher or
6792 other school employee at a primary or secondary school in the state, either public or private,
6793 from:

6794 (a) completing a training program under Section ~~[26-41-104 or 26-41-104.1]~~
6795 26B-4-407 or 26B-4-408;

6796 (b) possessing or storing an epinephrine auto-injector or stock albuterol on school
6797 property if:

6798 (i) the teacher or school employee is a qualified adult; and

6799 (ii) the possession and storage is in accordance with the training received under Section
6800 ~~[26-41-104 or 26-41-104.1]~~ 26B-4-407 or 26B-4-408; or

6801 (c) administering an epinephrine auto-injector or stock albuterol to any person, if:

6802 (i) the teacher or school employee is a qualified adult; and

6803 (ii) the administration is in accordance with the training received under Section
6804 ~~[26-41-104 or 26-41-104.1]~~ 26B-4-407 or 26B-4-408.

6805 (4) A school, school board, or school official may encourage a teacher or other school

6806 employee to volunteer to become a qualified adult.

6807 (5) (a) Each primary or secondary school in the state, both public and private, shall
6808 make an emergency epinephrine auto-injector available to any teacher or other school
6809 employee who:

6810 (i) is employed at the school; and

6811 (ii) is a qualified adult.

6812 (b) This section does not require a school described in Subsection (5)(a) to keep more
6813 than one emergency epinephrine auto-injector on the school premises, so long as it may be
6814 quickly accessed by a teacher or other school employee, who is a qualified adult, in the event of
6815 an emergency.

6816 (6) (a) Each primary or secondary school in the state, both public and private, may
6817 make stock albuterol available to any school employee who:

6818 (i) is employed at the school; and

6819 (ii) is a qualified adult.

6820 (b) A qualified adult may administer stock albuterol to a student who:

6821 (i) has a diagnosis of asthma by a health care provider;

6822 (ii) has a current asthma action plan on file with the school; and

6823 (iii) is showing symptoms of an asthma emergency as described in the student's asthma
6824 action plan.

6825 (c) This Subsection (6) may not be interpreted to relieve a student's parent or guardian
6826 of providing a student's medication or create an expectation that a school will have stock
6827 albuterol available.

6828 (7) No school, school board, or school official shall retaliate or otherwise take adverse
6829 action against a teacher or other school employee for:

6830 (a) volunteering under Subsection (2);

6831 (b) engaging in conduct described in Subsection (3); or

6832 (c) failing or refusing to become a qualified adult.

6833 Section 131. Section **26B-4-407**, which is renumbered from Section 26-41-104 is
6834 renumbered and amended to read:

6835 ~~[26-41-104]~~. **26B-4-407. Training in use and storage of epinephrine**
6836 **auto-injector.**

6837 (1) (a) Each primary and secondary school in the state, both public and private, shall
6838 make initial and annual refresher training, regarding the storage and emergency use of an
6839 epinephrine auto-injector, available to any teacher or other school employee who volunteers to
6840 become a qualified adult.

6841 (b) The training described in Subsection (1)(a) may be provided by the school nurse, or
6842 other person qualified to provide such training, designated by the school district physician, the
6843 medical director of the local health department, or the local emergency medical services
6844 director.

6845 (2) A person who provides training under Subsection (1) or (6) shall include in the
6846 training:

6847 (a) techniques for recognizing symptoms of anaphylaxis;

6848 (b) standards and procedures for the storage and emergency use of epinephrine
6849 auto-injectors;

6850 (c) emergency follow-up procedures, including calling the emergency 911 number and
6851 contacting, if possible, the student's parent and physician; and

6852 (d) written materials covering the information required under this Subsection (2).

6853 (3) A qualified adult shall retain for reference the written materials prepared in
6854 accordance with Subsection (2)(d).

6855 (4) A public school shall permit a student to possess an epinephrine auto-injector or
6856 possess and self-administer an epinephrine auto-injector if:

6857 (a) the student's parent or guardian signs a statement:

6858 (i) authorizing the student to possess or possess and self-administer an epinephrine
6859 auto-injector; and

(ii) acknowledging that the student is responsible for, and capable of, possessing or possessing and self-administering an epinephrine auto-injector; and

(b) the student's health care provider provides a written statement that states that:

(i) it is medically appropriate for the student to possess or possess and self-administer an epinephrine auto-injector; and

(ii) the student should be in possession of the epinephrine auto-injector at all times.

(5) The department, in cooperation with the state superintendent of public instruction, shall design forms to be used by public and private schools for the parental and health care providers statements described in Subsection (4).

(6) (a) The department:

(i) shall approve educational programs conducted by other persons, to train:

(A) people under Subsection (6)(b) of this section, regarding the proper use and storage of emergency epinephrine auto-injectors; and

(B) a qualified epinephrine auto-injector entity regarding the proper storage and emergency use of epinephrine auto-injectors; and

(ii) may, as funding is available, conduct educational programs to train people regarding the use of and storage of emergency epinephrine auto-injectors.

(b) A person who volunteers to receive training as a qualified adult to administer an epinephrine auto-injector under the provisions of this Subsection (6) shall demonstrate a need for the training to the department, which may be based upon occupational, volunteer, or family circumstances, and shall include:

(i) camp counselors;

(ii) scout leaders;

(iii) forest rangers;

(iv) tour guides; and

(v) other persons who have or reasonably expect to have contact with at least one other person as a result of the person's occupational or volunteer status.

6887 Section 132. Section **26B-4-408**, which is renumbered from Section 26-41-104.1 is
6888 renumbered and amended to read:

6889 ~~[26-41-104.1]~~. **26B-4-408. Training in use and storage of stock albuterol.**

6890 (1) (a) Each primary and secondary school in the state, both public and private, shall
6891 make initial and annual refresher training regarding the storage and emergency use of stock
6892 albuterol available to a teacher or school employee who volunteers to become a qualified adult.

6893 (b) The training described in Subsection (1)(a) shall be provided by the department.

6894 (2) A person who provides training under Subsection (1) or (6) shall include in the
6895 training:

6896 (a) techniques for recognizing symptoms of an asthma emergency;

6897 (b) standards and procedures for the storage and emergency use of stock albuterol;

6898 (c) emergency follow-up procedures, and contacting, if possible, the student's parent;

6899 and

6900 (d) written materials covering the information required under this Subsection (2).

6901 (3) A qualified adult shall retain for reference the written materials prepared in
6902 accordance with Subsection (2)(d).

6903 (4) (a) A public or private school shall permit a student to possess and self-administer
6904 asthma medication if:

6905 (i) the student's parent or guardian signs a statement:

6906 (A) authorizing the student to self-administer asthma medication; and

6907 (B) acknowledging that the student is responsible for, and capable of,

6908 self-administering the asthma medication; and

6909 (ii) the student's health care provider provides a written statement that states:

6910 (A) it is medically appropriate for the student to self-administer asthma medication and
6911 be in possession of asthma medication at all times; and

6912 (B) the name of the asthma medication prescribed or authorized for the student's use.

6913 (b) Section **53G-8-205** does not apply to the possession and self-administration of

6914 asthma medication in accordance with this section.

6915 (5) The department, in cooperation with the state superintendent of public instruction,
6916 shall design forms to be used by public and private schools for the parental and health care
6917 provider statements described in Subsection (4).

6918 (6) The department:

6919 (a) shall approve educational programs conducted by other persons to train:

6920 (i) people under Subsection (6)(b), regarding the proper use and storage of stock
6921 albuterol; and

6922 (ii) a qualified stock albuterol entity regarding the proper storage and emergency use of
6923 stock albuterol; and

6924 (b) may conduct educational programs to train people regarding the use of and storage
6925 of stock albuterol.

6926 Section 133. Section **26B-4-409**, which is renumbered from Section 26-41-105 is
6927 renumbered and amended to read:

6928 ~~[26-41-105].~~ **26B-4-409. Authority to obtain and use an epinephrine**
6929 **auto-injector or stock albuterol.**

6930 (1) A qualified adult who is a teacher or other school employee at a public or private
6931 primary or secondary school in the state, or a school nurse, may obtain from the school district
6932 physician, the medical director of the local health department, or the local emergency medical
6933 services director a prescription for:

6934 (a) epinephrine auto-injectors for use in accordance with this ~~[chapter]~~ part; or

6935 (b) stock albuterol for use in accordance with this ~~[chapter]~~ part.

6936 (2) (a) A qualified adult may obtain an epinephrine auto-injector for use in accordance
6937 with this ~~[chapter]~~ part that is dispensed by:

6938 (i) a pharmacist as provided under Section **58-17b-1004**; or

6939 (ii) a pharmacy intern as provided under Section **58-17b-1004**.

6940 (b) A qualified adult may obtain stock albuterol for use in accordance with this

6941 ~~[chapter]~~ part that is dispensed by:

6942 (i) a pharmacist as provided under Section 58-17b-1004; or

6943 (ii) a pharmacy intern as provided under Section 58-17b-1004.

6944 (3) A qualified adult:

6945 (a) may immediately administer an epinephrine auto-injector to a person exhibiting
6946 potentially life-threatening symptoms of anaphylaxis when a physician is not immediately
6947 available; and

6948 (b) shall initiate emergency medical services or other appropriate medical follow-up in
6949 accordance with the training materials retained under Section ~~[26-41-104]~~ 26B-4-407 after
6950 administering an epinephrine auto-injector.

6951 (4) If a school nurse is not immediately available, a qualified adult:

6952 (a) may immediately administer stock albuterol to an individual who:

6953 (i) has a diagnosis of asthma by a health care provider;

6954 (ii) has a current asthma action plan on file with the school; and

6955 (iii) is showing symptoms of an asthma emergency as described in the student's asthma
6956 action plan; and

6957 (b) shall initiate appropriate medical follow-up in accordance with the training
6958 materials retained under Section ~~[26-41-104.1]~~ 26B-4-408 after administering stock albuterol.

6959 (5) (a) A qualified entity that complies with Subsection (5)(b) or (c), may obtain a
6960 supply of epinephrine auto-injectors or stock albuterol, respectively, from a pharmacist under
6961 Section 58-17b-1004, or a pharmacy intern under Section 58-17b-1004 for:

6962 (i) storing:

6963 (A) the epinephrine auto-injectors on the qualified epinephrine auto-injector entity's
6964 premises; and

6965 (B) stock albuterol on the qualified stock albuterol entity's premises; and

6966 (ii) use by a qualified adult in accordance with Subsection (3) or (4).

6967 (b) A qualified epinephrine auto-injector entity shall:

(i) designate an individual to complete an initial and annual refresher training program regarding the proper storage and emergency use of an epinephrine auto-injector available to a qualified adult; and

(ii) store epinephrine auto-injectors in accordance with the standards established by the department in Section ~~[26-41-107]~~ 26B-4-411.

(c) A qualified stock albuterol entity shall:

(i) designate an individual to complete an initial and annual refresher training program regarding the proper storage and emergency use of stock albuterol available to a qualified adult; and

(ii) store stock albuterol in accordance with the standards established by the department in Section ~~[26-41-107]~~ 26B-4-411.

Section 134. Section **26B-4-410**, which is renumbered from Section 26-41-106 is renumbered and amended to read:

~~[26-41-106].~~ **26B-4-410. Immunity from liability.**

(1) The following, if acting in good faith, are not liable in any civil or criminal action for any act taken or not taken under the authority of ~~[this chapter]~~ Sections 26B-4-406 through 26B-4-411 with respect to an anaphylactic reaction or asthma emergency:

(a) a qualified adult;

(b) a physician, pharmacist, or any other person or entity authorized to prescribe or dispense prescription drugs;

(c) a person who conducts training described in Section ~~[26-41-104 or 26-41-104.1]~~ 26B-4-407 or 26B-4-408;

(d) a qualified epinephrine auto-injector entity; and

(e) a qualified stock albuterol entity.

(2) Section 53G-9-502 does not apply to the administration of an epinephrine auto-injector or stock albuterol in accordance with this ~~[chapter]~~ part.

(3) This section does not eliminate, limit, or reduce any other immunity from liability

6995 or defense against liability that may be available under state law.

6996 Section 135. Section **26B-4-411**, which is renumbered from Section 26-41-107 is
 6997 renumbered and amended to read:

6998 ~~[26-41-107].~~ **26B-4-411. Administrative rulemaking authority.**

6999 The department shall adopt rules in accordance with Title 63G, Chapter 3, Utah
 7000 Administrative Rulemaking Act, to:

7001 (1) establish and approve training programs in accordance with Sections ~~[26-41-104~~
 7002 ~~and 26-41-104.1]~~ 26B-4-407 and 26B-4-408;

7003 (2) establish a procedure for determining who is eligible for training as a qualified
 7004 adult under Subsection ~~[26-41-104]~~ 26B-4-407(6)(b)(v); and

7005 (3) establish standards for storage of:

7006 (a) emergency auto-injectors by a qualified epinephrine auto-injector entity under
 7007 Section ~~[26-41-104]~~ 26B-4-407; and

7008 (b) stock albuterol by a qualified stock albuterol entity under Section ~~[26-41-104.1]~~
 7009 26B-4-408.

7010 Section 136. Section **26B-4-501**, which is renumbered from Section 26-64-102 is
 7011 renumbered and amended to read:

7012 **Part 5. Treatment Access**

7013 ~~[26-64-102].~~ **26B-4-501. Definitions.**

7014 As used in this ~~[chapter]~~ part:

7015 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter
 7016 37, Utah Controlled Substances Act.

7017 (2) "Critical access hospital" means a critical access hospital that meets the criteria of
 7018 42 U.S.C. Sec. 1395i-4(c)(2) (1998).

7019 (3) "Designated facility" means:

7020 (a) a freestanding urgent care center;

7021 (b) a general acute hospital; or

- 7022 (c) a critical access hospital.
- 7023 ~~[(+)]~~ (4) "Dispense" means the same as that term is defined in Section 58-17b-102.
- 7024 ~~[(2)]~~ (5) "Division" means the Division of Professional Licensing created in Section
- 7025 58-1-103.
- 7026 ~~[(3) "Local health department" means:]~~
- 7027 ~~[(a) a local health department, as defined in Section 26A-1-102; or]~~
- 7028 ~~[(b) a multicounty local health department, as defined in Section 26A-1-102.]~~
- 7029 (6) "Emergency contraception" means the use of a substance, approved by the United
- 7030 States Food and Drug Administration, to prevent pregnancy after sexual intercourse.
- 7031 (7) "Freestanding urgent care center" means the same as that term is defined in Section
- 7032 59-12-801.
- 7033 (8) "General acute hospital" means the same as that term is defined in Section
- 7034 26B-2-201.
- 7035 (9) "Health care facility" means a hospital, a hospice inpatient residence, a nursing
- 7036 facility, a dialysis treatment facility, an assisted living residence, an entity that provides home-
- 7037 and community-based services, a hospice or home health care agency, or another facility that
- 7038 provides or contracts to provide health care services, which facility is licensed under Chapter 2,
- 7039 Part 2, Health Care Facility Licensing and Inspection.
- 7040 (10) "Health care provider" means:
- 7041 (a) a physician, as defined in Section 58-67-102;
- 7042 (b) an advanced practice registered nurse, as defined in Section 58-31b-102;
- 7043 (c) a physician assistant, as defined in Section 58-70a-102; or
- 7044 (d) an individual licensed to engage in the practice of dentistry, as defined in Section
- 7045 58-69-102.
- 7046 (11) "Increased risk" means risk exceeding the risk typically experienced by an
- 7047 individual who is not using, and is not likely to use, an opiate.
- 7048 (12) "Opiate" means the same as that term is defined in Section 58-37-2.

