

Representative Raymond P. Ward proposes the following substitute bill:

**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



26 RENUMBERS AND AMENDS:

27 **26B-4-102**, (Renumbered from 26-8a-105, as last amended by Laws of Utah 2019,
28 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
623 **26-61a-606**, as last amended by Laws of Utah 2022, Chapters 290 and 415
624 **26-61a-607**, as last amended by Laws of Utah 2022, Chapter 452
625 **26-61a-701**, as renumbered and enacted by Laws of Utah 2018, Third Special Session,
626 Chapter 1
627 **26-61a-702**, as last amended by Laws of Utah 2022, Chapter 452
628 **26B-4-101**, as enacted by Laws of Utah 2022, Chapter 255

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

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

632 **CHAPTER 4. HEALTH CARE - DELIVERY AND ACCESS**

633 **Part 1. Utah Emergency Medical Services System**

634 **26B-4-101. Definitions.**

635 [Reserved]

636 As used in this part:

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

638 (i) either:

639 (A) 911 ambulance service;

640 (B) 911 paramedic service; or

641 (C) both 911 ambulance and paramedic service; and

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

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

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

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

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

649 (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](#).

704 (13) "Governing body":

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

706 (b) for purposes of a "special service district" under Section [11-42-102](#), means a
707 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 following facilities:

(A) a licensed acute care hospital;

(B) an emergency patient receiving facility;

(C) a licensed mental health facility; and

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

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

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

(a) employs emergency medical service personnel; and

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

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

(21) "Political subdivision" means:

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

(b) a county;

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

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

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

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

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

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

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

(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;

770 (b) ground ambulance interfacility transport; or

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

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

774 ~~[26-8a-105].~~ **26B-4-102. Department powers.**

775 The department shall:

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

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

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

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

783 (5) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
784 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

empowered to oversee disaster response activities, plans to provide emergency medical services during times of disaster or emergency;

(7) establish a pediatric quality improvement resource program; and

(8) develop and implement a statewide program to provide support and counseling for personnel who have been exposed to one or more stressful incidents in the course of providing emergency services which shall include:

(a) ongoing training for agencies providing emergency services and counseling program volunteers;

(b) critical incident stress debriefing for personnel at no cost to the emergency provider; and

(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;

and

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

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

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

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

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

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

(i) relates to traffic incidents;

(ii) is for the improvement of traffic safety;

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

(iv) may not include any personally identifiable information.

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

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

(4) Persons providing emergency medical services:

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

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

894 and

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

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

898 ~~[26-8a-207]~~. **26B-4-107. Emergency Medical Services Grant Program.**

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

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

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

905 (i) to provide staff support; and

906 (ii) for other expenses incurred in:

907 (A) administration of grant funds; and

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

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

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

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

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

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

924 (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] 26B-4-152.

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

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

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

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

(1) promote optimal care for trauma patients;

(2) alleviate unnecessary death and disability from trauma and emergency illness;

(3) inform health care providers about trauma system capabilities;

(4) encourage the efficient and effective continuum of patient care, including prevention, prehospital care, hospital care, and rehabilitative care; and

(5) minimize the overall cost of trauma care.

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

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

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

patients to the most appropriate health care facility.

(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:

(i) paramedic;

(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](#).
1136 Section 17. Section **26B-4-117**, which is renumbered from Section 26-8a-303 is
1137 renumbered and amended to read:
1138 **[\[26-8a-303\]](#). [26B-4-117](#). Designation of emergency medical service**
1139 **providers and nonemergency secured behavioral health transport providers.**
1140 (1) To ensure quality emergency medical services, the committee shall establish
1141 designation requirements for:

1142 (a) emergency medical service providers in the following categories:
1143 (i) quick response provider;
1144 (ii) resource hospital for emergency medical providers;
1145 (iii) emergency medical service dispatch center;
1146 (iv) emergency patient receiving facilities; and
1147 (v) other types of emergency medical service providers as the committee considers
1148 necessary; and

1149 (b) nonemergency secured behavioral health transport providers.

1150 (2) The department shall, based on the requirements in Subsection (1), issue
1151 designations to emergency medical service providers and nonemergency secured behavioral
1152 health transport providers listed in Subsection (1).

1153 (3) As provided in Section [~~26-8a-502~~] [26B-4-127](#), an entity issued a designation under
1154 Subsection (2) may only function and hold itself out in accordance with its designation.

1155 Section 18. Section **26B-4-118**, which is renumbered from Section 26-8a-304 is
1156 renumbered and amended to read:

1157 ~~[26-8a-304]~~. **26B-4-118. Permits for emergency medical service vehicles**
1158 **and nonemergency secured behavioral health transport vehicles.**

1159 (1) (a) To ensure that emergency medical service vehicles and nonemergency secured
1160 behavioral health transport vehicles are adequately staffed, safe, maintained, properly
1161 equipped, and safely operated, the committee shall establish permit requirements at levels it
1162 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
1217 control, the ground or air ambulance may transport the patient to the:

1218 (a) hospital, emergency patient receiving facility, licensed mental health facility, or
1219 other medical provider chosen by the patient and approved by medical control as appropriate
1220 for the patient's condition and needs; or

1221 (b) nearest hospital, emergency patient receiving facility, licensed mental health
1222 facility, or other medical provider approved by medical control as appropriate for the patient's
1223 condition and needs if the patient expresses no preference.

1224 Section 22. Section **26B-4-122**, which is renumbered from Section 26-8a-308 is
1225 renumbered and amended to read:

1226 ~~[26-8a-308].~~ **26B-4-122. Exemptions.**

1227 (1) The following persons may provide emergency medical services to a patient
1228 without being licensed under this ~~[chapter]~~ part:

1229 (a) out-of-state emergency medical service personnel and providers in time of disaster;

1230 (b) an individual who gratuitously acts as a Good Samaritan;

1231 (c) a family member;

1232 (d) a private business if emergency medical services are provided only to employees at
1233 the place of business and during transport;

1234 (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:

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

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

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

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

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

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

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

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

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

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

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

(b) adjudications by a juvenile court of committing an act that if committed by an adult would be a felony or misdemeanor, if:

(i) the applicant is under 28 years old; or

(ii) the applicant:

(A) is over 28 years old; and

(B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor;

(c) juvenile court arrest, adjudication, and disposition records, other than those under Subsection (5)(b), as allowed under Section [78A-6-209](#);

(d) child abuse or neglect findings described in Section [80-3-404](#);

(e) the department's Licensing Information System described in Section [80-2-1002](#);

(f) the department's database of reports of vulnerable adult abuse, neglect, or exploitation, described in Section [~~62A-3-311.1~~] [26B-6-210](#);

(g) Division of Professional Licensing records of licensing and certification under Title 58, Occupations and Professions;

(h) records in other federal criminal background databases available to the state; and

(i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance, pending diversion agreements, or dispositions.

(6) Except for the Department of Public Safety, an agency may not charge the department for information accessed under Subsection (5).

(7) When evaluating information under Subsection (3), the department shall classify a crime committed in another state according to the closest matching crime under Utah law, regardless of how the crime is classified in the state where the crime was committed.

(8) The department shall adopt measures to protect the security of information the department accesses under Subsection (5), which shall include limiting access by department employees to those responsible for acquiring, evaluating, or otherwise processing the information.

(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).

1328 (10) The department may charge fees, in accordance with Section [63J-1-504](#), to pay
1329 for:

1330 (a) the cost of obtaining, storing, and evaluating information needed under Subsection
1331 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke
1332 background clearance; and

1333 (b) other department costs related to granting, denying, or revoking background
1334 clearance.

1335 (11) The Criminal Investigations and Technical Services Division within the
1336 Department of Public Safety shall:

1337 (a) retain, separate from other division records, personal information under Subsection
1338 (1), including any fingerprints sent to it by the department; and

1339 (b) notify the department upon receiving notice that an individual for whom personal
1340 information has been retained is the subject of:

1341 (i) a warrant for arrest;

1342 (ii) an arrest;

1343 (iii) a conviction, including a plea in abeyance; or

1344 (iv) a pending diversion agreement.

1345 (12) The department shall use the Direct Access Clearance System database created
1346 under Section [~~26-21-209~~] [26B-2-241](#) to manage information about the background clearance
1347 status of each individual for whom the department is required to make a determination under
1348 Subsection (1).

1349 (13) Clearance granted for an individual licensed or certified under Section
1350 [~~26-8a-302~~] [26B-4-123](#) is valid until two years after the day on which the individual is no
1351 longer licensed or certified in Utah as emergency medical service personnel.