(13) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that is not a controlled substance and that is approved by the federal Food and Drug Administration for the diagnosis or treatment of an opiate-related drug overdose.

(14) "Opiate-related drug overdose event" means an acute condition, including a decreased level of consciousness or respiratory depression resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a person would reasonably believe to require medical assistance.

(15) "Overdose outreach provider" means:

(a) a law enforcement agency;

(b) a fire department;

(c) an emergency medical service provider, as defined in Section 26B-4-101;

(d) emergency medical service personnel, as defined in Section 26B-4-101;

(e) an organization providing treatment or recovery services for drug or alcohol use;

(f) an organization providing support services for an individual, or a family of an individual, with a substance use disorder;

(g) an organization providing substance use or mental health services under contract with a local substance abuse authority, as defined in Section 26B-5-101, or a local mental health authority, as defined in Section 26B-5-101;

(h) an organization providing services to the homeless;

(i) a local health department;

(j) an individual licensed to practice pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act; or

(k) an individual.

~~[(4)]~~ (16) "Patient counseling" means the same as that term is defined in Section 58-17b-102.

~~[(5)]~~ (17) "Pharmacist" means the same as that term is defined in Section 58-17b-102.

~~[(6)]~~ (18) "Pharmacy intern" means the same as that term is defined in Section

7076 58-17b-102.

7077 [~~(7)~~] (19) "Physician" means the same as that term is defined in Section 58-67-102.

7078 (20) "Practitioner" means:

7079 (a) a physician; or

7080 (b) any other person who is permitted by law to prescribe emergency contraception.

7081 [~~(8)~~] (21) "Prescribe" means the same as that term is defined in Section 58-17b-102.

7082 [~~(9)~~] (22) (a) "Self-administered hormonal contraceptive" means a self-administered
7083 hormonal contraceptive that is approved by the United States Food and Drug Administration to
7084 prevent pregnancy.

7085 (b) "Self-administered hormonal contraceptive" includes an oral hormonal
7086 contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch.

7087 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
7088 induce an abortion, as that term is defined in Section 76-7-301.

7089 (23) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part
7090 4, Sexual Offenses, that may result in a pregnancy.

7091 (24) "Victim of sexual assault" means any person who presents to receive, or receives,
7092 medical care in consequence of being subjected to sexual assault.

7093 Section 137. Section **26B-4-502**, which is renumbered from Section 26-21b-201 is
7094 renumbered and amended to read:

7095 [~~26-21b-201~~]. **26B-4-502. Emergency contraception services for a victim of**
7096 **sexual assault.**

7097 (1) Except as provided in Subsection (2), a designated facility shall provide the
7098 following services to a victim of sexual assault:

7099 (a) provide the victim with written and oral medical information regarding emergency
7100 contraception that is unbiased, accurate, and generally accepted by the medical community as
7101 being scientifically valid;

7102 (b) orally inform the victim of sexual assault that the victim may obtain emergency

7103 contraception at the designated facility;

7104 (c) offer a complete regimen of emergency contraception to a victim of sexual assault;

7105 (d) provide, at the designated facility, emergency contraception to the victim of sexual

7106 assault upon her request;

7107 (e) maintain a protocol, prepared by a physician, for the administration of emergency

7108 contraception at the designated facility to a victim of sexual assault; and

7109 (f) develop and implement a written policy to ensure that a person is present at the

7110 designated facility, or on-call, who:

7111 (i) has authority to dispense or prescribe emergency contraception, independently, or

7112 under the protocol described in Subsection (1)(e), to a victim of sexual assault; and

7113 (ii) is trained to comply with the requirements of this section.

7114 (2) A freestanding urgent care center is exempt from the requirements of Subsection

7115 (1) if:

7116 (a) there is a general acute hospital or a critical access hospital within 30 miles of the

7117 freestanding urgent care center; and

7118 (b) an employee of the freestanding urgent care center provides the victim with:

7119 (i) written and oral medical information regarding emergency contraception that is

7120 unbiased, accurate, and generally accepted by the medical community as being scientifically

7121 valid; and

7122 (ii) the name and address of the general acute hospital or critical access hospital

7123 described in Subsection (2)(a).

7124 (3) A practitioner shall comply with Subsection (4) with regard to a person who is a

7125 victim of sexual assault, if the person presents to receive medical care, or receives medical

7126 care, from the practitioner at a location that is not a designated facility.

7127 (4) A practitioner described in Subsection (3) shall:

7128 (a) provide the victim with written and oral medical information regarding emergency

7129 contraception that is unbiased, accurate, and generally accepted by the medical community as

7130 being scientifically valid; and

7131 (b) (i) (A) orally inform the victim of sexual assault that the victim may obtain
7132 emergency contraception at the facility where the practitioner is located; and

7133 (B) provide emergency contraception to the victim of sexual assault, if she requests
7134 emergency contraception; or

7135 (ii) inform the victim of sexual assault of the nearest location where she may obtain
7136 emergency contraception.

7137 (5) (a) The department may make rules, in accordance with Title 63G, Chapter 3, Utah
7138 Administrative Rulemaking Act, to enforce the provisions of this section.

7139 (b) The department shall, in an expeditious manner, investigate any complaint received
7140 by the department regarding the failure of a health care facility to comply with a requirement of
7141 this section.

7142 (c) If the department finds a violation of this section or any rules adopted under this
7143 section, the department may take one or more of the actions described in Section [26B-2-208](#).

7144 Section 138. Section **26B-4-503**, which is renumbered from Section 26-64-103 is
7145 renumbered and amended to read:

7146 ~~[26-64-103].~~ **26B-4-503. Voluntary participation.**

7147 ~~[This chapter does]~~ Sections [26B-4-504](#) through [26B-4-507](#) do not create a duty or
7148 standard of care for a person to prescribe or dispense a self-administered hormonal
7149 contraceptive.

7150 Section 139. Section **26B-4-504**, which is renumbered from Section 26-64-104 is
7151 renumbered and amended to read:

7152 ~~[26-64-104].~~ **26B-4-504. Authorization to dispense self-administered**
7153 **hormonal contraceptives.**

7154 Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed under
7155 Title 58, Chapter 17b, Pharmacy Practice Act, to dispense a self-administered hormonal
7156 contraceptive may dispense the self-administered hormonal contraceptive:

7157 (1) to a patient who is 18 years old or older;
7158 (2) pursuant to a standing prescription drug order made in accordance with Section
7159 ~~[26-64-105]~~ [26B-4-505](#);

7160 (3) without any other prescription drug order from a person licensed to prescribe a
7161 self-administered hormonal contraceptive; and

7162 (4) in accordance with the dispensing guidelines in Section ~~[26-64-106]~~ [26B-4-506](#).

7163 Section 140. Section **26B-4-505**, which is renumbered from Section 26-64-105 is
7164 renumbered and amended to read:

7165 ~~[26-64-105]~~. **26B-4-505. Standing prescription drug orders for a**
7166 **self-administered hormonal contraceptive.**

7167 A physician who is licensed to prescribe a self-administered hormonal contraceptive,
7168 including a physician acting in the physician's capacity as an employee of the department, or a
7169 medical director of a local health department, may issue a standing prescription drug order
7170 authorizing the dispensing of the self-administered hormonal contraceptive under Section
7171 ~~[26-64-104]~~ [26B-4-504](#) in accordance with a protocol that:

7172 (1) requires the physician to specify the persons, by professional license number,
7173 authorized to dispense the self-administered hormonal contraceptive;

7174 (2) requires the physician to review at least annually the dispensing practices of those
7175 authorized by the physician to dispense the self-administered hormonal contraceptive;

7176 (3) requires those authorized by the physician to dispense the self-administered
7177 hormonal contraceptive to make and retain a record of each person to whom the
7178 self-administered hormonal contraceptive is dispensed, including:

7179 (a) the name of the person;

7180 (b) the drug dispensed; and

7181 (c) other relevant information; and

7182 (4) is approved by the department by administrative rule made in accordance with Title
7183 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 141. Section **26B-4-506**, which is renumbered from Section 26-64-106 is renumbered and amended to read:

~~[26-64-106]~~. **26B-4-506. Guidelines for dispensing a self-administered hormonal contraceptive.**

(1) A pharmacist or pharmacist intern who dispenses a self-administered hormonal contraceptive under ~~[this chapter]~~ Section 26B-4-504:

(a) shall obtain a completed self-screening risk assessment questionnaire, that has been approved by the division in collaboration with the Board of Pharmacy and the Physicians Licensing Board, from the patient before dispensing the self-administered hormonal contraceptive;

(b) if the results of the evaluation in Subsection (1)(a) indicate that it is unsafe to dispense a self-administered hormonal contraceptive to a patient:

(i) may not dispense a self-administered hormonal contraceptive to the patient; and

(ii) shall refer the patient to a primary care or women's health care practitioner;

(c) may not continue to dispense a self-administered hormonal contraceptive to a patient for more than 24 months after the date of the initial prescription without evidence that the patient has consulted with a primary care or women's health care practitioner during the preceding 24 months; and

(d) shall provide the patient with:

(i) written information regarding:

(A) the importance of seeing the patient's primary care practitioner or women's health care practitioner to obtain recommended tests and screening; and

(B) the effectiveness and availability of long-acting reversible contraceptives as an alternative to self-administered hormonal contraceptives; and

(ii) a copy of the record of the encounter with the patient that includes:

(A) the patient's completed self-assessment tool; and

(B) a description of the contraceptives dispensed, or the basis for not dispensing a

7211 contraceptive.

7212 (2) If a pharmacist dispenses a self-administered hormonal contraceptive to a patient,
7213 the pharmacist shall, at a minimum, provide patient counseling to the patient regarding:

7214 (a) the appropriate administration and storage of the self-administered hormonal
7215 contraceptive;

7216 (b) potential side effects and risks of the self-administered hormonal contraceptive;

7217 (c) the need for backup contraception;

7218 (d) when to seek emergency medical attention; and

7219 (e) the risk of contracting a sexually transmitted infection or disease, and ways to
7220 reduce the risk of contraction.

7221 (3) The division, in collaboration with the Board of Pharmacy and the Physicians
7222 Licensing Board, shall make rules in accordance with Title 63G, Chapter 3, Utah
7223 Administrative Rulemaking Act, establishing the self-screening risk assessment questionnaire
7224 described in Subsection (1)(a).

7225 Section 142. Section **26B-4-507**, which is renumbered from Section 26-64-107 is
7226 renumbered and amended to read:

7227 ~~[26-64-107].~~ **26B-4-507. Limited civil liability.**

7228 A physician who issues a standing prescription drug order in accordance with Section
7229 ~~[26-64-105]~~ 26B-4-505 is not liable for any civil damages for acts or omissions resulting from
7230 the dispensing of a self-administered hormonal contraceptive under ~~[this chapter]~~ Sections
7231 26B-4-504 through 26B-4-506.

7232 Section 143. Section **26B-4-508**, which is renumbered from Section 26-55-103 is
7233 renumbered and amended to read:

7234 ~~[26-55-103].~~ **26B-4-508. Voluntary participation.**

7235 ~~[This chapter does]~~ Sections 26B-4-509 through 26B-4-514 do not create a duty or
7236 standard of care for a person to prescribe or administer an opiate antagonist.

7237 Section 144. Section **26B-4-509**, which is renumbered from Section 26-55-104 is

7238 renumbered and amended to read:

7239 ~~[26-55-104]~~. **26B-4-509. Prescribing, dispensing, and administering an**
7240 **opiate antagonist -- Immunity from liability.**

7241 (1) (a) (i) For purposes of Subsection (1)(a)(ii), "a person other than a health care
7242 facility or health care provider" includes the following, regardless of whether the person has
7243 received funds from the department through the Opiate Overdose Outreach Pilot Program
7244 created in Section ~~[26-55-107]~~ 26B-4-512:

7245 (A) a person described in Subsections ~~[26-55-107]~~ 26B-4-512(1)(a)(i)(A) through
7246 (1)(a)(i)(F); or

7247 (B) an organization, defined by department rule made under Subsection ~~[26-55-107]~~
7248 26B-4-512(7)(e), that is in a position to assist an individual who is at increased risk of
7249 experiencing an opiate-related drug overdose event.

7250 (ii) Except as provided in Subsection (1)(b), the following persons are not liable for
7251 any civil damages for acts or omissions made as a result of administering an opiate antagonist
7252 when the person acts in good faith to administer the opiate antagonist to an individual whom
7253 the person believes to be experiencing an opiate-related drug overdose event:

7254 (A) an overdose outreach provider; or

7255 (B) a person other than a health care facility or health care provider.

7256 (b) A health care provider:

7257 (i) is not immune from liability under Subsection (1)(a) when the health care provider is
7258 acting within the scope of the health care provider's responsibilities or duty of care; and

7259 (ii) is immune from liability under Subsection (1)(a) if the health care provider is under
7260 no legal duty to respond and otherwise complies with Subsection (1)(a).

7261 (2) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, a health care
7262 provider who is licensed to prescribe an opiate antagonist may prescribe, including by a
7263 standing prescription drug order issued in accordance with Subsection ~~[26-55-105]~~
7264 26B-4-510(2), or dispense an opiate antagonist:

(a) (i) to an individual who is at increased risk of experiencing an opiate-related drug overdose event;

(ii) for an individual described in Subsection (2)(a)(i), to a family member, friend, or other person, including a person described in Subsections ~~[26-55-107]~~ 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist the individual; or

(iii) to an overdose outreach provider for:

(A) furnishing the opiate antagonist to an individual described in Subsection (2)(a)(i) or (ii), as provided in Section ~~[26-55-106]~~ 26B-4-511; or

(B) administering to an individual experiencing an opiate-related drug overdose event;

(b) without a prescriber-patient relationship; and

(c) without liability for any civil damages for acts or omissions made as a result of prescribing or dispensing the opiate antagonist in good faith.

(3) A health care provider who dispenses an opiate antagonist to an individual or an overdose outreach provider under Subsection (2)(a) shall provide education to the individual or overdose provider that includes written instruction on how to:

(a) recognize an opiate-related drug overdose event; and

(b) respond appropriately to an opiate-related drug overdose event, including how to:

(i) administer an opiate antagonist; and

(ii) ensure that an individual to whom an opiate antagonist has been administered receives, as soon as possible, additional medical care and a medical evaluation.

Section 145. Section **26B-4-510**, which is renumbered from Section 26-55-105 is renumbered and amended to read:

~~[26-55-105].~~ **26B-4-510. Standing prescription drug orders for an opiate antagonist.**

(1) Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed under Title 58, Chapter 17b, Pharmacy Practice Act, to dispense an opiate antagonist may dispense the opiate antagonist:

(a) pursuant to a standing prescription drug order made in accordance with Subsection (2); and

(b) without any other prescription drug order from a person licensed to prescribe an opiate antagonist.

(2) A physician who is licensed to prescribe an opiate antagonist, including a physician acting in the physician's capacity as an employee of the department, or a medical director of a local health department, as defined in Section ~~[26A-1-102]~~ [26B-4-512](#), may issue a standing prescription drug order authorizing the dispensing of the opiate antagonist under Subsection (1) in accordance with a protocol that:

(a) limits dispensing of the opiate antagonist to:

(i) an individual who is at increased risk of experiencing an opiate-related drug overdose event;

(ii) a family member of, friend of, or other person, including a person described in Subsections ~~[26-55-107]~~ [26B-4-512](#)(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event; or

(iii) an overdose outreach provider for:

(A) furnishing to an individual who is at increased risk of experiencing an opiate-related drug overdose event, or to a family member of, friend of, or other individual who is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event, as provided in Section ~~[26-55-106]~~ [26B-4-511](#); or

(B) administering to an individual experiencing an opiate-related drug overdose event;

(b) requires the physician to specify the persons, by professional license number, authorized to dispense the opiate antagonist;

(c) requires the physician to review at least annually the dispensing practices of those authorized by the physician to dispense the opiate antagonist;

(d) requires those authorized by the physician to dispense the opiate antagonist to make

7319 and retain a record of each person to whom the opiate antagonist is dispensed, which shall
7320 include:

- 7321 (i) the name of the person;
- 7322 (ii) the drug dispensed; and
- 7323 (iii) other relevant information; and
- 7324 (e) is approved by the Division of Professional Licensing within the Department of
7325 Commerce by administrative rule made in accordance with Title 63G, Chapter 3, Utah
7326 Administrative Rulemaking Act.

7327 Section 146. Section **26B-4-511**, which is renumbered from Section 26-55-106 is
7328 renumbered and amended to read:

7329 ~~[26-55-106].~~ **26B-4-511. Overdose outreach providers.**

7330 Notwithstanding Sections [58-1-501](#), [58-17b-501](#), and [58-17b-502](#):

7331 (1) an overdose outreach provider may:

7332 (a) obtain an opiate antagonist dispensed on prescription by:

7333 (i) a health care provider, in accordance with Subsections ~~[26-55-104]~~ [26B-4-509](#)(2)
7334 and (3); or

7335 (ii) a pharmacist or pharmacy intern, as otherwise authorized by Title 58, Chapter 17b,
7336 Pharmacy Practice Act;

7337 (b) store the opiate antagonist; and

7338 (c) furnish the opiate antagonist:

7339 (i) (A) to an individual who is at increased risk of experiencing an opiate-related drug
7340 overdose event; or

7341 (B) to a family member, friend, overdose outreach provider, or other individual who is
7342 in a position to assist an individual who is at increased risk of experiencing an opiate-related
7343 drug overdose event; and

7344 (ii) without liability for any civil damages for acts or omissions made as a result of
7345 furnishing the opiate antagonist in good faith; and

(2) when furnishing an opiate antagonist under Subsection (1), an overdose outreach provider:

(a) shall also furnish to the recipient of the opiate antagonist:

(i) the written instruction under Subsection [~~26-55-104~~] 26B-4-504(3) received by the overdose outreach provider from the health care provider at the time the opiate antagonist was dispensed to the overdose outreach provider; or

(ii) if the opiate antagonist was dispensed to the overdose outreach provider by a pharmacist or pharmacy intern, any written patient counseling under Section 58-17b-613 received by the overdose outreach provider at the time of dispensing; and

(b) may provide additional instruction on how to recognize and respond appropriately to an opiate-related drug overdose event.

Section 147. Section **26B-4-512**, which is renumbered from Section 26-55-107 is renumbered and amended to read:

~~[26-55-107].~~ **26B-4-512. Opiate Overdose Outreach Pilot Program -- Grants -- Annual reporting by grantees -- Rulemaking -- Annual reporting by department.**

(1) As used in this section:

(a) "Persons that are in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event":

(i) means the following organizations:

(A) a law enforcement agency;

(B) the department or a local health department, as defined in Section 26A-1-102;

(C) an organization that provides drug or alcohol treatment services;

(D) an organization that provides services to the homeless;

(E) an organization that provides training on the proper administration of an opiate antagonist in response to an opiate-related drug overdose event;

(F) a school; or

(G) except as provided in Subsection (1)(a)(ii), any other organization, as defined by department rule made under Subsection (7)(e), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event; and

(ii) does not mean:

(A) a person licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

(B) a health care facility; or

(C) an individual.

(b) "School" means:

(i) a public school:

(A) for elementary or secondary education, including a charter school; or

(B) for other purposes;

(ii) a private school:

(A) for elementary or secondary education; or

(B) accredited for other purposes, including higher education or specialty training; or

(iii) an institution within the state system of higher education, as described in Section 53B-1-102.

(2) There is created within the department the "Opiate Overdose Outreach Pilot Program."

(3) The department may use funds appropriated for the program to:

(a) provide grants under Subsection (4);

(b) promote public awareness of the signs, symptoms, and risks of opioid misuse and overdose;

(c) increase the availability of educational materials and other resources designed to assist individuals at increased risk of opioid overdose, their families, and others in a position to help prevent or respond to an overdose event;

(d) increase public awareness of, access to, and use of opiate antagonist;

(e) update the department's Utah Clinical Guidelines on Prescribing Opioids and

7400 promote its use by prescribers and dispensers of opioids;

7401 (f) develop a directory of substance misuse treatment programs and promote its

7402 dissemination to and use by opioid prescribers, dispensers, and others in a position to assist

7403 individuals at increased risk of opioid overdose;

7404 (g) coordinate a multi-agency coalition to address opioid misuse and overdose; and

7405 (h) maintain department data collection efforts designed to guide the development of

7406 opioid overdose interventions and track their effectiveness.

7407 (4) No later than September 1, 2016, and with available funding, the department shall

7408 grant funds through the program to persons that are in a position to assist an individual who is

7409 at increased risk of experiencing an opiate-related drug overdose event.

7410 (5) Funds granted by the program:

7411 (a) may be used by a grantee to:

7412 (i) pay for the purchase by the grantee of an opiate antagonist; or

7413 (ii) pay for the grantee's cost of providing training on the proper administration of an

7414 opiate antagonist in response to an opiate-related drug overdose event; and

7415 (b) may not be used:

7416 (i) to pay for costs associated with the storage or dispensing of an opiate antagonist; or

7417 (ii) for any other purposes.

7418 (6) Grantees shall report annually to the department on the use of granted funds in

7419 accordance with department rules made under Subsection (7)(d).

7420 (7) No later than July 1, 2016, the department shall, in accordance with Title 63G,

7421 Chapter 3, Utah Administrative Rulemaking Act, make rules specifying:

7422 (a) how to apply for a grant from the program;

7423 (b) the criteria used by the department to determine whether a grant request is

7424 approved, including criteria providing that:

7425 (i) grants are awarded to areas of the state, including rural areas, that would benefit

7426 most from the grant; and

(ii) no more than 15% of the total amount granted by the program is used to pay for grantees' costs of providing training on the proper administration of an opiate antagonist in response to an opiate-related drug overdose event;

(c) the criteria used by the department to determine the amount of a grant;

(d) the information a grantee shall report annually to the department under Subsection (6), including:

(i) the amount of opiate antagonist purchased and dispensed by the grantee during the reporting period;

(ii) the number of individuals to whom the opiate antagonist was dispensed by the grantee;

(iii) the number of lives known to have been saved during the reporting period as a result of opiate antagonist dispensed by the grantee; and

(iv) the manner in which the grantee shall record, preserve, and make available for audit by the department the information described in Subsections (7)(d)(i) through (7)(d)(iii); and

(e) as required by Subsection (1)(a)(i)(G), any other organization that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event.

Section 148. Section **26B-4-513**, which is renumbered from Section 26-55-108 is renumbered and amended to read:

~~[26-55-108]~~. **26B-4-513. Coprescription guidelines.**

(1) As used in this section:

(a) "Controlled substance prescriber" means the same as that term is defined in Section ~~58-37-6.5~~.

(b) "Coprescribe" means to issue a prescription for an opiate antagonist with a prescription for an opiate.

(2) The department shall, in consultation with the Physicians Licensing Board created

in Section ~~58-67-201~~, the Osteopathic Physician and Surgeon's Licensing Board created in Section ~~58-68-201~~, and the Division of Professional Licensing created in Section ~~58-1-103~~, establish by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, scientifically based guidelines for controlled substance prescribers to coprescribe an opiate antagonist to a patient.

Section 149. Section ~~26B-4-514~~, which is renumbered from Section 26-55-109 is renumbered and amended to read:

~~[26-55-109]~~. **26B-4-514. Opiate abuse prevention pamphlet.**

(1) As funding is available, the department shall produce and distribute, in conjunction with the ~~[Division of Substance Abuse]~~ Office of Substance Use and Mental Health, a pamphlet about opiates that includes information regarding:

- (a) the risk of dependency and addiction;
- (b) methods for proper storage and disposal;
- (c) alternative options for pain management;
- (d) the benefits of and ways to obtain naloxone; and
- (e) resources if the patient believes that the patient has a substance ~~[abuse]~~ use disorder.

(2) The pamphlet described in Subsection (1) shall be:

- (a) evaluated periodically for effectiveness at conveying necessary information and revised accordingly;
- (b) written in simple and understandable language; and
- (c) available in English and other languages that the department determines to be appropriate and necessary.

Section 150. Section ~~26B-4-601~~, which is renumbered from Section 26-67-102 is renumbered and amended to read:

Part 6. Adult Autism Treatment Program

~~[26-67-102]~~. **26B-4-601. Definitions.**

7481 As used in this ~~[chapter]~~ part:

7482 (1) "Adult Autism Treatment Account" means the Adult Autism Treatment Account
7483 created in Section ~~[26-67-205]~~ 26B-1-322.

7484 (2) "Advisory committee" means the Adult Autism Treatment Program Advisory
7485 Committee created in Section ~~[26B-1-204]~~ 26B-1-424.

7486 (3) "Applied behavior analysis" means the same as that term is defined in Section
7487 31A-22-642.

7488 (4) "Autism spectrum disorder" means the same as that term is defined in Section
7489 31A-22-642.

7490 (5) "Program" means the Adult Autism Treatment Program created in Section
7491 ~~[26-67-201]~~ 26B-4-602.

7492 (6) "Qualified individual" means an individual who:

7493 (a) is at least 22 years old;

7494 (b) is a resident of the state;

7495 (c) has been diagnosed by a qualified professional as having:

7496 (i) an autism spectrum disorder; or

7497 (ii) another neurodevelopmental disorder requiring significant supports through
7498 treatment using applied behavior analysis; and

7499 (d) needs significant supports for a condition described in Subsection (6)(c), as
7500 demonstrated by formal assessments of the individual's:

7501 (i) cognitive ability;

7502 (ii) adaptive ability;

7503 (iii) behavior; and

7504 (iv) communication ability.

7505 (7) "Qualified provider" means a provider that is qualified under Section ~~[26-67-202]~~
7506 26B-4-603 to provide services for the program.

7507 Section 151. Section **26B-4-602**, which is renumbered from Section 26-67-201 is

7508 renumbered and amended to read:

7509 ~~[26-67-201]~~. 26B-4-602. **Adult Autism Treatment Program -- Creation --**
7510 **Requirements -- Reporting.**

7511 (1) There is created within the department the Adult Autism Treatment Program.

7512 (2) (a) The program shall be administered by the department in collaboration with the
7513 advisory committee.

7514 (b) The program shall be funded only with money from the Adult Autism Treatment
7515 Account.

7516 (3) (a) An individual may apply for a grant from the program by submitting to a
7517 qualified provider the information specified by the department under Subsection ~~[26-67-204]~~
7518 26B-4-604(5).

7519 (b) As funding permits, the department shall award a grant from the program on behalf
7520 of an applicant in accordance with criteria established by the department, in collaboration with
7521 the advisory committee, by rule made in accordance with Title 63G, Chapter 3, Utah
7522 Administrative Rulemaking Act.

7523 (c) A grant shall:

7524 (i) be for a specific amount;

7525 (ii) cover a specific period, not to exceed five years; and

7526 (iii) be disbursed incrementally, if appropriate.

7527 (d) The department shall transmit a grant awarded on behalf of an applicant to a
7528 qualified provider designated by the applicant.

7529 (4) A qualified provider that receives a grant for the treatment of a qualified individual
7530 shall:

7531 (a) use the grant only for treatment of the qualified individual;

7532 (b) submit any reports that are required by the department; and

7533 (c) notify the department within seven days if:

7534 (i) the qualified individual:

- 7535 (A) has not received treatment from the qualified provider for 10 consecutive days;
7536 (B) is no longer receiving treatment from the qualified provider; or
7537 (C) is no longer a qualified individual; or
7538 (ii) the qualified provider is no longer a qualified provider.

7539 (5) A qualified provider that receives a grant for the treatment of a qualified individual
7540 shall refund any amount to the department on a prorated basis for each day that:

- 7541 (a) the qualified provider is no longer a qualified provider;
7542 (b) the individual is no longer a qualified individual; or
7543 (c) the qualified provider does not provide services to a qualified individual.