1352 Section 25. Section **26B-4-125**, which is renumbered from Section 26-8a-310.5 is
1353 renumbered and amended to read:

1354 [~~26-8a-310.5~~]. **26B-4-125. Background check requirements for emergency**
1355 **medical dispatchers.**

1356 An emergency medical dispatcher seeking certification under Section [~~26-8a-302~~]
1357 [26B-4-116](#) shall undergo the background clearance process described in Section [~~26-8a-310~~]
1358 [26B-4-124](#) unless the emergency medical dispatcher can demonstrate that the emergency

1359 medical dispatcher has received and currently holds an approved Department of Public Safety
1360 background clearance.

1361 Section 26. Section **26B-4-126**, which is renumbered from Section 26-8a-501 is
1362 renumbered and amended to read:

1363 ~~[26-8a-501].~~ **26B-4-126. Discrimination prohibited.**

1364 (1) No person licensed or designated pursuant to this ~~[chapter]~~ part may discriminate in
1365 the provision of emergency medical services on the basis of race, sex, color, creed, or prior
1366 inquiry as to ability to pay.

1367 (2) This ~~[chapter]~~ part does not authorize or require medical assistance or
1368 transportation over the objection of an individual on religious grounds.

1369 Section 27. Section **26B-4-127**, which is renumbered from Section 26-8a-502 is
1370 renumbered and amended to read:

1371 ~~[26-8a-502].~~ **26B-4-127. Illegal activity.**

1372 (1) Except as provided in Section ~~[26-8a-308 or 26-8b-201]~~ 26B-4-104 or 26B-4-122,
1373 a person may not:

1374 (a) practice or engage in the practice, represent that the person is practicing or engaging
1375 in the practice, or attempt to practice or engage in the practice of any activity that requires a
1376 license, certification, or designation under this ~~[chapter]~~ part unless that person is licensed,
1377 certified, or designated under this ~~[chapter]~~ part; or

1378 (b) offer an emergency medical service that requires a license, certification, or
1379 designation under this ~~[chapter]~~ part unless the person is licensed, certified, or designated
1380 under this ~~[chapter]~~ part.

1381 (2) A person may not advertise or represent that the person holds a license,
1382 certification, or designation required under this ~~[chapter]~~ part, unless that person holds the
1383 license, certification, or designation under this ~~[chapter]~~ part.

1384 (3) A person may not employ or permit any employee to perform any service for which
1385 a license or certification is required by this ~~[chapter]~~ part, unless the person performing the
1386 service possesses the required license or certification under this ~~[chapter]~~ part.

1387 (4) A person may not wear, display, sell, reproduce, or otherwise use any Utah
1388 Emergency Medical Services insignia without authorization from the department.

1389 (5) A person may not reproduce or otherwise use materials developed by the

1390 department for licensure or certification testing or examination without authorization from the
1391 department.

1392 (6) A person may not willfully summon an ambulance or emergency response vehicle
1393 or report that one is needed when the person knows that the ambulance or emergency response
1394 vehicle is not needed.

1395 (7) A person who violates this section is subject to Section ~~[26-23-6]~~ 26B-1-224.

1396 Section 28. Section **26B-4-128**, which is renumbered from Section 26-8a-502.1 is
1397 renumbered and amended to read:

1398 ~~[26-8a-502.1]~~. **26B-4-128. Prohibition on the use of "911".**

1399 (1) As used in this section:

1400 (a) "Emergency services" means services provided by a person in response to an
1401 emergency.

1402 (b) "Emergency services" includes:

1403 (i) fire protection services;

1404 (ii) paramedic services;

1405 (iii) law enforcement services;

1406 (iv) 911 ambulance or paramedic services~~[-as defined in Section 26-8a-102]~~; and

1407 (v) any other emergency services.

1408 (2) A person may not use "911" or other similar sequence of numbers in the person's
1409 name with the purpose to deceive the public that the person operates or represents emergency
1410 services, unless the person is authorized to provide emergency services.

1411 (3) A violation of Subsection (2) is:

1412 (a) a class C misdemeanor; and

1413 (b) subject to a fine of up to \$500 per violation.

1414 Section 29. Section **26B-4-129**, which is renumbered from Section 26-8a-503 is
1415 renumbered and amended to read:

1416 ~~[26-8a-503]~~. **26B-4-129. Discipline of emergency medical services**
1417 **personnel.**

1418 (1) The department may refuse to issue a license or renewal, or revoke, suspend,
1419 restrict, or place on probation an individual's license if:

1420 (a) the individual does not meet the qualifications for licensure under Section

1421 ~~[26-8a-302]~~ [26B-4-116](#);

1422 (b) the individual has engaged in conduct, as defined by committee rule, that:

1423 (i) is unprofessional;

1424 (ii) is adverse to the public health, safety, morals, or welfare; or

1425 (iii) would adversely affect public trust in the emergency medical service system;

1426 (c) the individual has violated Section ~~[26-8a-502]~~ [26B-4-127](#) or other provision of this

1427 ~~[chapter]~~ [part](#);

1428 (d) the individual has violated Section [58-1-509](#);

1429 (e) a court of competent jurisdiction has determined the individual to be mentally

1430 incompetent for any reason; or

1431 (f) the individual is unable to provide emergency medical services with reasonable skill

1432 and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type

1433 of material, or as a result of any other mental or physical condition, when the individual's

1434 condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers,

1435 or the public health, safety, or welfare that cannot be reasonably mitigated.

1436 (2) (a) An action to revoke, suspend, restrict, or place a license on probation shall be

1437 done in:

1438 (i) consultation with the peer review board created in Section ~~[26-8a-105]~~ [26B-4-102](#);

1439 and

1440 (ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1441 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist

1442 order under Section ~~[26-8a-507]~~ [26B-4-133](#) to immediately suspend an individual's license

1443 pending an administrative proceeding to be held within 30 days if there is evidence to show

1444 that the individual poses a clear, immediate, and unjustifiable threat or potential threat to the

1445 public health, safety, or welfare.

1446 (3) An individual whose license has been suspended, revoked, or restricted may apply

1447 for reinstatement of the license at reasonable intervals and upon compliance with any

1448 conditions imposed upon the license by statute, committee rule, or the terms of the suspension,

1449 revocation, or restriction.

1450 (4) In addition to taking disciplinary action under Subsection (1), the department may

1451 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

1483 County to appoint the department or an independent receiver to continue the operations of a
1484 provider upon any one of the following conditions:

- 1485 (a) the provider ceases or intends to cease operations;
1486 (b) the provider becomes insolvent;
1487 (c) the department has initiated proceedings to revoke the provider's license and has
1488 determined that the lives, health, safety, or welfare of the population served within the
1489 provider's exclusive geographic service area are endangered because of the provider's action or
1490 inaction pending a full hearing on the license revocation; or
1491 (d) the department has revoked the provider's license and has been unable to adequately
1492 arrange for another provider to take over the provider's exclusive geographic service area.
1493 (2) If a licensed or designated provider ceases operations or is otherwise unable to
1494 provide services, the department may arrange for another licensed provider to provide services
1495 on a temporary basis until a license is issued.
1496 (3) A licensed provider shall give the department 30 [~~days~~] days' notice of its intent to
1497 cease operations.

1498 Section 32. Section **26B-4-132**, which is renumbered from Section 26-8a-506 is
1499 renumbered and amended to read:

1500 ~~[26-8a-506].~~ **26B-4-132. Investigations for enforcement of part.**

1501 (1) The department may, for the purpose of ascertaining compliance with the
1502 provisions of this [~~chapter~~] part, enter and inspect on a routine basis the business premises and
1503 equipment of a person:

- 1504 (a) with a designation, permit, or license; or
1505 (b) who holds himself out to the general public as providing a service for which a
1506 designation, permit, or license is required under Section [~~26-8a-301~~] 26B-4-115.

1507 (2) Before conducting an inspection under Subsection (1), the department shall, after
1508 identifying the person in charge:

- 1509 (a) give proper identification;
1510 (b) describe the nature and purpose of the inspection; and
1511 (c) if necessary, explain the authority of the department to conduct the inspection.

1512 (3) In conducting an inspection under Subsection (1), the department may, after
1513 meeting the requirements of Subsection (2):

- 1514 (a) inspect records, equipment, and vehicles; and
 1515 (b) interview personnel.
 1516 (4) An inspection conducted under Subsection (1) shall be during regular operational
 1517 hours.