7544 Section 152. Section **26B-4-603**, which is renumbered from Section 26-67-203 is
7545 renumbered and amended to read:

7546 **[26-67-203]. 26B-4-603. Provider qualifications.**

7547 The department shall designate a provider as a qualified provider if the provider:

- 7548 (1) is able to treat a qualified individual's condition through:
7549 (a) one or more evidence-based treatments, including applied behavior analysis;
7550 (b) individualized, client-centered treatment;
7551 (c) any method that engages the qualified individual's family members in the treatment
7552 process; and

7553 (d) measured development of the qualified individual's pre-vocational, vocational, and
7554 daily-living skills; and

7555 (2) provides treatment to a qualified individual through:

- 7556 (a) a behavior analyst licensed under Title 58, Chapter 61, Part 7, Behavior Analyst
7557 Licensing Act; or
7558 (b) a psychologist who is licensed under Title 58, Chapter 61, Psychologist Licensing
7559 Act.

7560 Section 153. Section **26B-4-604**, which is renumbered from Section 26-67-204 is
7561 renumbered and amended to read:

7562 ~~[26-67-204].~~ **26B-4-604. Department rulemaking.**

7563 The department, in collaboration with the advisory committee, shall make rules in
7564 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

7565 (1) specify assessment tools and outcomes that a qualified provider may use to
7566 determine the types of supports that a qualified individual needs;

7567 (2) define evidence-based treatments that a qualified individual may pay for with grant
7568 funding;

7569 (3) establish criteria for awarding a grant under this ~~[chapter]~~ part;

7570 (4) specify the information that an individual shall submit to demonstrate that the
7571 individual is a qualified individual;

7572 (5) specify the information a provider shall submit to demonstrate that the provider is a
7573 qualified provider; and

7574 (6) specify the content and timing of reports required from a qualified provider,
7575 including a report on actual and projected treatment outcomes for a qualified individual.

7576 Section 154. Section **26B-4-701**, which is renumbered from Section 26-46a-102 is
7577 renumbered and amended to read:

7578 **Part 7. Health Care Workforce**

7579 ~~[26-46a-102].~~ **26B-4-701. Definitions.**

7580 As used in this ~~[chapter]~~ part:

7581 (1) "Accredited clinical education program" means a clinical education program for a
7582 health care profession that is accredited by the Accreditation Council on Graduate Medical
7583 Education.

7584 (2) "Accredited clinical training program" means a clinical training program that is
7585 accredited by an entity recognized within medical education circles as an accrediting body for
7586 medical education, advanced practice nursing education, physician assistance education, doctor
7587 of pharmacy education, dental education, or registered nursing education.

7588 (3) "Centers for Medicare and Medicaid Services" means the Centers for Medicare and

7589 Medicaid Services within the United States Department of Health and Human Services.

7590 (4) "Health care professionals in training" means medical students and residents,
 7591 advance practice nursing students, physician assistant students, doctor of pharmacy students,
 7592 dental students, and registered nursing students.

7593 ~~[(1)]~~ (5) "Hospital" means a general acute hospital, as defined in [Title 26, Chapter 21,
 7594 Health Care Facility Licensing and Inspection Act.] Section 26B-2-201.

7595 ~~[(2)]~~ (6) "Physician" means a person:

7596 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or

7597 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
 7598 Practice Act.

7599 ~~[(3)]~~ (7) "Rural county" means a county with a population of less than 50,000, as
 7600 determined by:

7601 (a) the most recent official census or census estimate of the United States Bureau of the
 7602 Census; or

7603 (b) the most recent population estimate for the county from the Utah Population
 7604 Committee, if a population figure for the county is not available under Subsection ~~[(3)]~~ (7)(a).

7605 ~~[(4)]~~ (8) "Rural hospital" means a hospital located within a rural county.

7606 (9) "UMEC" means the Utah Medical Education Council created in Section
 7607 26B-4-706.

7608 Section 155. Section **26B-4-702**, which is renumbered from Section 26-46-102 is
 7609 renumbered and amended to read:

7610 ~~[26-46-102].~~ **26B-4-702. Creation of Utah Health Care Workforce**

7611 **Financial Assistance Program -- Duties of department.**

7612 (1) As used in this section:

7613 (a) "Eligible professional" means a geriatric professional or a health care professional
 7614 who is eligible to participate in the program.

7615 (b) "Geriatric professional" means a person who:

7616 (i) is a licensed:
7617 (A) health care professional;
7618 (B) social worker;
7619 (C) occupational therapist;
7620 (D) pharmacist;
7621 (E) physical therapist; or
7622 (F) psychologist; and
7623 (ii) is determined by the department to have adequate advanced training in geriatrics to
7624 prepare the person to provide specialized geriatric care within the scope of the person's
7625 profession.
7626 (c) "Health care professional" means:
7627 (i) a licensed:
7628 (A) physician;
7629 (B) physician assistant;
7630 (C) nurse;
7631 (D) dentist; or
7632 (E) mental health therapist; or
7633 (ii) another licensed health care professional designated by the department by rule.
7634 (d) "Program" means the Utah Health Care Workforce Financial Assistance Program
7635 created in this section.
7636 (e) "Underserved area" means an area designated by the department as underserved by
7637 health care professionals, based upon the results of a needs assessment developed by the
7638 department in consultation with the Utah Health Care Workforce Financial Assistance Program
7639 Advisory Committee created under Section [26B-1-419](#).
7640 ~~[(+)]~~ (2) There is created within the department the Utah Health Care Workforce
7641 Financial Assistance Program to provide, within funding appropriated by the Legislature for the
7642 following purposes:

7643 (a) professional education scholarships and loan repayment assistance to health care
7644 professionals who locate or continue to practice in underserved areas; and

7645 (b) loan repayment assistance to geriatric professionals who locate or continue to
7646 practice in underserved areas.

7647 ~~[(2)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
7648 Act, the department shall make rules governing the administration of the program, including
7649 rules that address:

7650 (a) application procedures;

7651 (b) eligibility criteria;

7652 (c) selection criteria;

7653 (d) service conditions, which at a minimum shall include professional service in an
7654 underserved area for a minimum period of time by any person receiving a scholarship or loan
7655 repayment assistance;

7656 (e) penalties for failure to comply with service conditions or other terms of a
7657 scholarship or loan repayment contract;

7658 (f) criteria for modifying or waiving service conditions or penalties in case of extreme
7659 hardship or other good cause; and

7660 (g) administration of contracts entered into before the effective date of this act,
7661 between the department and scholarship or loan repayment recipients, as authorized by law.

7662 ~~[(3)]~~ (4) The department may provide education loan repayment assistance to an
7663 eligible professional if the eligible professional:

7664 (a) agrees to practice in an underserved area for the duration of the eligible
7665 professional's participation in the program; and

7666 (b) submits a written commitment from the health care facility employing the eligible
7667 professional that the health care facility will provide education loan repayment assistance to the
7668 eligible professional in an amount equal to 20% of the total award amount provided to the
7669 eligible professional.

7670 ~~[(4)]~~ (5) The department shall seek and consider the recommendations of the Utah
7671 Health Care Workforce Financial Assistance Program Advisory Committee created under
7672 Section ~~[26-46-103]~~ [26B-1-419](#) as it develops and modifies rules to administer the program.

7673 ~~[(5)]~~ (6) Funding for the program:

7674 (a) shall be a line item within the appropriations act;

7675 (b) shall be nonlapsing unless designated otherwise by the Legislature; and

7676 (c) may be used to cover administrative costs of the program, including reimbursement
7677 expenses of the Utah Health Care Workforce Financial Assistance Program Advisory
7678 Committee created under Section ~~[26-46-103]~~ [26B-1-419](#).

7679 ~~[(6)]~~ (7) Refunds for loan repayment assistance, penalties for breach of contract, and
7680 other payments to the program are dedicated credits to the program.

7681 ~~[(7)]~~ (8) The department shall prepare an annual report on the revenues, expenditures,
7682 and outcomes of the program.

7683 Section 156. Section **26B-4-703**, which is renumbered from Section 26-46a-103 is
7684 renumbered and amended to read:

7685 ~~[26-46a-103]~~. **26B-4-703. Rural Physician Loan Repayment Program --**
7686 **Purpose -- Repayment limit -- Funding -- Reporting -- Rulemaking -- Advisory**
7687 **committee.**

7688 (1) There is created within the department the Rural Physician Loan Repayment
7689 Program to provide, within funding appropriated by the Legislature for this purpose, education
7690 loan repayment assistance to physicians in accordance with Subsection (2).

7691 (2) The department may enter into an education loan repayment assistance contract
7692 with a physician if:

7693 (a) the physician:

7694 (i) locates or continues to practice in a rural county; and

7695 (ii) has a written commitment from a rural hospital that the hospital will provide
7696 education loan repayment assistance to the physician;

7697 (b) the assistance provided by the program does not exceed the assistance provided by
7698 the rural hospital; and

7699 (c) the physician is otherwise eligible for assistance under administrative rules adopted
7700 under Subsection (6).

7701 (3) Funding for the program:

7702 (a) shall be a line item within an appropriations act;

7703 (b) may be used to pay for the per diem and travel expenses of the Rural Physician
7704 Loan Repayment Program Advisory Committee under Subsection [~~26-46a-104~~] 26B-1-423(5);
7705 and

7706 (c) may be used to pay for department expenses incurred in the administration of the
7707 program:

7708 (i) including administrative support provided to the Rural Physician Loan Repayment
7709 Program Advisory Committee created under Subsection [~~26-46a-104~~] 26B-1-423(7); and

7710 (ii) in an amount not exceeding 10% of funding for the program.

7711 (4) Refunds of loan repayment assistance, penalties for breach of contract, and other
7712 payments to the program are dedicated credits to the program.

7713 (5) The department shall prepare an annual report of the program's revenues,
7714 expenditures, and outcomes.

7715 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7716 the department shall make rules governing the administration of the program, including rules
7717 that address:

7718 (i) application procedures;

7719 (ii) eligibility criteria;

7720 (iii) verification of the amount provided by a rural hospital to a physician for
7721 repayment of the physician's education loans;

7722 (iv) service conditions, which at a minimum shall include professional service by the
7723 physician in the rural hospital providing loan repayment assistance to the physician;

- 7724 (v) selection criteria and assistance amounts;
- 7725 (vi) penalties for failure to comply with service conditions or other terms of a loan
- 7726 repayment assistance contract; and
- 7727 (vii) criteria for modifying or waiving service conditions or penalties in the case of
- 7728 extreme hardship or for other good cause.
- 7729 (b) The department shall seek and consider the recommendations of the Rural
- 7730 Physician Loan Repayment Program Advisory Committee created [~~under Section 26-46a-104~~]
- 7731 in Section 26B-1-423 as it develops and modifies rules to administer the program.
- 7732 Section 157. Section **26B-4-704**, which is renumbered from Section 26-60-103 is
- 7733 renumbered and amended to read:
- 7734 ~~[26-60-103]~~. **26B-4-704. Scope of telehealth practice -- Enforcement.**
- 7735 (1) As used in this section:
- 7736 (a) "Asynchronous store and forward transfer" means the transmission of a patient's
- 7737 health care information from an originating site to a provider at a distant site.
- 7738 (b) "Distant site" means the physical location of a provider delivering telemedicine
- 7739 services.
- 7740 (c) "Originating site" means the physical location of a patient receiving telemedicine
- 7741 services.
- 7742 (d) "Patient" means an individual seeking telemedicine services.
- 7743 (e) (i) "Patient-generated medical history" means medical data about a patient that the
- 7744 patient creates, records, or gathers.
- 7745 (ii) "Patient-generated medical history" does not include a patient's medical record that
- 7746 a healthcare professional creates and the patient personally delivers to a different healthcare
- 7747 professional.
- 7748 (f) "Provider" means an individual who is:
- 7749 (i) licensed under Chapter 2, Part 2, Health Care Facility Licensing and Inspection;
- 7750 (ii) licensed under Title 58, Occupations and Professions, to provide health care; or

7751 (iii) licensed under Chapter 2, Part 1, Human Services Programs and Facilities.

7752 (g) "Synchronous interaction" means real-time communication through interactive
7753 technology that enables a provider at a distant site and a patient at an originating site to interact
7754 simultaneously through two-way audio and video transmission.

7755 (h) "Telehealth services" means the transmission of health-related services or
7756 information through the use of electronic communication or information technology.

7757 (i) "Telemedicine services" means telehealth services:

7758 (i) including:

7759 (A) clinical care;

7760 (B) health education;

7761 (C) health administration;

7762 (D) home health;

7763 (E) facilitation of self-managed care and caregiver support; or

7764 (F) remote patient monitoring occurring incidentally to general supervision; and

7765 (ii) provided by a provider to a patient through a method of communication that:

7766 (A) uses asynchronous store and forward transfer or synchronous interaction; and

7767 (B) meets industry security and privacy standards, including compliance with the
7768 federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110
7769 Stat. 1936, as amended, and the federal Health Information Technology for Economic and
7770 Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended.

7771 [(+)] (2) A provider offering telehealth services shall:

7772 (a) at all times:

7773 (i) act within the scope of the provider's license under Title 58, Occupations and
7774 Professions, in accordance with the provisions of this [chapter] section and all other applicable
7775 laws and rules; and

7776 (ii) be held to the same standards of practice as those applicable in traditional health
7777 care settings;

(b) if the provider does not already have a provider-patient relationship with the patient, establish a provider-patient relationship during the patient encounter in a manner consistent with the standards of practice, determined by the Division of Professional Licensing in rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including providing the provider's licensure and credentials to the patient;

(c) before providing treatment or prescribing a prescription drug, establish a diagnosis and identify underlying conditions and contraindications to a recommended treatment after:

(i) obtaining from the patient or another provider the patient's relevant clinical history; and

(ii) documenting the patient's relevant clinical history and current symptoms;

(d) be available to a patient who receives telehealth services from the provider for subsequent care related to the initial telemedicine services, in accordance with community standards of practice;

(e) be familiar with available medical resources, including emergency resources near the originating site, in order to make appropriate patient referrals when medically indicated;

(f) in accordance with any applicable state and federal laws, rules, and regulations, generate, maintain, and make available to each patient receiving telehealth services the patient's medical records; and

(g) if the patient has a designated health care provider who is not the telemedicine provider:

(i) consult with the patient regarding whether to provide the patient's designated health care provider a medical record or other report containing an explanation of the treatment provided to the patient and the telemedicine provider's evaluation, analysis, or diagnosis of the patient's condition;

(ii) collect from the patient the contact information of the patient's designated health care provider; and

(iii) within two weeks after the day on which the telemedicine provider provides

services to the patient, and to the extent allowed under HIPAA as that term is defined in Section ~~[26-18-17]~~ [26B-3-126](#), provide the medical record or report to the patient's designated health care provider, unless the patient indicates that the patient does not want the telemedicine provider to send the medical record or report to the patient's designated health care provider.