1518 Section 33. Section **26B-4-133**, which is renumbered from Section 26-8a-507 is
 1519 renumbered and amended to read:

1520 ~~[26-8a-507]~~. **26B-4-133. Cease and desist orders.**

1521 The department may issue a cease and desist order to any person who:

- 1522 (1) may be disciplined under Section ~~[26-8a-503 or 26-8a-504]~~ 26B-4-129 or
 1523 26B-4-130; or
 1524 (2) otherwise violates this ~~[chapter]~~ part or any rules adopted under this ~~[chapter]~~ part.

1525 Section 34. Section **26B-4-134**, which is renumbered from Section 26-8a-601 is
 1526 renumbered and amended to read:

1527 ~~[26-8a-601]~~. **26B-4-134. Persons and activities exempt from civil liability.**

1528 (1) (a) Except as provided in Subsection (1)(b), a licensed physician, physician's
 1529 assistant, or licensed registered nurse who, gratuitously and in good faith, gives oral or written
 1530 instructions to any of the following is not liable for any civil damages as a result of issuing the
 1531 instructions:

- 1532 (i) an individual licensed or certified under Section ~~[26-8a-302]~~ 26B-4-116;
 1533 (ii) an individual who uses a fully automated external defibrillator, as defined in Section
 1534 ~~[26-8b-102]~~ 26B-4-301; or
 1535 (iii) an individual who administers CPR, as defined in Section ~~[26-8b-102]~~ 26B-4-301.
 1536 (b) The liability protection described in Subsection (1)(a) does not apply if the
 1537 instructions given were the result of gross negligence or willful misconduct.

1538 (2) An individual licensed or certified under Section ~~[26-8a-302]~~ 26B-4-116, during
 1539 either training or after licensure or certification, a licensed physician, a physician assistant, or a
 1540 registered nurse who, gratuitously and in good faith, provides emergency medical instructions
 1541 or renders emergency medical care authorized by this ~~[chapter]~~ part is not liable for any civil
 1542 damages as a result of any act or omission in providing the emergency medical instructions or
 1543 medical care, unless the act or omission is the result of gross negligence or willful misconduct.

1544 (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

1576 [~~62A-15-629~~] 26B-5-331 is not liable for civil damages for transporting the individual.

1577 Section 35. Section **26B-4-135**, which is renumbered from Section 26-8a-602 is
1578 renumbered and amended to read:

1579 ~~[26-8a-602]~~. **26B-4-135. Notification of air ambulance policies and**
1580 **charges.**

1581 (1) For any patient who is in need of air medical transport provider services, an
1582 emergency medical service provider shall:

1583 (a) provide the patient or the patient's representative with the information described in
1584 Subsection [~~26-8a-107~~] 26B-1-405(7)(a) before contacting an air medical transport provider;
1585 and

1586 (b) if multiple air medical transport providers are capable of providing the patient with
1587 services, provide the patient or the patient's representative an opportunity to choose the air
1588 medical transport provider.

1589 (2) Subsection (1) does not apply if the patient:

1590 (a) is unconscious and the patient's representative is not physically present with the
1591 patient; or

1592 (b) is unable, due to a medical condition, to make an informed decision about the
1593 choice of an air medical transport provider, and the patient's representative is not physically
1594 present with the patient.

1595 Section 36. Section **26B-4-136**, which is renumbered from Section 26-8a-603 is
1596 renumbered and amended to read:

1597 ~~[26-8a-603]~~. **26B-4-136. Volunteer Emergency Medical Service Personnel**
1598 **Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits --**
1599 **Rulemaking -- Advisory board.**

1600 (1) As used in this section:

1601 (a) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.

1602 (b) "Local government entity" means a political subdivision that:

1603 (i) is licensed as a ground ambulance provider under Part 4, Ambulance and Paramedic
1604 Providers; and

1605 (ii) as of January 1, 2022, does not offer health insurance benefits to volunteer
1606 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.

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

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

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

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

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

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

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

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

(e) reside in the state.

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

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

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

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

(iii) if the program participant is no longer eligible for benefits, terminates on the last day of the last month for which the individual is a participant in the Volunteer Emergency 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,

1700 fines, criminal convictions and state court judgments enforcing adverse actions by the state
1701 EMS authority.

1702 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
1730 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;

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

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

4. No later than five years after activation of the Compact, requires a criminal

background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. Sec. 731.202 and submit documentation of such as promulgated in the rules of the Commission; and

5. Complies with the rules of the Commission.

SECTION 4. COMPACT PRIVILEGE TO PRACTICE

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

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

1. Be at least 18 years of age;

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

3. Practice under the supervision of a medical director.

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

D. Except as provided in Section 4 subsection C, an individual practicing in a remote 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

1793 privilege to practice is restored.

1794 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

1795 An individual may practice in a remote state under a privilege to practice only in the
1796 performance of the individual's EMS duties as assigned by an appropriate authority, as defined
1797 in the rules of the Commission, and under the following circumstances:

1798 1. The individual originates a patient transport in a home state and transports the
1799 patient to a remote state;

1800 2. The individual originates in the home state and enters a remote state to pick up a
1801 patient and provide care and transport of the patient to the home state;

1802 3. The individual enters a remote state to provide patient care and/or transport within
1803 that remote state;

1804 4. The individual enters a remote state to pick up a patient and provide care and
1805 transport to a third member state;

1806 5. Other conditions as determined by rules promulgated by the commission.

1807 SECTION 6. RELATIONSHIP TO EMERGENCY

1808 MANAGEMENT ASSISTANCE COMPACT

1809 Upon a member state's governor's declaration of a state of emergency or disaster that
1810 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
1811 provisions of EMAC shall apply and to the extent any terms or provisions of this Compact
1812 conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual
1813 practicing in the remote state in response to such declaration.

1814 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING

1815 FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

1816 A. Member states shall consider a veteran, active military service member, and
1817 member of the National Guard and Reserves separating from an active duty tour, and a spouse
1818 thereof, who holds a current valid and unrestricted NREMT certification at or above the level
1819 of the state license being sought as satisfying the minimum training and examination
1820 requirements for such licensure.

1821 B. Member states shall expedite the processing of licensure applications submitted by
1822 veterans, active military service members, and members of the National Guard and Reserves
1823 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

1855 member state.

1856 SECTION 9. ADDITIONAL POWERS INVESTED
1857 IN A MEMBER STATE'S EMS AUTHORITY

1858 A member state's EMS authority, in addition to any other powers granted under state
1859 law, is authorized under this compact to:

1860 1. Issue subpoenas for both hearings and investigations that require the attendance and
1861 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's
1862 EMS authority for the attendance and testimony of witnesses, and/or the production of
1863 evidence from another member state, shall be enforced in the remote state by any court of
1864 competent jurisdiction, according to that court's practice and procedure in considering
1865 subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any
1866 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
1867 state where the witnesses and/or evidence are located; and

1868 2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege
1869 to practice in the state.

1870 SECTION 10. ESTABLISHMENT OF THE INTERSTATE
1871 COMMISSION FOR EMS PERSONNEL PRACTICE

1872 A. The Compact states hereby create and establish a joint public agency known as the
1873 Interstate Commission for EMS Personnel Practice.

1874 1. The Commission is a body politic and an instrumentality of the Compact states.

1875 2. Venue is proper and judicial proceedings by or against the Commission shall be
1876 brought solely and exclusively in a court of competent jurisdiction where the principal office of
1877 the Commission is located. The Commission may waive venue and jurisdictional defenses to
1878 the extent it adopts or consents to participate in alternative dispute resolution proceedings.

1879 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

1880 B. Membership, Voting, and Meetings

1881 1. Each member state shall have and be limited to one (1) delegate. The responsible
1882 official of the state EMS authority or his designee shall be the delegate to this Compact for
1883 each member state. Any delegate may be removed or suspended from office as provided by the
1884 law of the state from which the delegate is appointed. Any vacancy occurring in the
1885 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;
6. Promulgating a code of ethics to address permissible and prohibited activities of 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
2000 Commission, which shall promulgate a rule binding upon all member states.
- 2001 4. The Commission shall not incur obligations of any kind prior to securing the funds
2002 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
2003 states, except by and with the authority of the member state.
- 2004 5. The Commission shall keep accurate accounts of all receipts and disbursements.
2005 The receipts and disbursements of the Commission shall be subject to the audit and accounting
2006 procedures established under its bylaws. However, all receipts and disbursements of funds
2007 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
2008 and the report of the audit shall be included in and become part of the annual report of the
2009 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 member state.

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

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

SECTION 12. RULEMAKING

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

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

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

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and 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
2162 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
2163 shall be given by the Commission to the governor, the majority and minority leaders of the
2164 defaulting state's legislature, and each of the member states.

2165 4. A state that has been terminated is responsible for all assessments, obligations, and
2166 liabilities incurred through the effective date of termination, including obligations that extend
2167 beyond the effective date of termination.

2168 5. The Commission shall not bear any costs related to a state that is found to be in
2169 default or that has been terminated from the compact, unless agreed upon in writing between
2170 the Commission and the defaulting state.

2171 6. The defaulting state may appeal the action of the Commission by petitioning the
2172 U.S. District Court for the District of Columbia or the federal district where the Commission
2173 has its principal offices. The prevailing member shall be awarded all costs of such litigation,
2174 including reasonable ~~[attorney's]~~ attorney fees.

2175 C. Dispute Resolution

2176 1. Upon request by a member state, the Commission shall attempt to resolve disputes
2177 related to the compact that arise among member states and between member and non-member
2178 states.

2179 2. The Commission shall promulgate a rule providing for both mediation and binding
2180 dispute resolution for disputes as appropriate.

2181 D. Enforcement

2182 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
2183 provisions and rules of this compact.

2184 2. By majority vote, the Commission may initiate legal action in the United States
2185 District Court for the District of Columbia or the federal district where the Commission has its
2186 principal offices against a member state in default to enforce compliance with the provisions of
2187 the compact and its promulgated rules and bylaws. The relief sought may include both
2188 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
2189 member shall be awarded all costs of such litigation, including reasonable ~~[attorney's]~~ attorney
2190 fees.

2191 3. The remedies herein shall not be the exclusive remedies of the Commission. The
2192 Commission may pursue any other remedies available under federal or state law.

2193 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
2194 COMMISSION FOR EMS PERSONNEL PRACTICE AND
2195 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

2196 A. The compact shall come into effect on the date on which the compact statute is
2197 enacted into law in the tenth member state. The provisions, which become effective at that
2198 time, shall be limited to the powers granted to the Commission relating to assembly and the
2199 promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers
2200 necessary to the implementation and administration of the compact.

2201 B. Any state that joins the compact subsequent to the Commission's initial adoption of
2202 the rules shall be subject to the rules as they exist on the date on which the compact becomes
2203 law in that state. Any rule that has been previously adopted by the Commission shall have the
2204 full force and effect of law on the day the compact becomes law in that state.

2205 C. Any member state may withdraw from this compact by enacting a statute repealing
2206 the same.

2207 1. A member state's withdrawal shall not take effect until six (6) months after
2208 enactment of the repealing statute.

2209 2. Withdrawal shall not affect the continuing requirement of the withdrawing state's
2210 EMS authority to comply with the investigative and adverse action reporting requirements of
2211 this act prior to the effective date of withdrawal.

2212 D. Nothing contained in this compact shall be construed to invalidate or prevent any
2213 EMS personnel licensure agreement or other cooperative arrangement between a member state
2214 and a non-member state that does not conflict with the provisions of this compact.

2215 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 is valid for four years.

2234 Section 39. Section **26B-4-151**, which is renumbered from Section 26-8a-402 is

2235 renumbered and amended to read:

2236 ~~[26-8a-402]~~. **26B-4-151. Exclusive geographic service areas.**

2237 (1) Each ground ambulance provider license issued under this part shall be for an
2238 exclusive geographic service area as described in the license. Only the licensed ground
2239 ambulance provider may respond to an ambulance request that originates within the provider's
2240 exclusive geographic service area, except as provided in Subsection (5) and Section

2241 ~~[26-8a-416]~~ 26B-4-170.

2242 (2) Each paramedic provider license issued under this part shall be for an exclusive
2243 geographic service area as described in the license. Only the licensed paramedic provider may
2244 respond to a paramedic request that originates within the exclusive geographic service area,
2245 except as provided in Subsection (6) and Section ~~[26-8a-416]~~ 26B-4-170.

2246 (3) Nothing in this section may be construed as either requiring or prohibiting that the
2247 formation of boundaries in a given location be the same for a licensed paramedic provider and
2248 a licensed ambulance provider.

2249 (4) (a) A licensed ground ambulance or paramedic provider may, as necessary, enter
2250 into a mutual aid agreement to allow another licensed provider to give assistance in times of
2251 unusual demand, as that term is defined by the committee in rule.

2252 (b) A mutual aid agreement shall include a formal written plan detailing the type of
2253 assistance and the circumstances under which it would be given.

2254 (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the
2255 department.

2256 (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with
2257 another entity to provide services in the licensed provider's exclusive geographic service area.

2258 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may
2259 respond to an ambulance request that originates from the exclusive geographic area of another
2260 provider:

- 2261 (a) pursuant to a mutual aid agreement;
- 2262 (b) to render assistance on a case-by-case basis to that provider; and
- 2263 (c) as necessary to meet needs in time of disaster or other major emergency.

2264 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
2265 paramedic request that originates from the exclusive geographic area of another provider:

- 2266 (a) pursuant to a mutual aid agreement;
- 2267 (b) to render assistance on a case-by-case basis to that provider; and
- 2268 (c) as necessary to meet needs in time of disaster or other major emergency.

2269 (7) The department may, upon the renewal of a license, align the boundaries of an
2270 exclusive geographic area with the boundaries of a political subdivision:

- 2271 (a) if the alignment is practical and in the public interest;
- 2272 (b) if each licensed provider that would be affected by the alignment agrees to the
2273 alignment; and

2274 (c) taking into consideration the requirements of:

- 2275 (i) Section [11-48-103](#); and
- 2276 (ii) Section [\[26-8a-408\] 26B-4-162](#).

2277 Section 40. Section **26B-4-152**, which is renumbered from Section 26-8a-403 is
2278 renumbered and amended to read:

2279 **~~[26-8a-403].~~ 26B-4-152. Establishment of maximum rates.**

2280 (1) The department shall, after receiving recommendations under Subsection (2),
2281 establish maximum rates for ground ambulance providers and paramedic providers that are just
2282 and reasonable.

2283 (2) The committee may make recommendations to the department on the maximum
2284 rates that should be set under Subsection (1).

2285 (3) (a) The department shall prohibit ground ambulance providers and paramedic
2286 providers from charging fees for transporting a patient when the provider does not transport the
2287 patient.

2288 (b) The provisions of Subsection (3)(a) do not apply to ambulance providers or

2289 paramedic providers in a geographic service area which contains a town as defined in
2290 Subsection [10-2-301](#)(2)(f).

2291 Section 41. Section **26B-4-153**, which is renumbered from Section 26-8a-404 is
2292 renumbered and amended to read:

2293 ~~[26-8a-404]~~. **26B-4-153. Ground ambulance and paramedic licenses --**
2294 **Application and department review.**

2295 (1) Except as provided in Section ~~[26-8a-413]~~ [26B-4-167](#), an applicant for a ground
2296 ambulance or paramedic license shall apply to the department for a license only by:

- 2297 (a) submitting a completed application;
2298 (b) providing information in the format required by the department; and
2299 (c) paying the required fees, including the cost of the hearing officer.

2300 (2) The department shall make rules establishing minimum qualifications and
2301 requirements for:

- 2302 (a) personnel;
2303 (b) capital reserves;
2304 (c) equipment;
2305 (d) a business plan;
2306 (e) operational procedures;
2307 (f) medical direction agreements;
2308 (g) management and control; and
2309 (h) other matters that may be relevant to an applicant's ability to provide ground
2310 ambulance or paramedic service.

2311 (3) An application for a license to provide ground ambulance service or paramedic
2312 service shall be for all ground ambulance services or paramedic services arising within the
2313 geographic service area, except that an applicant may apply for a license for less than all
2314 ground ambulance services or all paramedic services arising within an exclusive geographic
2315 area if it can demonstrate how the remainder of that area will be served.

2316 (4) (a) A ground ambulance service licensee may apply to the department for a license
2317 to provide a higher level of service as defined by department rule if the application includes:

- 2318 (i) a copy of the new treatment protocols for the higher level of service approved by the
2319 off-line medical director;

(ii) an assessment of field performance by the applicant's off-line director; and
(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 ~~[26-8a-405.2]~~ 26B-4-156 if the current license holder, prior to responding to the request for proposal, submits the following to the department:

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

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

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

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

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

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

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

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

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

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

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

(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;

2382 (iv) is subject to revocation or revision under Subsection (3)(d); and

2383 (v) is subject to supervision by the department under Sections [~~26-8a-503~~ and

2384 ~~26-8a-504~~] 26B-4-129 and 26B-4-130.