~~[(2)]~~ (3) Subsection ~~[(1)]~~ (2)(g) does not apply to prescriptions for eyeglasses or contacts.

~~[(3)]~~ (4) Except as specifically provided in Title 58, Chapter 83, Online Prescribing, Dispensing, and Facilitation Licensing Act, and unless a provider has established a provider-patient relationship with a patient, a provider offering telemedicine services may not diagnose a patient, provide treatment, or prescribe a prescription drug based solely on one of the following:

- (a) an online questionnaire;
- (b) an email message; or
- (c) a patient-generated medical history.

~~[(4)]~~ (5) A provider may not offer telehealth services if:

- (a) the provider is not in compliance with applicable laws, rules, and regulations regarding the provider's licensed practice; or
- (b) the provider's license under Title 58, Occupations and Professions, is not active and in good standing.

(6) (a) The Division of Professional Licensing created in Section [58-1-103](#) is authorized to enforce the provisions of this section as it relates to providers licensed under Title 58, Occupations and Professions.

(b) The department is authorized to enforce the provisions of:

- (i) this section as it relates to providers licensed under this title; and
- (ii) this section as it relates to providers licensed under Chapter 2, Part 1, Human Services Programs and Facilities.

Section 158. Section **26B-4-705**, which is renumbered from Section 26-69-301 is

7832 renumbered and amended to read:

7833 ~~[26-69-301].~~ **26B-4-705. Utah Health Workforce Information Center.**

7834 (1) As used in this section:

7835 (a) "Council" means the Utah Health Workforce Advisory Council created in Section
7836 26B-1-425.

7837 (b) "Health sector" means any place of employment where the primary function is the
7838 delivery of health care services.

7839 (c) (i) "Health workforce" means the individuals, collectively and by profession, who
7840 deliver health care services or assist in the delivery of health care services.

7841 (ii) "Health workforce" includes any health care professional who does not work in the
7842 health sector and any non-health care professional who works in the health sector.

7843 ~~[(1)]~~ (2) There is created within the department the Utah Health Workforce
7844 Information Center.

7845 ~~[(2)]~~ (3) The information center shall:

7846 (a) under the guidance of the council, work with the Department of Commerce to
7847 collect data described in Section 58-1-112;

7848 (b) analyze data from any available source regarding Utah's health workforce including
7849 data collected by the Department of Commerce under Section 58-1-112;

7850 (c) send a report to the council regarding any analysis of health workforce data;

7851 (d) conduct research on Utah's health workforce as directed by the council;

7852 (e) notwithstanding the provisions of Subsection 35A-4-312(3), receive information
7853 obtained by the Department of Workforce Services under the provisions of Section 35A-4-312
7854 for purposes consistent with the information center's duties, including identifying changes in
7855 Utah's health workforce numbers, types, and geographic distribution;

7856 (f) project the demand for individuals to enter health care professions, including the
7857 nursing profession in accordance with Section 53B-26-202;

7858 (g) subject to Section ~~[26-3-7]~~ 26B-8-406, share data with any appropriate person as

7859 determined by the information center; and

7860 (h) conduct research and provide analysis for any state agency as approved by the
7861 executive director or the executive director's designee.

7862 ~~[(3)]~~ (4) Notwithstanding any other provision of state law, the information center is
7863 authorized to obtain data from any state agency if:

7864 (a) the council and the information center deem receiving the data necessary to perform
7865 a duty listed under Subsection ~~[(2)]~~ (3) or ~~[26-69-202(1)]~~ 26B-1-425(7); and

7866 (b) the information center's access to the data will not:

7867 (i) violate any federal statute or federal regulation; or

7868 (ii) violate a condition a state agency must follow:

7869 (A) to participate in a federal program; or

7870 (B) to receive federal funds.

7871 Section 159. Section **26B-4-706**, which is renumbered from Section 26-69-402 is
7872 renumbered and amended to read:

7873 ~~[26-69-402].~~ **26B-4-706. Utah Medical Education Council.**

7874 (1) (a) There is created the Utah Medical Education Council, which is a subcommittee
7875 of the Utah Health Workforce Advisory Council.

7876 (b) The membership of UMEC shall consist of the following appointed by the
7877 governor:

7878 (i) the dean of the school of medicine at the University of Utah;

7879 (ii) an individual who represents graduate medical education at the University of Utah;

7880 (iii) an individual from each institution, other than the University of Utah, that

7881 sponsors an accredited clinical education program;

7882 (iv) an individual from the health care insurance industry; and

7883 (v) (A) three members of the general public who are not employed by or affiliated with
7884 any institution that offers, sponsors, or finances health care or medical education; and

7885 (B) if the number of individuals appointed under Subsection (1)(b)(iii) is more than

7886 two, the governor may appoint an additional member of the public under this Subsection
7887 (1)(b)(v) for each individual the governor appoints under Subsection (1)(b)(iii) beyond two.
7888 (2) Except as provided in Subsections (1)(b)(i) and (ii), no two council members may
7889 be employed by or affiliated with the same:
7890 (a) institution of higher education;
7891 (b) state agency outside of higher education; or
7892 (c) private entity.
7893 (3) The dean of the school of medicine at the University of Utah:
7894 (a) shall chair UMEC;
7895 (b) may not be counted in determining the existence of a quorum; and
7896 (c) may only cast a vote on a matter before the council if the vote of the other council
7897 members results in a tied vote.
7898 (4) UMEC shall annually elect a vice chair from UMEC's members.
7899 (5) (a) Consistent with Subsection (6)(b), a majority of the members constitute a
7900 quorum.
7901 (b) The action of a majority of a quorum is the action of UMEC.
7902 (6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year
7903 terms of office.
7904 (b) Notwithstanding Subsection (6)(a), the governor shall, at the time of the initial
7905 appointment, adjust the length of terms to ensure that the terms of council members are
7906 staggered so that approximately half of the members are appointed every two years.
7907 (c) If a vacancy occurs in the membership for any reason, the replacement shall be
7908 appointed by the governor for the unexpired term in the same manner as the original
7909 appointment was made.
7910 (7) A member may not receive compensation or benefits for the member's service, but
7911 may receive per diem and travel expenses in accordance with:
7912 (a) Section 63A-3-106;

7913 (b) Section [63A-3-107](#); and
7914 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
7915 [63A-3-107](#).
7916 (8) The council shall provide staff for UMEC.
7917 Section 160. Section **26B-4-707**, which is renumbered from Section 26-69-403 is
7918 renumbered and amended to read:
7919 ~~[26-69-403]~~. **26B-4-707. Medical Education Program.**
7920 (1) There is created a Medical Education Program to be administered by UMEC in
7921 cooperation with the Division of Finance.
7922 (2) The program shall be funded from money received for graduate medical education
7923 from:
7924 (a) the federal Centers for Medicare and Medicaid Services or other federal agency;
7925 (b) state appropriations; and
7926 (c) donation or private contributions.
7927 (3) All funding for this program shall be nonlapsing.
7928 (4) Program money may only be expended if:
7929 (a) approved by UMEC; and
7930 (b) used for graduate medical education in accordance with Subsection ~~[26-69-404]~~
7931 [26B-4-708](#)(4).
7932 Section 161. Section **26B-4-708**, which is renumbered from Section 26-69-404 is
7933 renumbered and amended to read:
7934 ~~[26-69-404]~~. **26B-4-708. Duties of UMEC.**
7935 UMEC shall:
7936 (1) seek private and public contributions for the program;
7937 (2) determine the method for reimbursing institutions that sponsor health care
7938 professionals in training;
7939 (3) determine the number and type of positions for health care professionals in training

7940 for which program money may be used;

7941 (4) distribute program money for graduate medical education in a manner that:

7942 (a) prepares postgraduate medical residents, as defined by the accreditation council on
7943 graduate medical education, for inpatient, outpatient, hospital, community, and geographically
7944 diverse settings;

7945 (b) encourages the coordination of interdisciplinary clinical training among health care
7946 professionals in training;

7947 (c) promotes stable funding for the clinical training of health care professionals in
7948 training; and

7949 (d) only funds accredited clinical training programs; and

7950 (5) advise on the implementation of the program.

7951 Section 162. Section **26B-4-709**, which is renumbered from Section 26-69-405 is
7952 renumbered and amended to read:

7953 ~~[26-69-405].~~ **26B-4-709. Powers of UMEC.**

7954 The UMEC may:

7955 (1) appoint advisory committees of broad representation on interdisciplinary clinical
7956 education, workforce mix planning and projections, funding mechanisms, and other topics as is
7957 necessary;

7958 (2) use federal money for necessary administrative expenses to carry out UMEC's
7959 duties and powers as permitted by federal law;

7960 (3) distribute program money in accordance with Subsection ~~[26-69-404]~~

7961 26B-4-708(4); and

7962 (4) as is necessary to carry out UMEC's duties under Section ~~[26-69-404]~~ 26B-4-708,
7963 adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

7964 Section 163. Section **26B-4-710**, which is renumbered from Section 26-69-406 is
7965 renumbered and amended to read:

7966 ~~[26-69-406].~~ **26B-4-710. Rural residency training program.**

7967 (1) As used in this section:

7968 (a) "Physician" means:

7969 (i) an individual licensed to practice medicine under Title 58, Chapter 67, Utah Medical
7970 Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

7971 (ii) an individual licensed to practice dentistry under Title 58, Chapter 69, Dentist and
7972 Dental Hygienist Practice Act.

7973 (b) "Rural residency training program" means an accredited clinical training program
7974 that places a physician into a rural county for a part or all of the physician's clinical training.

7975 (2) Subject to appropriations from the Legislature, UMEC shall establish a pilot
7976 program to place physicians into rural residency training programs.

7977 Section 164. Section **26B-4-711**, which is renumbered from Section 26-69-407 is
7978 renumbered and amended to read:

7979 ~~[26-69-407]~~. **26B-4-711. Residency grant program.**

7980 (1) As used in this section:

7981 (a) "D.O. program" means an osteopathic medical program that prepares a graduate to
7982 obtain licensure as a doctor of osteopathic medicine upon completing a state's licensing
7983 requirements.

7984 (b) "M.D. program" means a medical education program that prepares a graduate to
7985 obtain licensure as a doctor of medicine upon completing a state's licensing requirements.

7986 (c) "Residency program" means a program that provides training for graduates of a
7987 D.O. program or an M.D. program.

7988 (2) UMEC shall develop a grant program where a sponsoring institution in Utah may
7989 apply for a grant to establish a new residency program or expand a current residency program.

7990 (3) An applicant for a grant shall:

7991 (a) provide the proposed specialty area for each grant funded residency position;

7992 (b) identify where the grant funded residency position will provide care;

7993 (c) (i) provide proof that the residency program is accredited by the Accreditation

7994 Council for Graduate Medical Education; or
7995 (ii) identify what actions need to occur for the proposed residency program to become
7996 accredited by the Accreditation Council for Graduate Medical Education;
7997 (d) identify how a grant funded residency position will be funded once the residency
7998 program exhausts the grant money;
7999 (e) agree to implement selection processes for a residency position that treat applicants
8000 from D.O. programs and applicants from M.D. programs equally;
8001 (f) agree to provide information identified by UMEC that relates to post-residency
8002 employment outcomes for individuals who work in grant funded residency positions; and
8003 (g) provide any other information related to the grant application UMEC deems
8004 necessary.
8005 (4) UMEC shall prioritize awarding grants to new or existing residency programs that
8006 will:
8007 (a) address a workforce shortage, occurring in Utah, for a specialty; or
8008 (b) serve an underserved population, including a rural population.
8009 (5) Before November 1, 2023, and each November 1 thereafter, UMEC shall provide a
8010 written report to the Higher Education Appropriations Subcommittee describing:
8011 (a) which sponsoring institutions received a grant;
8012 (b) the number of residency positions created; and
8013 (c) for each residency position created:
8014 (i) the type of specialty;
8015 (ii) where the residency position provides care; and
8016 (iii) an estimated date of when a grant funded residency position will no longer need
8017 grant funding.
8018 Section 165. Section **26B-4-712**, which is renumbered from Section 26-69-408 is
8019 renumbered and amended to read:
8020 ~~[26-69-408]~~. **26B-4-712. Forensic psychiatrist fellowship grant.**

8021 (1) As used in this section, "forensic psychiatry" means the provision of services by an
8022 individual who:

8023 (a) is a licensed physician;

8024 (b) is board certified for a psychiatry specialization recognized by the American Board
8025 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
8026 Specialists; and

8027 (c) uses scientific and clinical expertise in legal contexts involving the mental health of
8028 individuals.

8029 (2) UMEC shall establish a grant program that will facilitate the creation of a single
8030 forensic psychiatrist fellowship program.

8031 (3) An applicant for the grant shall:

8032 (a) demonstrate how the applicant is best suited for developing a forensic psychiatry
8033 fellowship program, including:

8034 (i) a description of resources that would be available to the program; and

8035 (ii) any resources or staff that need to be acquired for the program;

8036 (b) identify what needs to occur for the proposed residency program to become
8037 accredited by the Accreditation Council for Graduate Medical Education;

8038 (c) provide an estimate of how many individuals would be trained in the program at
8039 any one time;

8040 (d) provide any information related to the grant application UMEC deems necessary for
8041 awarding the grant; and

8042 (e) if awarded the grant, agree to:

8043 (i) enter into a contract with the Department of Corrections that the applicant will
8044 provide for the provision of forensic psychiatry services to an individual:

8045 (A) who needs psychiatric services; and

8046 (B) is under the Department of Corrections' jurisdiction;

8047 (ii) ensure that any individual hired to provide forensic psychiatry services will comply

8048 with all relevant:

8049 (A) national licensing requirements; and

8050 (B) state licensing requirements under Title 58, Occupations and Professions.

8051 Section 166. Section **26B-4-801**, which is renumbered from Section 26-49-102 is
8052 renumbered and amended to read:

8053 **Part 8. Uniform Emergency Volunteer Health Practitioners Act**

8054 **~~[26-49-102].~~ 26B-4-801. Definitions.**

8055 As used in this ~~[chapter]~~ part:

8056 (1) "Disaster relief organization" means an entity that:

8057 (a) provides emergency or disaster relief services that include health or veterinary
8058 services provided by volunteer health practitioners;

8059 (b) is designated or recognized as a provider of the services described in Subsection

8060 (1)(a) under a disaster response and recovery plan adopted by:

8061 (i) an agency of the federal government;

8062 (ii) the department; or

8063 (iii) a local health department; and

8064 (c) regularly plans and conducts its activities in coordination with:

8065 (i) an agency of the federal government;

8066 (ii) the department; or

8067 (iii) a local health department.