2385 (3) Notwithstanding Subsection (2)(b), a political subdivision may terminate a contract

2386 described in Subsection (1)(c), with or without cause, if:

2387 (a) the contract:

2388 (i) is entered into on or after May 5, 2021; and

2389 (ii) allows an applicant to provide 911 ambulance services;

2390 (b) the political subdivision provides written notice to the applicant described in

2391 Subsection (3)(a)(ii) and the department:

2392 (i) at least 18 months before the day on which the contract is terminated; or

2393 (ii) within a period of time shorter than 18 months before the day on which the contract

2394 is terminated, if otherwise agreed to by the applicant and the department;

2395 (c) the political subdivision selects another applicant to provide 911 ambulance

2396 services for the political subdivision in accordance with Section [~~26-8a-405.2~~] 26B-4-156;

2397 (d) the department:

2398 (i) revokes the license of the applicant described in Subsection (3)(a)(ii), or issues a

2399 new or revised license for the applicant described in Subsection (3)(a)(ii):

2400 (A) in order to remove the area that is subject to the contract from the applicant's

2401 exclusive geographic service area; and

2402 (B) to take effect the day on which the contract is terminated; and

2403 (ii) issues a new or revised license for the applicant described in Subsection (3)(c):

2404 (A) in order to allow the applicant to provide 911 ambulance services for the area

2405 described in Subsection (3)(d)(i)(A); and

2406 (B) to take effect the day on which the contract is terminated; and

2407 (e) the termination does not create an orphaned area.

2408 (4) Except as provided in Subsection [~~26-8a-405.3~~] 26B-4-157(4)(a), the provisions of

2409 Sections [~~26-8a-406 through 26-8a-409~~] 26B-4-160 through 26B-4-163 do not apply to a

2410 license issued under this section.

2411 Section 44. Section **26B-4-156**, which is renumbered from Section 26-8a-405.2 is

2412 renumbered and amended to read:

2413 ~~[26-8a-405.2].~~ **26B-4-156.** Selection of provider -- Request for competitive
2414 sealed proposal -- Public convenience and necessity.

2415 (1) (a) A political subdivision may contract with an applicant approved under Section
2416 ~~[26-8a-404]~~ 26B-4-153 to provide services for the geographic service area that is approved by
2417 the department in accordance with Subsection (2), if:

2418 (i) the political subdivision complies with the provisions of this section and Section
2419 ~~[26-8a-405.3]~~ 26B-4-157 if the contract is for 911 ambulance or paramedic services; or

2420 (ii) the political subdivision complies with Sections ~~[26-8a-405.3 and 26-8a-405.4]~~
2421 26B-4-157 and 26B-4-158, if the contract is for non-911 services.

2422 (b) (i) The provisions of this section and Sections ~~[26-8a-405.1, 26-8a-405.3, and~~
2423 ~~26-8a-405.4]~~ 26B-4-155, 26B-4-157, and 26B-4-158 do not require a political subdivision to
2424 issue a request for proposal for ambulance or paramedic services or non-911 services.

2425 (ii) If a political subdivision does not contract with an applicant in accordance with this
2426 section and Section ~~[26-8a-405.3]~~ 26B-4-157, the provisions of Sections ~~[26-8a-406 through~~
2427 ~~26-8a-409]~~ 26B-4-160 through 26B-4-163 apply to the issuance of a license for ambulance or
2428 paramedic services in the geographic service area that is within the boundaries of the political
2429 subdivision.

2430 (iii) If a political subdivision does not contract with an applicant in accordance with
2431 this section, Section ~~[26-8a-405.3]~~ 26B-4-157 and Section ~~[26-8a-405.4]~~ 26B-4-158, a license
2432 for the non-911 services in the geographic service area that is within the boundaries of the
2433 political subdivision may be issued:

2434 (A) under the public convenience and necessity provisions of Sections ~~[26-8a-406~~
2435 ~~through 26-8a-409]~~ 26B-4-160 through 26B-4-163; or

2436 (B) by a request for proposal issued by the department under Section ~~[26-8a-405.5]~~
2437 26B-4-159.

2438 (c) (i) ~~[For purposes of]~~ As used in this Subsection (1)(c):

2439 (A) "Fire district" means a local district under Title 17B, Limited Purpose Local
2440 Government Entities - Local Districts, that:

2441 (I) is located in a county of the first or second class; and

2442 (II) provides fire protection, paramedic, and emergency services.

2443 (B) "Participating municipality" means a city or town whose area is partly or entirely

2444 included within a county service area or fire district.

2445 (C) "Participating county" means a county whose unincorporated area is partly or
2446 entirely included within a fire district.

2447 (ii) A participating municipality or participating county may as provided in this section
2448 and Section [~~26-8a-405.3~~] 26B-4-157, contract with a provider for 911 ambulance or
2449 paramedic service.

2450 (iii) If the participating municipality or participating county contracts with a provider
2451 for services under this section and Section [~~26-8a-405.3~~] 26B-4-157:

2452 (A) the fire district is not obligated to provide the services that are included in the
2453 contract between the participating municipality or the participating county and the provider;

2454 (B) the fire district may impose taxes and obligations within the fire district in the same
2455 manner as if the participating municipality or participating county were receiving all services
2456 offered by the fire district; and

2457 (C) the participating municipality's and participating county's obligations to the fire
2458 district are not diminished.

2459 (2) (a) The political subdivision shall submit the request for proposal and the exclusive
2460 geographic service area to be included in a request for proposal issued under Subsections
2461 (1)(a)(i) or (ii) to the department for approval prior to issuing the request for proposal. The
2462 department shall approve the request for proposal and the exclusive geographic service area:

2463 (i) unless the geographic service area creates an orphaned area; and

2464 (ii) in accordance with Subsections (2)(b) and (c).

2465 (b) The exclusive geographic service area may:

2466 (i) include the entire geographic service area that is within the political subdivision's
2467 boundaries;

2468 (ii) include islands within or adjacent to other peripheral areas not included in the
2469 political subdivision that governs the geographic service area; or

2470 (iii) exclude portions of the geographic service area within the political subdivision's
2471 boundaries if another political subdivision or licensed provider agrees to include the excluded
2472 area within their license.

2473 (c) The proposed geographic service area for 911 ambulance or paramedic service shall
2474 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 Section ~~[26-8a-405.2]~~ 26B-4-156, or for non-911 services under Section ~~[26-8a-405.4]~~ 26B-4-158, shall be solicited through a request for proposal and the provisions of this section.

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

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

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

(ii) by posting the notice on the Utah Public Notice Website, created in Section 63A-16-601, 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 political subdivision shall hold a presubmission conference with interested applicants for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

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

(c) Subsequent to the presubmission conference, the political subdivision may issue addenda to the request for proposals. An addenda to a request for proposal shall be finalized and posted by the political subdivision 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

2506 permitted after submission and before a contract is awarded for the purpose of obtaining best
2507 and final offers.

2508 (e) In conducting discussions, there shall be no disclosures of any information derived
2509 from proposals submitted by competing offerors.

2510 (3) (a) (i) A political subdivision may select an applicant approved by the department
2511 under Section [~~26-8a-404~~] 26B-4-153 to provide 911 ambulance or paramedic services by
2512 contract to the most responsible offeror as defined in Section 63G-6a-103.

2513 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
2514 proposal is determined in writing to be the most advantageous to the political subdivision,
2515 taking into consideration price and the evaluation factors set forth in the request for proposal.

2516 (b) The applicants who are approved under Section [~~26-8a-405~~] 26B-4-154 and who
2517 are selected under this section may be the political subdivision issuing the request for
2518 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2519 or any combination thereof.

2520 (c) A political subdivision may reject all of the competitive proposals.

2521 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2522 a political subdivision:

2523 (a) shall apply the public convenience and necessity factors listed in Subsections
2524 [~~26-8a-408~~] 26B-4-162(2) through (6);

2525 (b) shall require the applicant responding to the proposal to disclose how the applicant
2526 will meet performance standards in the request for proposal;

2527 (c) may not require or restrict an applicant to a certain method of meeting the
2528 performance standards, including:

2529 (i) requiring ambulance medical personnel to also be a firefighter; or

2530 (ii) mandating that offerors use fire stations or dispatch services of the political
2531 subdivision;

2532 (d) shall require an applicant to submit the proposal:

2533 (i) based on full cost accounting in accordance with generally accepted accounting
2534 principals; and

2535 (ii) if the applicant is a governmental entity, in addition to the requirements of
2536 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and

2537 in compliance with the State of Utah Legal Compliance Audit Guide; and

2538 (e) shall set forth in the request for proposal:

2539 (i) the method for determining full cost accounting in accordance with generally
2540 accepted accounting principles, and require an applicant to submit the proposal based on such
2541 full cost accounting principles;

2542 (ii) guidelines established to further competition and provider accountability; and

2543 (iii) a list of the factors that will be considered by the political subdivision in the award
2544 of the contract, including by percentage, the relative weight of the factors established under this
2545 Subsection (4)(e), which may include such things as:

2546 (A) response times;

2547 (B) staging locations;

2548 (C) experience;

2549 (D) quality of care; and

2550 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

2551 (5) (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement
2552 Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply
2553 to the procurement process required by this section, except as provided in Subsection (5)(c).

2554 (b) A procurement appeals panel described in Section [63G-6a-1702](#) shall have
2555 jurisdiction to review and determine an appeal of an offeror under this section.

2556 (c) (i) An offeror may appeal the solicitation or award as provided by the political
2557 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror
2558 may appeal under the provisions of Subsections (5)(a) and (b).

2559 (ii) A procurement appeals panel described in Section [63G-6a-1702](#) shall determine
2560 whether the solicitation or award was made in accordance with the procedures set forth in this
2561 section and Section ~~[26-8a-405.2]~~ [26B-4-156](#).

2562 (d) The determination of an issue of fact by the appeals board shall be final and
2563 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
2564 [63G-6a-1705](#).

2565 Section 46. Section **26B-4-158**, which is renumbered from Section 26-8a-405.4 is
2566 renumbered and amended to read:

2567 ~~[26-8a-405.4]~~. **26B-4-158. Non-911 provider -- Finding of meritorious**

2568 **complaint -- Request for proposals.**2569 (1) (a) This section applies to a non-911 provider license under this [chapter] part.

2570 (b) The department shall, in accordance with Subsections (3) and (4):

2571 (i) receive a complaint about a non-911 provider;

2572 (ii) determine whether the complaint has merit;

2573 (iii) issue a finding of:

2574 (A) a meritorious complaint; or

2575 (B) a non-meritorious complaint; and

2576 (iv) forward a finding of a meritorious complaint to the governing body of the political
2577 subdivision:

2578 (A) in which the non-911 provider is licensed; or

2579 (B) that provides the non-911 services, if different from Subsection (1)(b)(iv)(A).

2580 (2) (a) A political subdivision that receives a finding of a meritorious complaint from
2581 the department:2582 (i) shall take corrective action that the political subdivision determines is appropriate;
2583 and2584 (ii) shall, if the political subdivision determines corrective action will not resolve the
2585 complaint or is not appropriate:2586 (A) issue a request for proposal for non-911 service in the geographic service area if
2587 the political subdivision will not respond to the request for proposal; or2588 (B) (I) make a finding that a request for proposal for non-911 services is appropriate
2589 and the political subdivision intends to respond to a request for proposal; and2590 (II) submit the political subdivision's findings to the department with a request that the
2591 department issue a request for proposal in accordance with Section [~~26-8a-405.5~~] 26B-4-159.2592 (b) (i) If Subsection (2)(a)(ii)(A) applies, the political subdivision shall issue the
2593 request for proposal in accordance with Sections [~~26-8a-405.1 through 26-8a-405.3~~] 26B-4-155
2594 through 26B-4-157.2595 (ii) If Subsection (2)(a)(ii)(B) applies, the department shall issue a request for proposal
2596 for non-911 services in accordance with Section [~~26-8a-405.5~~] 26B-4-159.

2597 (3) The department shall make a determination under Subsection (1)(b) if:

2598 (a) the department receives a written complaint from any of the following in the

2599 geographic service area:

2600 (i) a hospital;

2601 (ii) a health care facility;

2602 (iii) a political subdivision; or

2603 (iv) an individual; and

2604 (b) the department determines, in accordance with Subsection (1)(b), that the complaint
2605 has merit.

2606 (4) (a) If the department receives a complaint under Subsection (1)(b), the department
2607 shall request a written response from the non-911 provider concerning the complaint.

2608 (b) The department shall make a determination under Subsection (1)(b) based on:

2609 (i) the written response from the non-911 provider; and

2610 (ii) other information that the department may have concerning the quality of service of
2611 the non-911 provider.

2612 (c) (i) The department's determination under Subsection (1)(b) is not subject to an
2613 adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

2614 (ii) The department shall adopt administrative rules in accordance with Title 63G,
2615 Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection
2616 (1)(b).

2617 Section 47. Section **26B-4-159**, which is renumbered from Section 26-8a-405.5 is
2618 renumbered and amended to read:

2619 ~~[26-8a-405.5].~~ **26B-4-159.** Use of competitive sealed proposals -- Procedure
2620 -- Appeal rights.

2621 (1) (a) The department shall issue a request for proposal for non-911 services in a
2622 geographic service area if the department receives a request from a political subdivision under
2623 Subsection ~~[26-8a-405.4]~~ 26B-4-158(2)(a)(ii)(B) to issue a request for proposal for non-911
2624 services.

2625 (b) Competitive sealed proposals for non-911 services under Subsection (1)(a) shall be
2626 solicited through a request for proposal and the provisions of this section.

2627 (c) (i) Notice of the request for proposals shall be published:

2628 (A) at least once a week for three consecutive weeks in a newspaper of general
2629 circulation published in the county; or

2630 (B) if there is no such newspaper, then notice shall be posted for at least 20 days in at
2631 least five public places in the county; and

2632 (ii) in accordance with Section [45-1-101](#) for at least 20 days.

2633 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
2634 offerors during the process of negotiations.

2635 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
2636 department shall hold a presubmission conference with interested applicants for the purpose of
2637 assuring full understanding of, and responsiveness to, solicitation requirements.

2638 (ii) The department shall allow at least 90 days from the presubmission conference for
2639 the proposers to submit proposals.

2640 (c) Subsequent to the presubmission conference, the department may issue addenda to
2641 the request for proposals. An addenda to a request for proposal shall be finalized and posted by
2642 the department at least 45 days before the day on which the proposal must be submitted.

2643 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
2644 respect to any opportunity for discussion and revisions of proposals, and revisions may be
2645 permitted after submission and before a contract is awarded for the purpose of obtaining best
2646 and final offers.

2647 (e) In conducting discussions, there shall be no disclosures of any information derived
2648 from proposals submitted by competing offerors.

2649 (3) (a) (i) The department may select an applicant approved by the department under
2650 Section ~~[26-8a-404]~~ [26B-4-153](#) to provide non-911 services by contract to the most responsible
2651 offeror as defined in Section [63G-6a-103](#).

2652 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
2653 proposal is determined in writing to be the most advantageous to the public, taking into
2654 consideration price and the evaluation factors set forth in the request for proposal.

2655 (b) The applicants who are approved under Section ~~[26-8a-405]~~ [26B-4-154](#) and who
2656 are selected under this section may be the political subdivision responding to the request for
2657 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2658 or any combination thereof.

2659 (c) The department may reject all of the competitive proposals.