8068 (2) "Emergency" means:

8069 (a) a state of emergency declared by:

8070 (i) the president of the United States;

8071 (ii) the governor in accordance with Title 53, Chapter 2a, Part 2, Disaster Response and
8072 Recovery Act; and

8073 (iii) the chief executive officer of a political subdivision in accordance with Title 53,
8074 Chapter 2a, Part 2, Disaster Response and Recovery Act, for a local emergency; or

- 8075 (b) a public health emergency declared by:
- 8076 (i) the executive director through a public health order in accordance with ~~[Title 26,~~
- 8077 ~~Utah Health Code]~~ this title; or
- 8078 (ii) a local health department for a location under the local health department's
- 8079 jurisdiction.
- 8080 (3) "Emergency Management Assistance Compact" means the interstate compact
- 8081 approved by Congress by Public ~~[Law]~~ L. No. 104-321, 110 Stat. 3877 and adopted by Utah in
- 8082 Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact.
- 8083 (4) "Entity" means a person other than an individual.
- 8084 (5) "Health facility" means an entity licensed under the laws of this or another state to
- 8085 provide health or veterinary services.
- 8086 (6) "Health practitioner" means an individual licensed under Utah law or another state
- 8087 to provide health or veterinary services.
- 8088 (7) "Health services" means the provision of treatment, care, advice, guidance, other
- 8089 services, or supplies related to the health or death of individuals or human populations, to the
- 8090 extent necessary to respond to an emergency, including:
- 8091 (a) the following, concerning the physical or mental condition or functional status of an
- 8092 individual or affecting the structure or function of the body:
- 8093 (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; or
- 8094 (ii) counseling, assessment, procedures, or other services;
- 8095 (b) selling or dispensing a drug, a device, equipment, or another item to an individual
- 8096 in accordance with a prescription; and
- 8097 (c) funeral, cremation, cemetery, or other mortuary services.
- 8098 (8) "Host entity":
- 8099 (a) means an entity operating in Utah that:
- 8100 (i) uses volunteer health practitioners to respond to an emergency; and
- 8101 (ii) is responsible during an emergency, for actually delivering health services to

8102 individuals or human populations, or veterinary services to animals or animal populations; and

8103 (b) may include disaster relief organizations, hospitals, clinics, emergency shelters,
8104 health care provider offices, or any other place where volunteer health practitioners may
8105 provide health or veterinary services.

8106 (9) (a) "License" means authorization by a state to engage in health or veterinary
8107 services that are unlawful without authorization.

8108 (b) "License" includes authorization under this title to an individual to provide health
8109 or veterinary services based upon a national or state certification issued by a public or private
8110 entity.

8111 (10) "Local emergency" means the same as that term is defined in Section [53-2a-203](#).

8112 (11) "Local health department" means the same as that term is defined in Section
8113 [26A-1-102](#).

8114 (12) "Public health emergency" means the same as that term is defined in Section
8115 [\[26-23b-102\]](#) [26B-7-301](#).

8116 (13) "Scope of practice" means the extent of the authorization to provide health or
8117 veterinary services granted to a health practitioner by a license issued to the practitioner in the
8118 state in which the principal part of the practitioner's services are rendered, including any
8119 conditions imposed by the licensing authority.

8120 (14) "State" means:

8121 (a) a state of the United States;

8122 (b) the District of Columbia;

8123 (c) Puerto Rico;

8124 (d) the United States Virgin Islands; or

8125 (e) any territory or insular possession subject to the jurisdiction of the United States.

8126 (15) "Veterinary services" shall have the meaning provided for in Subsection
8127 [58-28-102](#)(11).

8128 (16) (a) "Volunteer health practitioner" means a health practitioner who provides health

or veterinary services, whether or not the practitioner receives compensation for those services.

(b) "Volunteer health practitioner" does not include a practitioner who receives compensation under a preexisting employment relationship with a host entity or affiliate that requires the practitioner to provide health services in Utah, unless the practitioner is:

(i) not a Utah resident; and

(ii) employed by a disaster relief organization providing services in Utah during an emergency.

Section 167. Section **26B-4-802**, which is renumbered from Section 26-49-103 is renumbered and amended to read:

~~[26-49-103].~~ **26B-4-802. Applicability to volunteer health practitioners.**

This ~~[chapter]~~ part applies to volunteer health practitioners who:

(1) are registered with a registration system that complies with Section ~~[26-49-202]~~ 26B-4-804; and

(2) provide health or veterinary services in Utah for a host entity during an emergency.

Section 168. Section **26B-4-803**, which is renumbered from Section 26-49-201 is renumbered and amended to read:

~~[26-49-201].~~ **26B-4-803. Regulation of services during emergency.**

(1) During an emergency, the ~~[Department of Health]~~ department or a local health department may limit, restrict, or otherwise regulate:

(a) the duration of practice by volunteer health practitioners;

(b) the geographical areas in which volunteer health practitioners may practice;

(c) the types of volunteer health practitioners who may practice; and

(d) any other matters necessary to coordinate effectively the provision of health or veterinary services during the emergency.

(2) An order issued under Subsection (1) takes effect immediately, without prior notice or comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or an adjudication within the meaning of Title 63G, Chapter 4,

8156 Administrative Procedures Act.

8157 (3) A host entity that uses volunteer health practitioners to provide health or veterinary
8158 services in Utah shall:

8159 (a) to the extent practicable and in order to provide for the efficient and effective use of
8160 volunteer health practitioners, consult and coordinate its activities with:

8161 (i) the ~~[Department of Health]~~ department;

8162 (ii) local health departments; or

8163 (iii) the Department of Agriculture and Food; ~~[or]~~ and

8164 ~~[(iv) the Department of Human Services; and]~~

8165 (b) comply with all state and federal laws relating to the management of emergency
8166 health or veterinary services.

8167 Section 169. Section **26B-4-804**, which is renumbered from Section 26-49-202 is
8168 renumbered and amended to read:

8169 ~~[26-49-202].~~ **26B-4-804. Volunteer health practitioner registration**
8170 **systems.**

8171 (1) To qualify as a volunteer health practitioner registration system, the registration
8172 system shall:

8173 (a) accept applications for the registration of volunteer health practitioners before or
8174 during an emergency;

8175 (b) include information about the licensure and good standing of health practitioners
8176 that is accessible by authorized persons;

8177 (c) be capable of confirming the accuracy of information concerning whether a health
8178 practitioner is licensed and in good standing before health services or veterinary services are
8179 provided under this ~~[chapter]~~ part; and

8180 (d) meet one of the following conditions:

8181 (i) be an emergency system for advance registration of volunteer health practitioners
8182 established by a state and funded through the United States Department of Health and Human

8183 Services under Section 319I of the Public Health Services Act, 42 U.S.C. Sec. 247d-7b, as
8184 amended;

8185 (ii) be a local unit consisting of trained and equipped emergency response, public
8186 health, and medical personnel formed under Section 2801 of the Public Health Services Act, 42
8187 U.S.C. Sec. 300hh as amended;

8188 (iii) be operated by a:

8189 (A) disaster relief organization;

8190 (B) licensing board;

8191 (C) national or regional association of licensing boards or health practitioners;

8192 (D) health facility that provides comprehensive inpatient and outpatient healthcare
8193 services, including tertiary care; or

8194 (E) governmental entity; or

8195 (iv) be designated by the [~~Department of Health~~] department as a registration system
8196 for purposes of this [~~chapter~~] part.

8197 (2) (a) Subject to Subsection (2)(b), during an emergency, the [~~Department of Health~~]
8198 department, a person authorized to act on behalf of the [~~Department of Health~~] department, or a
8199 host entity shall confirm whether a volunteer health practitioner in Utah is registered with a
8200 registration system that complies with Subsection (1).

8201 (b) The confirmation authorized under this Subsection (2) is limited to obtaining the
8202 identity of the practitioner from the system and determining whether the system indicates that
8203 the practitioner is licensed and in good standing.

8204 (3) Upon request of a person authorized under Subsection (2), or a similarly authorized
8205 person in another state, a registration system located in Utah shall notify the person of the
8206 identity of a volunteer health practitioner and whether or not the volunteer health practitioner is
8207 licensed and in good standing.

8208 (4) A host entity is not required to use the services of a volunteer health practitioner
8209 even if the volunteer health practitioner is registered with a registration system that indicates

8210 that the practitioner is licensed and in good standing.

8211 Section 170. Section **26B-4-805**, which is renumbered from Section 26-49-203 is
8212 renumbered and amended to read:

8213 ~~[26-49-203].~~ **26B-4-805. Recognition of volunteer health practitioners**
8214 **licensed in other states.**

8215 (1) During an emergency, a volunteer health practitioner registered with a registration
8216 system that complies with Section ~~[26-49-202]~~ 26B-4-804 and licensed and in good standing in
8217 the state upon which the practitioner's registration is based:

8218 (a) may practice in Utah to the extent authorized by this ~~[chapter]~~ part as if the
8219 practitioner were licensed in Utah; and

8220 (b) is exempt from:

8221 (i) licensure in Utah; or

8222 (ii) operating under modified scope of practice provisions in accordance with
8223 Subsections 58-1-307(4) and (5).

8224 (2) A volunteer health practitioner qualified under Subsection (1) is not entitled to the
8225 protections of this ~~[chapter]~~ part if the practitioner is licensed in more than one state and any
8226 license of the practitioner:

8227 (a) is suspended, revoked, or subject to an agency order limiting or restricting practice
8228 privileges; or

8229 (b) has been voluntarily terminated under threat of sanction.

8230 Section 171. Section **26B-4-806**, which is renumbered from Section 26-49-204 is
8231 renumbered and amended to read:

8232 ~~[26-49-204].~~ **26B-4-806. No effect on credentialing and privileging.**

8233 (1) For purposes of this section:

8234 (a) "Credentialing" means obtaining, verifying, and assessing the qualifications of a
8235 health practitioner to provide treatment, care, or services.

8236 (b) "Privileging" means the authorizing by an appropriate authority of a health

8237 practitioner to provide specific treatment, care, or services at a health facility subject to limits
8238 based on factors that include license, education, training, experience, competence, health status,
8239 and specialized skill.

8240 (2) This [~~chapter~~] part does not affect credentialing or privileging standards of a health
8241 facility, and does not preclude a health facility from waiving or modifying those standards
8242 during an emergency.

8243 Section 172. Section **26B-4-807**, which is renumbered from Section 26-49-205 is
8244 renumbered and amended to read:

8245 **[~~26-49-205~~]. 26B-4-807. Provision of volunteer health or veterinary**
8246 **services -- Administrative sanctions -- Authority of Division of Professional Licensing.**

8247 (1) Subject to Subsections (2) and (3), a volunteer health practitioner shall comply with
8248 the scope of practice for a similarly licensed practitioner established by the licensing
8249 provisions, practice acts, or other Utah laws.

8250 (2) Except as otherwise provided in Subsection (3), this [~~chapter~~] part does not
8251 authorize a volunteer health practitioner to provide services that are outside the volunteer
8252 health practitioner's scope of practice, even if a similarly licensed practitioner in Utah would be
8253 permitted to provide the services.

8254 (3) (a) In accordance with this section and Section **58-1-405**, the Division of
8255 Professional Licensing may issue an order modifying or restricting the health or veterinary
8256 services that volunteer health practitioners may provide pursuant to this [~~chapter~~] part.

8257 (b) An order under this subsection takes effect immediately, without prior notice or
8258 comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative
8259 Rulemaking Act, or a directive within the meaning of Title 63G, Chapter 4, Administrative
8260 Procedures Act.

8261 (4) A host entity may restrict the health or veterinary services that a volunteer health
8262 practitioner may provide under this [~~chapter~~] part.

8263 (5) (a) A volunteer health practitioner does not engage in unauthorized practice unless

the volunteer health practitioner has reason to know of any limitation, modification, or restriction under this ~~[chapter]~~ part, Title 58, Chapter 1, Division of Occupational and Professional Licensing Act, or that a similarly licensed practitioner in Utah would not be permitted to provide the services.

(b) A volunteer health practitioner has reason to know of a limitation, modification, or restriction, or that a similarly licensed practitioner in Utah would not be permitted to provide a service, if:

(i) the volunteer health practitioner knows the limitation, modification, or restriction exists or that a similarly licensed practitioner in Utah would not be permitted to provide the service; or

(ii) from all the facts and circumstances known to the volunteer health practitioner at the relevant time, a reasonable person would conclude that:

(A) the limitation, modification, or restriction exists; or

(B) a similarly licensed practitioner in Utah would not be permitted to provide the service.

(6) In addition to the authority granted by law of Utah other than this ~~[chapter]~~ part to regulate the conduct of volunteer health practitioners, the Division of Professional Licensing Act or other disciplinary authority in Utah:

(a) may impose administrative sanctions upon a volunteer health practitioner licensed in Utah for conduct outside of Utah in response to an out-of-state emergency;

(b) may impose administrative sanctions upon a volunteer health practitioner not licensed in Utah for conduct in Utah in response to an in-state emergency; and

(c) shall report any administrative sanctions imposed upon a volunteer health practitioner licensed in another state to the appropriate licensing board or other disciplinary authority in any other state in which the volunteer health practitioner is known to be licensed.

(7) In determining whether or not to impose administrative sanctions under Subsection (6), the Division of Professional Licensing Act or other disciplinary authority shall consider the

8291 circumstances in which the conduct took place, including:

8292 (a) any exigent circumstances; and

8293 (b) the volunteer health practitioner's scope of practice, education, training, experience,
8294 and specialized skill.

8295 Section 173. Section **26B-4-808**, which is renumbered from Section 26-49-301 is
8296 renumbered and amended to read:

8297 ~~[26-49-301].~~ **26B-4-808. Relation to other laws.**

8298 (1) (a) This ~~[chapter]~~ part does not limit rights, privileges, or immunities provided to
8299 volunteer health practitioners by laws other than this ~~[chapter]~~ part.

8300 (b) Except as otherwise provided in Subsection (2), this ~~[chapter]~~ part does not affect
8301 requirements for the use of health practitioners pursuant to Title 53, Chapter 2a, Part 4,
8302 Emergency Management Assistance Compact.

8303 (2) An authorized representative of a party state may incorporate volunteer health
8304 practitioners into the emergency forces of Utah even if those volunteer health practitioners are
8305 not officers or employees of Utah, a political subdivision of Utah, or a municipality or other
8306 local government within Utah.