2660 (4) In seeking competitive sealed proposals and awarding contracts under this section,

2661 the department:

2662 (a) shall consider the public convenience and necessity factors listed in Subsections

2663 [~~26-8a-408~~] 26B-4-162(2) through (6);

2664 (b) shall require the applicant responding to the proposal to disclose how the applicant

2665 will meet performance standards in the request for proposal;

2666 (c) may not require or restrict an applicant to a certain method of meeting the

2667 performance standards, including:

2668 (i) requiring ambulance medical personnel to also be a firefighter; or

2669 (ii) mandating that offerors use fire stations or dispatch services of the political

2670 subdivision;

2671 (d) shall require an applicant to submit the proposal:

2672 (i) based on full cost accounting in accordance with generally accepted accounting

2673 principals; and

2674 (ii) if the applicant is a governmental entity, in addition to the requirements of

2675 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and

2676 in compliance with the State of Utah Legal Compliance Audit Guide; and

2677 (e) shall set forth in the request for proposal:

2678 (i) the method for determining full cost accounting in accordance with generally

2679 accepted accounting principles, and require an applicant to submit the proposal based on such

2680 full cost accounting principles;

2681 (ii) guidelines established to further competition and provider accountability; and

2682 (iii) a list of the factors that will be considered by the department in the award of the

2683 contract, including by percentage, the relative weight of the factors established under this

2684 Subsection (4)(e), which may include:

2685 (A) response times;

2686 (B) staging locations;

2687 (C) experience;

2688 (D) quality of care; and

2689 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

2690 (5) A license issued under this section:

2691 (a) is for the exclusive geographic service area approved by the department;

2692 (b) is valid for four years;
2693 (c) is not subject to a request for license from another applicant under the provisions of
2694 Sections [~~26-8a-406 through 26-8a-409~~] 26B-4-160 through 26B-4-163 during the four-year
2695 term, unless the applicant's license is revoked under Section [~~26-8a-504~~] 26B-4-130;
2696 (d) is subject to supervision by the department under Sections [~~26-8a-503 and~~
2697 ~~26-8a-504~~] 26B-4-129 and 26B-4-130; and
2698 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections
2699 [~~26-8a-406 through 26-8a-409~~] 26B-4-160 through 26B-4-163.

2700 Section 48. Section **26B-4-160**, which is renumbered from Section 26-8a-406 is
2701 renumbered and amended to read:

2702 [~~26-8a-406~~]. **26B-4-160. Ground ambulance and paramedic licenses --**
2703 **Parties.**

2704 (1) When an applicant approved under Section [~~26-8a-404~~] 26B-4-153 seeks licensure
2705 under the provisions of Sections [~~26-8a-406 through 26-8a-409~~] 26B-4-160 through
2706 26B-4-163, the department shall:

- 2707 (a) issue a notice of agency action to the applicant to commence an informal
2708 administrative proceeding;
2709 (b) provide notice of the application to all interested parties; and
2710 (c) publish notice of the application, at the applicant's expense:
2711 (i) once a week for four consecutive weeks, in a newspaper of general circulation in the
2712 geographic service area that is the subject of the application; and
2713 (ii) in accordance with Section 45-1-101 for four weeks.
2714 (2) An interested party has 30 days to object to an application.
2715 (3) If an interested party objects, the presiding officer shall join the interested party as
2716 an indispensable party to the proceeding.
2717 (4) The department may join the proceeding as a party to represent the public interest.
2718 (5) Others who may be affected by the grant of a license to the applicant may join the
2719 proceeding, if the presiding officer determines that they meet the requirement of legal standing.

2720 Section 49. Section **26B-4-161**, which is renumbered from Section 26-8a-407 is
2721 renumbered and amended to read:

2722 [~~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;

(b) meet with the applicant and objecting interested parties and provide no less than 120 days for a negotiated resolution, consistent with the criteria in Section ~~[26-8a-408]~~ 26B-4-162;

(c) set aside a separate time during the proceedings to accept public comment on the application; and

(d) present a written decision to the executive director if a resolution has been reached that satisfies the criteria in Section ~~[26-8a-408]~~ 26B-4-162.

(2) At any time during an informal adjudicative proceeding under Subsection (1), any party may request conversion of the informal adjudicative proceeding to a formal adjudicative proceeding in accordance with Section 63G-4-202.

(3) Upon conversion to a formal adjudicative proceeding, a hearing officer shall be assigned to the application as provided in Section ~~[26-8a-409]~~ 26B-4-163. The hearing officer shall:

(a) set aside a separate time during the proceedings to accept public comment on the application;

(b) apply the criteria established in Section ~~[26-8a-408]~~ 26B-4-162; and

(c) present a recommended decision to the executive director in writing.

(4) The executive director may, as set forth in a final written order, accept, modify, reject, or remand the decision of a presiding or hearing officer after:

(a) reviewing the record;

(b) giving due deference to the officer's decision; and

(c) determining whether the criteria in Section ~~[26-8a-408]~~ 26B-4-162 have been satisfied.

Section 50. Section **26B-4-162**, which is renumbered from Section 26-8a-408 is renumbered and amended to read:

~~[26-8a-408]~~. **26B-4-162. Criteria for determining public convenience and necessity.**

2754 (1) The criteria for determining public convenience and necessity is set forth in
2755 Subsections (2) through (6).

2756 (2) Access to emergency medical services shall be maintained or improved. The
2757 officer shall consider the impact on existing services, including the impact on response times,
2758 call volumes, populations and exclusive geographic service areas served, and the ability of
2759 surrounding licensed providers to service their exclusive geographic service areas. The
2760 issuance or amendment of a license may not create an orphaned area.

2761 (3) The quality of service in the area shall be maintained or improved. The officer
2762 shall consider the:

2763 (a) staffing and equipment standards of the current licensed provider and the applicant;

2764 (b) training and licensure levels of the current licensed provider's staff and the
2765 applicant's staff;

2766 (c) continuing medical education provided by the current licensed provider and the
2767 applicant;

2768 (d) levels of care as defined by department rule;

2769 (e) plan of medical control; and

2770 (f) the negative or beneficial impact on the regional emergency medical service system
2771 to provide service to the public.

2772 (4) The cost to the public shall be justified. The officer shall consider:

2773 (a) the financial solvency of the applicant;

2774 (b) the applicant's ability to provide services within the rates established under Section
2775 ~~[26-8a-403]~~ [26B-4-152](#);

2776 (c) the applicant's ability to comply with cost reporting requirements;

2777 (d) the cost efficiency of the applicant; and

2778 (e) the cost effect of the application on the public, interested parties, and the emergency
2779 medical services system.

2780 (5) Local desires concerning cost, quality, and access shall be considered. The officer
2781 shall assess and consider:

2782 (a) the existing provider's record of providing services and the applicant's record and
2783 ability to provide similar or improved services;

2784 (b) locally established emergency medical services goals, including those established in

2785 Subsection (7);

2786 (c) comment by local governments on the applicant's business and operations plans;

2787 (d) comment by interested parties that are providers on the impact of the application on
2788 the parties' ability to provide emergency medical services;

2789 (e) comment by interested parties that are local governments on the impact of the
2790 application on the citizens it represents; and

2791 (f) public comment on any aspect of the application or proposed license.

2792 (6) Other related criteria:

2793 (a) the officer considers necessary; or

2794 (b) established by department rule.

2795 (7) Local governments shall establish cost, quality, and access goals for the ground
2796 ambulance and paramedic services that serve their areas.

2797 (8) In a formal adjudicative proceeding, the applicant bears the burden of establishing
2798 that public convenience and necessity require the approval of the application for all or part of
2799 the exclusive geographic service area requested.

2800 Section 51. Section **26B-4-163**, which is renumbered from Section 26-8a-409 is
2801 renumbered and amended to read:

2802 ~~[26-8a-409]~~. **26B-4-163. Ground ambulance and paramedic licenses --**
2803 **Hearing and presiding officers.**

2804 (1) The department shall set training standards for hearing officers and presiding
2805 officers.

2806 (2) At a minimum, a presiding officer shall:

2807 (a) be familiar with the theory and application of public convenience and necessity; and

2808 (b) have a working knowledge of the emergency medical service system in the state.

2809 (3) In addition to the requirements in Subsection (2), a hearing officer shall also be
2810 licensed to practice law in the state.

2811 (4) The department shall provide training for hearing officer and presiding officer
2812 candidates in the theory and application of public convenience and necessity and on the
2813 emergency medical system in the state.

2814 (5) The department shall maintain a roster of no less than five individuals who meet
2815 the minimum qualifications for both presiding and hearing officers and the standards set by the

2816 department.

2817 (6) The parties may mutually select an officer from the roster if the officer is available.

2818 (7) If the parties cannot agree upon an officer under Subsection (4), the department
2819 shall randomly select an officer from the roster or from a smaller group of the roster agreed
2820 upon by the applicant and the objecting interested parties.

2821 Section 52. Section **26B-4-164**, which is renumbered from Section 26-8a-410 is
2822 renumbered and amended to read:

2823 ~~[26-8a-410].~~ **26B-4-164. Local approvals.**

2824 (1) Licensed ambulance providers and paramedic providers shall meet all local zoning
2825 and business licensing standards generally applicable to businesses operating within the
2826 jurisdiction.

2827 (2) Publicly subsidized providers shall demonstrate approval of the taxing authority
2828 that will provide the subsidy.

2829 (3) A publicly operated service shall demonstrate that the governing body has approved
2830 the provision of services to the entire exclusive geographic service area that is the subject of
2831 the license, including those areas that may lie outside the territorial or jurisdictional boundaries
2832 of the governing body.