8307 Section 174. Section **26B-4-809**, which is renumbered from Section 26-49-401 is
8308 renumbered and amended to read:

8309 ~~[26-49-401].~~ **26B-4-809. Regulatory authority.**

8310 (1) The ~~[Department of Health]~~ department shall make rules by following the
8311 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

8312 (2) Before adopting rules under Subsection (1), the ~~[Department of Health]~~ department
8313 shall consult and consider:

8314 (a) the recommendations of the entity established to coordinate the implementation of
8315 the Emergency Management Assistance Compact; and

8316 (b) rules adopted by similarly empowered agencies in other states in order to promote
8317 uniformity of application of this ~~[chapter]~~ part and make the emergency response systems in

8318 the various states reasonably compatible.

8319 Section 175. Section **26B-4-810**, which is renumbered from Section 26-49-501 is
8320 renumbered and amended to read:

8321 ~~[26-49-501].~~ **26B-4-810. Limitations on civil liability for volunteer health**
8322 **practitioners.**

8323 Volunteer health practitioners who provide health or veterinary services pursuant to this
8324 chapter are immune from liability and civil damages as set forth in Section **58-13-2**.

8325 Section 176. Section **26B-4-811**, which is renumbered from Section 26-49-601 is
8326 renumbered and amended to read:

8327 ~~[26-49-601].~~ **26B-4-811. Workers' compensation coverage.**

8328 (1) For purposes of this section, "injury" means a physical or mental injury or disease
8329 for which an employee of Utah who is injured or contracts the disease in the course of the
8330 employee's employment would be entitled to benefits under Title 34A, Chapter 2, Workers'
8331 Compensation Act.

8332 (2) A volunteer health practitioner is considered a state employee for purposes of
8333 receiving workers' compensation medical benefits under Title 34A, Chapter 2, Workers'
8334 Compensation Act, and Chapter 3, Utah Occupational Disease Act.

8335 (3) The state shall provide workers' compensation benefits for a volunteer health
8336 practitioner under:

8337 (a) Title 34A, Chapter 2, Workers' Compensation Act; and

8338 (b) Title 34A, Chapter 3, Utah Occupational Disease Act.

8339 (4) (a) In accordance with Section **34A-2-105**, the workers' compensation benefits
8340 described in Subsection (3) are the exclusive remedy against the state or an officer, agent, or
8341 employee of the state, for all injuries and occupational diseases resulting from the volunteer
8342 health practitioner's services for the state.

8343 (b) For purposes of Subsection (4)(a), the state is considered the employer of the
8344 volunteer health practitioner.

(5) To compute the workers' compensation benefits for a volunteer health practitioner described in Subsection (3), the average weekly wage of the volunteer health practitioner shall be the state's average weekly wage at the time of the emergency that is the basis for the volunteer health practitioner's workers' compensation claim.

(6) (a) The Labor Commission shall:

(i) adopt rules, enter into agreements with other states, or take other measures to facilitate the receipt of benefits for injury or death by volunteer health practitioners who reside in other states; and

(ii) consult with and consider the practices for filing, processing, and paying claims by agencies with similar authority in other states to promote uniformity of application of this chapter with other states that enact similar legislation.

(b) The Labor Commission may waive or modify requirements for filing, processing, and paying claims that unreasonably burden the volunteer health practitioners.

Section 177. Section **26B-4-812**, which is renumbered from Section 26-49-701 is renumbered and amended to read:

~~[26-49-701].~~ **26B-4-812. Uniformity of application and construction.**

In applying and construing this ~~[chapter]~~ part, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Section 178. **Repealer.**

This bill repeals:

Section **26-1-2, Definitions.**

Section **26-1-7.5, Health advisory council.**

Section **26-2-1, Short title.**

Section **26-2-2, Definitions.**

Section **26-4-1, Short title.**

Section **26-5-2, Establishment of prevention programs by department.**

Section **26-5-3, System for detecting and monitoring diseases established by**

- 8372 **department.**
- 8373 Section **26-5-4, Programs of community and professional education established by**
- 8374 **department.**
- 8375 Section **26-6-1, Short title.**
- 8376 Section **26-6-12, Rabies or other animal disease -- Investigation following order of**
- 8377 **quarantine.**
- 8378 Section **26-6-13, Rabies or other animal disease -- Authority of peace officer to kill**
- 8379 **or capture animals.**
- 8380 Section **26-6-14, Rabies or other animal disease -- Quarantine defined.**
- 8381 Section **26-6b-2, Definitions.**
- 8382 Section **26-8a-101, Title.**
- 8383 Section **26-8a-211, Report.**
- 8384 Section **26-8b-101, Title.**
- 8385 Section **26-8b-102, Definitions.**
- 8386 Section **26-8b-601, Title.**
- 8387 Section **26-8c-101, Title.**
- 8388 Section **26-8d-101, Title.**
- 8389 Section **26-9f-101, Title.**
- 8390 Section **26-9f-102, Definitions.**
- 8391 Section **26-9f-104, Duties and responsibilities.**
- 8392 Section **26-10-1, Definitions.**
- 8393 Section **26-15-1, Definitions.**
- 8394 Section **26-15-5.1, Exemptions to food handler requirements.**
- 8395 Section **26-15-12, Rules to implement statutes on smoking.**
- 8396 Section **26-15a-101, Title.**
- 8397 Section **26-15a-103, Duties.**
- 8398 Section **26-15a-107, Duties.**

8399 Section **26-15b-101**, Title.

8400 Section **26-15b-102**, Definitions.

8401 Section **26-15b-103**, Permitting -- Fees.

8402 Section **26-15b-104**, Permits.

8403 Section **26-15c-101**, Title.

8404 Section **26-15c-102**, Definitions.

8405 Section **26-15c-103**, Permitting -- Fees.

8406 Section **26-15c-104**, Safety and health inspections and permits.

8407 Section **26-18-1**, Short title.

8408 Section **26-18-2**, Definitions.

8409 Section **26-18-402.5**, Nonlapsing Medicaid funds.

8410 Section **26-18-501**, Definitions.

8411 Section **26-18-601**, Title.

8412 Section **26-18-602**, Definitions.

8413 Section **26-18-701**, Definitions.

8414 Section **26-18-702**, Division and Department of Workforce Services compliance

8415 **with adoption assistance interstate compact.**

8416 Section **26-18a-1**, Definitions.

8417 Section **26-18a-3**, Purpose of committee.

8418 Section **26-19-101**, Title.

8419 Section **26-20-1**, Title.

8420 Section **26-21-1**, Title.

8421 Section **26-21-4**, Per diem and travel expenses of committee members.

8422 Section **26-21-5**, Duties of committee.

8423 Section **26-21-100**, Reserved.

8424 Section **26-21-203**, Department authorized to grant, deny, or revoke clearance --

8425 **Department may limit direct patient access.**

8426 Section **26-21-205**, Department of Public Safety -- Retention of information --
8427 **Notification of Department of Health.**

8428 Section **26-21-206**, Covered providers and covered contractors required to apply
8429 **for clearance of certain individuals.**

8430 Section **26-21-207**, Covered providers required to apply for clearance for certain
8431 **individuals other than residents residing in residential settings -- Certain individuals**
8432 **other than residents prohibited from residing in residential settings without clearance.**

8433 Section **26-21-208**, Application for clearance by individuals.

8434 Section **26-21-210**, No civil liability.

8435 Section **26-21-301**, Title.

8436 Section **26-21-302**, Definitions.

8437 Section **26-21-304**, Monitoring device -- Facility admission, patient discharge, and
8438 **posted notice.**

8439 Section **26-21a-201**, Short title.

8440 Section **26-21b-101**, Title.

8441 Section **26-21b-102**, Definitions.

8442 Section **26-21b-301**, Investigation and enforcement.

8443 Section **26-21c-101**, Title.

8444 Section **26-21c-102**, Definitions.

8445 Section **26-21c-104**, Presenting protocols upon inspection.

8446 Section **26-23a-1**, Definitions.

8447 Section **26-23a-3**, Penalties.

8448 Section **26-23b-101**, Title.

8449 Section **26-25-2**, Restrictions on use of data.

8450 Section **26-25-3**, Information considered privileged communications.

8451 Section **26-25-4**, Information held in confidence -- Protection of identities.

8452 Section **26-25-5**, Violation of chapter a misdemeanor -- Civil liability.

8453 Section **26-26-1**, "Institution" defined.

8454 Section **26-26-2**, Authorization for institutions to obtain impounded animals.

8455 Section **26-26-4**, Institution to pay transportation expense -- Restrictions on use of

8456 **animals -- Fee.**

8457 Section **26-26-5**, Records of animals required.

8458 Section **26-26-6**, Revocation of authorization.

8459 Section **26-26-7**, Adoption of rules by department -- Inspection and investigation of

8460 **institutions.**

8461 Section **26-28-101**, Title.

8462 Section **26-31-101**, Title.

8463 Section **26-31-102**, Definitions.

8464 Section **26-31-202**, Blood donation by a minor.

8465 Section **26-33a-101**, Short title.

8466 Section **26-33a-103**, Committee membership -- Terms -- Chair -- Compensation.

8467 Section **26-34-1**, Short title.

8468 Section **26-34-2**, Definition of death -- Determination of death.

8469 Section **26-35a-101**, Title.

8470 Section **26-36b-101**, Title.

8471 Section **26-36c-101**, Title.

8472 Section **26-36d-101**, Title.

8473 Section **26-37a-101**, Title.

8474 Section **26-38-1**, Title.

8475 Section **26-38-2**, Definitions.

8476 Section **26-38-3.5**, Smoking ban exemption for Native American ceremony.

8477 Section **26-38-6**, Local ordinances.

8478 Section **26-38-7**, Enforcement action by proprietors.

8479 Section **26-38-8**, Penalties.

8480 Section **26-38-9**, **Enforcement of chapter.**

8481 Section **26-39-101**, **Title.**

8482 Section **26-39-203**, **Duties of the Child Care Center Licensing Committee.**

8483 Section **26-40-101**, **Title.**

8484 Section **26-41-101**, **Title.**

8485 Section **26-41-102**, **Definitions.**

8486 Section **26-43-101**, **Title.**

8487 Section **26-43-103**, **Disclosure of information.**

8488 Section **26-46-101**, **Definitions.**

8489 Section **26-46a-101**, **Title.**

8490 Section **26-47-101**, **Title.**

8491 Section **26-47-102**, **Prescription Drug Assistance Program.**

8492 Section **26-49-101**, **Title.**

8493 Section **26-50-101**, **Title.**

8494 Section **26-50-102**, **Definitions.**

8495 Section **26-51-101**, **Title.**

8496 Section **26-51-202**, **Public education concerning methamphetamine contamination.**

8497 Section **26-53-101**, **Title.**

8498 Section **26-54-101**, **Title.**

8499 Section **26-55-101**, **Title.**

8500 Section **26-55-102**, **Definitions.**

8501 Section **26-57-101**, **Title.**

8502 Section **26-57-102**, **Definitions.**

8503 Section **26-57-104**, **Labeling of nicotine products containing nicotine.**

8504 Section **26-58-101**, **Title.**

8505 Section **26-60-101**, **Title.**

8506 Section **26-60-102**, **Definitions.**

- 8507 Section **26-60-104**, Enforcement.
- 8508 Section **26-60-105**, Study by Public Utilities, Energy, and Technology Interim
- 8509 **Committee and Health Reform Task Force.**
- 8510 Section **26-61-101**, Title.
- 8511 Section **26-61-102**, Definitions.
- 8512 Section **26-61-202**, Duties.
- 8513 Section **26-61a-101**, Title.
- 8514 Section **26-62-101**, Title.
- 8515 Section **26-64-101**, Title.
- 8516 Section **26-66-101**, Title.
- 8517 Section **26-66-102**, Definitions.
- 8518 Section **26-66-201**, Early Childhood Utah Advisory Council.
- 8519 Section **26-66-203**, Compensation.
- 8520 Section **26-67-101**, Title.
- 8521 Section **26-68-101**, Title.
- 8522 Section **26-69-101**, Definitions.
- 8523 Section **26-69-202**, Council and executive director duties.
- 8524 Section **26-69-203**, Members serve without pay -- Reimbursement for expenses.
- 8525 Section **26-69-401**, Definitions.
- 8526 Section **26-70-101**, Definitions.
- 8527 Section **26A-1-101**, Short title.
- 8528 Section **26B-1-201.1**, Transition to single state agency -- Transition plan.
- 8529 Section **26B-1a-101**, Definitions.
- 8530 Section **26B-1a-102**, Office of American Indian-Alaska Native Health and Family
- 8531 **Services -- Creation -- Purpose.**
- 8532 Section **26B-1a-103**, Director of the office -- Appointment -- Qualifications -- Staff.
- 8533 Section **26B-1a-107**, Liaison reporting.

8534 Section **62A-1-104**, Definitions.

8535 Section **62A-1-123**, Intergenerational poverty mitigation reporting.

8536 Section **62A-1-201**, Title.

8537 Section **62A-2-101**, Definitions.

8538 Section **62A-3-101**, Definitions.

8539 Section **62A-4a-101.5**, Juvenile services.

8540 Section **62A-4a-210**, Definitions.

8541 Section **62A-5-206.8**, Management of the Utah State Developmental Center

8542 **Sustainability Fund.**

8543 Section **62A-5-401**, Purpose.

8544 Section **62A-5-403**, Services for persons under 11 years of age.

8545 Section **62A-5a-101**, Policy statement.

8546 Section **62A-5a-102**, Definitions.

8547 Section **62A-5a-104**, Powers of council.

8548 Section **62A-5a-105**, Coordination of services for school-age children.

8549 Section **62A-5b-101**, Title.

8550 Section **62A-6-101**, Definitions.

8551 Section **62A-11-103**, Definitions.

8552 Section **62A-11-301**, Title.

8553 Section **62A-11-601**, Title.

8554 Section **62A-11-701**, Title.

8555 Section **62A-11-702**, Definitions.

8556 Section **62A-14-101**, Title.

8557 Section **62A-15-101**, Title.

8558 Section **62A-15-102**, Definitions.

8559 Section **62A-15-201**, Title.

8560 Section **62A-15-645**, Retrospective effect of provisions.

8561 Section **62A-15-1001, Definitions.**
8562 Section **62A-15-1100, Definitions.**
8563 Section **62A-15-1301, Definitions.**
8564 Section **62A-15-1303, Statewide mental health crisis line and statewide warm line**
8565 **operational standards.**

8566 Section **62A-15-1401, Definitions.**

8567 Section **62A-15-1501, Definitions.**

8568 Section **62A-15-1601, Definitions.**

8569 Section **62A-15-1701, Definitions.**

8570 Section **62A-15-1801, Definitions.**

8571 Section **62A-16-101, Title.**

8572 Section **62A-17-101, Title.**

8573 Section **62A-18-101, Title.**

8574 Section **62A-18-102, Definitions.**

8575 Section **62A-18-103, Office of Quality and Design -- Creation.**

8576 Section **62A-18-104, Director of the office -- Appointment -- Qualifications.**

8577 Section 179. **Coordinating S.B. 40 with H.B. 59 -- Substantive and technical**
8578 **amendments.**

8579 If this S.B. 40 and H.B. 59, First Responder Mental Health Amendments, both pass and
8580 become law, it is the intent of the Legislature that the Office of Legislative Research and
8581 General Counsel prepare the Utah Code database for publication by amending Subsection
8582 26B-4-102(8) (renumbered from Section 26-8a-105) in this S.B. 40 to incorporate the
8583 amendments in Subsection 26-8a-206(3) in H.B. 59 to read as follows:

8584 "(8) (a) develop and implement a statewide program to provide support and counseling
8585 for personnel who have been exposed to one or more stressful incidents in the course of
8586 providing emergency services which shall include:

8587 (i) ongoing training for agencies providing emergency services and counseling program

8588 volunteers;

8589 (ii) critical incident stress debriefing for personnel at no cost to the emergency

8590 provider; and

8591 (iii) advising the department on training requirements for licensure as a behavioral

8592 emergency services technician; and

8593 (b) reimburse reasonable actual expenses, including mileage, incurred by a volunteer

8594 during the course of the volunteer's provision of critical incident stress services under

8595 Subsection (8)(a).".

8596 Section 180. **Coordinating S.B. 40 with H.B. 72 -- Substantive and technical**

8597 **amendments.**

8598 If this S.B. 40 and H.B. 72, Medical Cannabis Governance Revisions, both pass and

8599 become law, the Legislature intends that the Office of Legislative Research and General

8600 Counsel prepare the Utah Code database for publication on July 1, 2023, as follows:

8601 (1) with respect to the following sections, the amendments in H.B. 72 supersede the

8602 amendments made in this bill on May 3, 2023:

8603 (a) Section [4-41a-801.1](#) (renumbered from Section [26-61a-702](#)) in H.B. 72;

8604 (b) Section [4-41a-109](#) (renumbered from Section [26-61a-116](#)) in H.B. 72;

8605 (c) Section [4-41a-1001](#) (renumbered from Section [26-61a-301](#)) in H.B. 72;

8606 (d) Section [4-41-1004](#) (renumbered from Section [26-61a-304](#)) in H.B. 72;

8607 (e) Section [4-41a-1005](#) (renumbered from Section [26-61a-305](#)) in H.B. 72;

8608 (f) Section [4-41a-1106](#) (renumbered from Section [26-61a-401](#)) in H.B. 72;

8609 (g) Section [4-41a-1101](#) (renumbered from Section [26-61a-501](#)) in H.B. 72;

8610 (h) Section [4-41a-1103](#) (renumbered from Section [26-61a-504](#)) in H.B. 72;

8611 (i) Section [4-41a-1104](#) (renumbered from Section [26-61a-505](#)) in H.B. 72;

8612 (j) Section [4-41a-1105](#) (renumbered from Section [26-61a-507](#)) in H.B. 72;

8613 (k) Section [4-41a-1202](#) (renumbered from Section [26-61a-604](#)) in H.B. 72;

8614 (l) Section [4-41a-1203](#) (renumbered from Section [26-61a-605](#)) in H.B. 72; and

8615 (m) Section [4-41a-1204](#) (renumbered from Section [26-61a-606](#)) in H.B. 72;
8616 (2) if H.B. 72 renumbers a section from Title 26 to Title 4 and S.B. 40 renumbers the
8617 same section from Title 26 to Title 26B, the renumbering of the section in H.B. 72 will
8618 supersede in the following sections:
8619 (a) Section [4-41a-108](#) (renumbered from Section [26-61a-603](#)) in H.B. 72;
8620 (b) Section [4-41a-1002](#) (renumbered from Section [26-61a-302](#)) in H.B. 72;
8621 (c) Section [4-41a-1003](#) (renumbered from Section [26-61a-303](#)) in H.B. 72;
8622 (d) Section [4-41a-1101](#) (renumbered from Section [26-61a-501](#)) in H.B. 72;
8623 (e) Section [4-41a-1102](#) (renumbered from Section [26-61a-502](#)) in H.B. 72;
8624 (f) Section [4-41a-1107](#) (renumbered from Section [26-61a-402](#)) in H.B. 72; and
8625 (g) Section [4-41a-1205](#) (renumbered from Section [26-61a-607](#)) in H.B. 72;
8626 (3) if H.B. 72 renumbers a section reference from Title 26 to Title 4 and S.B. 40
8627 renumbers the same section reference from Title 26 to Title 26B, the renumbering in H.B. 72
8628 supersedes in the following sections:
8629 (a) Section [4-41a-1003](#) (renumbered from Section [26-61a-303](#)) in H.B. 72;
8630 (b) Section [4-41a-1102](#) (renumbered from Section [26-61a-502](#)) in H.B. 72;
8631 (c) Section [26B-4-202](#) (renumbered from Section [26-61a-103](#)) in S.B. 40;
8632 (d) Section [26B-4-204](#) (renumbered from Section [26-61a-106](#)) in S.B. 40;
8633 (e) Section [26B-4-213](#) (renumbered from Section [26-61a-201](#)) in S.B. 40;
8634 (f) Section [26B-4-219](#) (renumbered from Section [26-61a-403](#)) in S.B. 40;
8635 (g) Section [26B-4-231](#) (renumbered from Section [26-61a-503](#)) in S.B. 40; and
8636 (h) Section [26B-4-236](#) (renumbered from Section [26-61a-601](#)) in S.B. 40;
8637 (4) in Subsection [4-41a-1106](#)(3)(a)(ii) (renumbered from Subsection
8638 [26-61a-401](#)(3)(a)(ii)) in H.B. 72, replacing the reference to Subsection [26-61a-109](#)(5) with
8639 Subsection [4-41a-104](#)(5);
8640 (5) in Subsection [4-41a-1106](#)(8)(b)(iii) (renumbered from Subsection
8641 [26-61a-401](#)(8)(b)(iii)) in H.B. 72, replacing the reference to Subsection [26-61a-109](#)(5) with

8642 Subsection 4-41a-104(5);

8643 (6) by amending:

8644 (a) Subsection 4-41a-1101(10)(c) (renumbered from Subsection 26-61a-501(10)(c)) in

8645 H.B. 72 to read:

8646 "(c) unless the medical cannabis cardholder has had a consultation under Subsection

8647 [~~26-61a-502(4) or (5)~~] 26B-4-231(5) verbally offer to a medical cannabis cardholder at the time

8648 of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal

8649 counseling with the pharmacy medical provider; and";

8650 (b) Subsection 4-41a-1102(1)(b)(i)(B) (renumbered from Subsection

8651 26-61a-502(1)(b)(i)(B)) in H.B. 72 to read:

8652 "(b) a [~~department~~] Department of Health and Human Services registration described

8653 in Subsection [~~26-61a-201(11)~~]; 26B-4-213(10)";

8654 (c) Subsection 4-41a-1202(13)(b) (renumbered from Subsection 26-61a-604(13)(b)) in

8655 H.B. 72 to read:

8656 "(B) the licensee pays the department a license renewal fee in an amount that, subject

8657 to Subsection [~~26-61a-109~~] 4-41a-104(5), the department sets in accordance with Section

8658 63J-1-504."; and

8659 (d) Subsection 26B-4-220(1) (renumbered from Subsection 26-61a-701(1)) in S.B. 40

8660 to read:

8661 "(1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments[;

8662 ~~and Sections 26-61a-502, 26-61a-605, and 26-61a-607~~] and Pharmacies, it is unlawful for a

8663 medical cannabis cardholder to sell or otherwise give to another medical cannabis cardholder

8664 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, a medical

8665 cannabis device, or any cannabis residue remaining in or from a medical cannabis device."; and

8666 (7) having the renumbering of Section 26B-4-231 (renumbered from Section

8667 26-61a-503) in S.B. 40, as implemented on May 3, 2023, supersede the renumbering of Section

8668 26-61a-404 (renumbered from Section 26-61a-503) in H.B. 72.

Section 181. **Coordinating S.B. 40 with S.B. 64 -- Substantive and technical amendments.**

If this S.B. 40 and S.B. 64, Bureau of Emergency Medical Services Amendments, both pass and become law, the Legislature intends that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication, on July 1, 2024, by:

(1) amending Section 26B-4-101, enacted on May 3, 2023, by this bill, to read:

"Reserved.";

(2) having S.B. 64 supersede the changes in this bill, as those changes went into effect on May 3, 2023, in the following sections:

(a) Section 53-2d-103 (renumbered from Section 26-8a-105) in S.B. 64, subject to the instructions in Section 183 of this bill;

(b) Section 53-2d-106 (renumbered from Section 26-8a-106) in S.B. 64;

(c) Section 53-2d-207 (renumbered from Section 26-8a-207) in S.B. 64;

(d) Section 53-2d-209 (renumbered from Section 26-8a-210) in S.B. 64;

(e) Section 53-2d-401 (renumbered from Section 26-8a-301) in S.B. 64;

(f) Section 53-2d-408 (renumbered from Section 26-8a-308) in S.B. 64;

(g) Section 53-2d-409 (renumbered from Section 26-8a-309) in S.B. 64;

(h) Section 53-2d-505.4 (renumbered from Section 26-8a-405.4) in S.B. 64;

(i) Section 53-2d-514 (renumbered from Section 26-8a-414) in S.B. 64;

(j) Section 53-2d-601 (renumbered from Section 26-8a-501) in S.B. 64;

(k) Section 53-2d-602 (renumbered from Section 26-8a-502) in S.B. 64;

(l) Section 53-2d-603 (renumbered from Section 26-8a-503) in S.B. 64;

(m) Section 53-2d-606 (renumbered from Section 26-8a-506) in S.B. 64;

(n) Section 53-2d-607 (renumbered from Section 26-8a-507) in S.B. 64;

(o) Section 53-2d-701 (renumbered from Section 26-8a-601) in S.B. 64; and

(p) Section 53-2d-807 (renumbered from Section 26-8b-402) in S.B. 64;

(3) changing the reference in Subsection 53-2d-701(7) (renumbered from Subsection

8696 26-8a-601(7)) in S.B. 64 from "Section 62A-15-629" to "Section 26B-5-331"; and

8697 (4) removing the following newly enacted subsections in Section 26B-4-301

8698 (renumbered from Section 26-10b-101) of this bill:

8699 (a) Subsections 26B-4-301(1) through (4);

8700 (b) Subsection 26B-4-301(8); and

8701 (c) Subsection 26B-4-301(14).

8702 Section 182. **Coordinating S.B. 40 with S.B. 272 -- Substantive and technical**
8703 **amendments.**

8704 If this S.B. 40 and S.B. 272, Funds Amendments, both pass and become law, it is the
8705 intent of the Legislature that the Office of Legislative Research and General Counsel prepare
8706 the Utah Code database for publication on July 1, 2023, by repealing Subsection 26B-4-301(1)
8707 (renumbered from Subsection 26-10b-101(1)) in this S.B. 40, and renumbering the section
8708 accordingly.

8709 Section 183. **Coordinating S.B. 40 with H.B. 59 and S.B. 64 -- Substantive and**
8710 **technical amendments.**

8711 If this S.B. 40, H.B. 59, First Responder Mental Health Amendments, and S.B. 64,
8712 Bureau of Emergency Medical Services Amendments, all pass and become law, it is the intent
8713 of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah
8714 Code database for publication, on July 1, 2024, by:

8715 (1) renumbering Section 26B-4-102 (renumbered from Section 26-8a-105) in this bill
8716 to Section 53-2d-103; and

8717 (2) amending Section 53-2d-103 (renumbered from Section 26-8a-105) in S.B. 64 to
8718 read:

8719 "(1) The [department] bureau shall:

8720 [(1)] (a) coordinate the emergency medical services within the state;

8721 [(2)] (b) [administer this chapter and the rules established pursuant to it;] administer
8722 any programs and applicable rules created under this chapter;

8723 ~~[(3)]~~ (c) establish a voluntary task force representing a diversity of emergency medical
8724 service providers to advise the ~~[department]~~ bureau and the committee on rules;

8725 ~~[(4)]~~ (d) establish an emergency medical service personnel peer review board to advise
8726 the ~~[department]~~ bureau concerning discipline of emergency medical service personnel under
8727 this chapter; and

8728 ~~[(5)]~~ (e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
8729 Rulemaking Act, to:

8730 ~~[(a)]~~ (i) license ambulance providers and paramedic providers;

8731 ~~[(b)]~~ (ii) permit ambulances, emergency medical response vehicles, and nonemergency
8732 secured behavioral health transport vehicles, including approving an emergency vehicle
8733 operator's course in accordance with Section ~~[26-8a-304]~~ 53-2d-404;

8734 ~~[(c)]~~ (iii) establish:

8735 ~~[(i)]~~ (A) the qualifications for membership of the peer review board created by this
8736 section;

8737 ~~[(ii)]~~ (B) a process for placing restrictions on a license while an investigation is
8738 pending;

8739 ~~[(iii)]~~ (C) the process for the investigation and recommendation by the peer review
8740 board; and

8741 ~~[(iv)]~~ (D) the process for determining the status of a license while a peer review board
8742 investigation is pending;

8743 ~~[(d)]~~ (iv) establish application, submission, and procedural requirements for licenses,
8744 designations, and permits; and

8745 ~~[(e)]~~ (v) establish and implement the programs, plans, and responsibilities as specified
8746 in other sections of this chapter.

8747 (2) (a) The bureau shall share data related to the bureau's duties with the Department of
8748 Health and Human Services.

8749 (b) The Department of Health and Human Services shall share data related to the

8750 bureau's duties with the bureau.

8751 (c) All data collected by the bureau under this chapter is subject to Title 26B, Chapter
8752 8, Part 4, Health Statistics, including data privacy protections."

8753 Section 184. **Revisor instructions.**

8754 The Legislature intends that the Office of Legislative Research and General Counsel, in
8755 preparing the Utah Code database for publication:

8756 (1) not enroll this bill if any of the following bills do not pass:

8757 (a) S.B. 38, Health and Human Services Recodification - Administration, Licensing,
8758 and Recovery Services;

8759 (b) S.B. 39, Health and Human Services Recodification - Health Care Assistance and
8760 Data; or

8761 (c) S.B. 41, Health and Human Services Recodification - Prevention, Supports,
8762 Substance Use and Mental Health; and

8763 (2) in any new language added to the Utah Code by legislation passed during the 2023
8764 General Session, replace any references to Titles 26 or 62A with the renumbered reference as it
8765 is renumbered in this bill.