2833 Section 53. Section **26B-4-165**, which is renumbered from Section 26-8a-411 is
2834 renumbered and amended to read:

2835 ~~[26-8a-411].~~ **26B-4-165. Limitation on repetitive applications.**

2836 A person who has previously applied for a license under Sections ~~[26-8a-406 through~~
2837 ~~26-8a-409]~~ 26B-4-160 through 26B-4-163 may not apply for a license for the same service that
2838 covers any exclusive geographic service area that was the subject of the prior application
2839 unless:

2840 (1) one year has passed from the date of the issuance of a final decision under Section
2841 ~~[26-8a-407]~~ 26B-4-161; or

2842 (2) all interested parties and the department agree that a new application is in the public
2843 interest.

2844 Section 54. Section **26B-4-166**, which is renumbered from Section 26-8a-412 is
2845 renumbered and amended to read:

2846 ~~[26-8a-412].~~ **26B-4-166. License for air ambulance providers.**

2847 (1) An applicant for an air ambulance provider shall apply to the department for a
2848 license only by:

- 2849 (a) submitting a complete application;
2850 (b) providing information in the format required by the department; and
2851 (c) paying the required fees.

2852 (2) The department may make rules establishing minimum qualifications and
2853 requirements for:

- 2854 (a) personnel;
2855 (b) capital reserves;
2856 (c) equipment;
2857 (d) business plan;
2858 (e) operational procedures;
2859 (f) resource hospital and medical direction agreements;
2860 (g) management and control qualifications and requirements; and
2861 (h) other matters that may be relevant to an applicant's ability to provide air ambulance
2862 services.

2863 (3) Upon receiving a completed application and the required fees, the department shall
2864 review the application and determine whether the application meets the minimum requirements
2865 for licensure.

2866 (4) The department may deny an application for an air ambulance if:

2867 (a) the department finds that the application contains any materially false or misleading
2868 information or is incomplete;

2869 (b) the application demonstrates that the applicant fails to meet the minimum
2870 requirements for licensure; or

2871 (c) the department finds after inspection that the applicant does not meet the minimum
2872 requirements for licensure.

2873 (5) If the department denies an application under this section, it shall notify the
2874 applicant in writing setting forth the grounds for the denial.

2875 Section 55. Section **26B-4-167**, which is renumbered from Section 26-8a-413 is
2876 renumbered and amended to read:

2877 ~~[26-8a-413]~~. **26B-4-167. License renewals.**

(1) A licensed provider desiring to renew its license shall meet the renewal requirements established by department rule.

(2) The department shall issue a renewal license for a ground ambulance provider or a paramedic provider upon the licensee's application for a renewal and without a public hearing if:

(a) the applicant was licensed under the provisions of Sections ~~[26-8a-406 through 26-8a-409]~~ 26B-4-160 through 26B-4-163; and

(b) there has been:

(i) no change in controlling interest in the ownership of the licensee as defined in Section ~~[26-8a-415]~~ 26B-4-169;

(ii) no serious, substantiated public complaints filed with the department against the licensee during the term of the previous license;

(iii) no material or substantial change in the basis upon which the license was originally granted;

(iv) no reasoned objection from the committee or the department; and

(v) no change to the license type.

(3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the provisions of Sections ~~[26-8a-405.1 and 26-8a-405.2]~~ 26B-4-155 and 26B-4-156.

(ii) A provider may renew its license if the provisions of Subsections (1) and (2) and this Subsection (3) are met.

(b) (i) The department shall issue a renewal license to a provider upon the provider's application for renewal for one additional four-year term if the political subdivision certifies to the department that the provider has met all of the specifications of the original bid.

(ii) If the political subdivision does not certify to the department that the provider has met all of the specifications of the original bid, the department may not issue a renewal license and the political subdivision shall enter into a public bid process under Sections ~~[26-8a-405.1 and 26-8a-405.2]~~ 26B-4-155 and 26B-4-156.

(c) (i) The department shall issue an additional renewal license to a provider who has already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if the department and the political subdivision do not receive, prior to the expiration of the provider's license, written notice from an approved applicant informing the political

2909 subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic
2910 service.

2911 (ii) If the department and the political subdivision receive the notice in accordance with
2912 Subsection (3)(c)(i), the department may not issue a renewal license and the political
2913 subdivision shall enter into a public bid process under Sections [~~26-8a-405.1~~ and ~~26-8a-405.2~~]
2914 26B-4-155 and 26B-4-156.

2915 (4) The department shall issue a renewal license for an air ambulance provider upon
2916 the licensee's application for renewal and completion of the renewal requirements established
2917 by department rule.

2918 Section 56. Section **26B-4-168**, which is renumbered from Section 26-8a-414 is
2919 renumbered and amended to read:

2920 [~~26-8a-414~~]. **26B-4-168. Annexations.**

2921 (1) A municipality shall comply with the provisions of this section if the municipality
2922 is licensed under this [~~chapter~~] part and desires to provide service to an area that is:

2923 (a) included in a petition for annexation under Title 10, Chapter 2, Part 4, Annexation;
2924 and

2925 (b) currently serviced by another provider licensed under this [~~chapter~~] part.

2926 (2) (a) (i) At least 45 days prior to approving a petition for annexation, the municipality
2927 shall certify to the department that by the time of the approval of the annexation the
2928 municipality can meet or exceed the current level of service provided by the existing licensee
2929 for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and

2930 (ii) no later than three business days after the municipality files a petition for
2931 annexation in accordance with Section 10-2-403, provide written notice of the petition for
2932 annexation to:

2933 (A) the existing licensee providing service to the area included in the petition of
2934 annexation; and

2935 (B) the department.

2936 (b) (i) After receiving a certification under Subsection (2)(a), but prior to the
2937 municipality approving a petition for annexation, the department may audit the municipality
2938 only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).

2939 (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:

(A) adequate trained personnel to deliver basic and advanced life support services;

(B) adequate apparatus and equipment to deliver emergency medical services;

(C) adequate funding for personnel and equipment; and

(D) appropriate medical controls, such as a medical director and base hospital.

(iii) The department shall submit the results of the audit in writing to the municipal legislative body.

(3) (a) If the department audit finds that the municipality meets the requirements of Subsection (2)(b)(ii), the department shall issue an amended license to the municipality and all other affected licensees to reflect the municipality's new boundaries after the department receives notice of the approval of the petition for annexation from the municipality in accordance with Section [10-2-425](#).

(b) (i) Notwithstanding the provisions of Subsection [63G-4-102](#)(2)(k), if the department audit finds that the municipality fails to meet the requirements of Subsection (2)(b)(ii), the municipality may request an adjudicative proceeding under the provisions of Title 63G, Chapter 4, Administrative Procedures Act. The municipality may approve the petition for annexation while an adjudicative proceeding requested under this Subsection (3)(b)(i) is pending.

(ii) The department shall conduct an adjudicative proceeding when requested under Subsection (3)(b)(i).

(iii) Notwithstanding the provisions of Sections [~~26-8a-404 through 26-8a-409~~] [26B-4-153 through 26B-4-163](#), in any adjudicative proceeding held under the provisions of Subsection (3)(b)(i), the department bears the burden of establishing that the municipality cannot, by the time of the approval of the annexation, meet the requirements of Subsection (2)(b)(ii).

(c) If, at the time of the approval of the annexation, an adjudicative proceeding is pending under the provisions of Subsection (3)(b)(i), the department shall issue amended licenses if the municipality prevails in the adjudicative proceeding.

Section 57. Section **26B-4-169**, which is renumbered from Section 26-8a-415 is

2971 renumbered and amended to read:

2972 ~~[26-8a-415].~~ **26B-4-169. Changes in ownership.**

2973 (1) A licensed provider whose ownership or controlling ownership interest has changed
2974 shall submit information to the department, as required by department rule:

2975 (a) to establish whether the new owner or new controlling party meets minimum
2976 requirements for licensure; and

2977 (b) except as provided in Subsection (2), to commence an administrative proceeding to
2978 determine whether the new owner meets the requirement of public convenience and necessity
2979 under Section ~~[26-8a-408]~~ 26B-4-162.

2980 (2) An administrative proceeding is not required under Subsection (1)(b) if:

2981 (a) the change in ownership interest is among existing owners of a closely held
2982 corporation and the change does not result in a change in the management of the licensee or in
2983 the name of the licensee;

2984 (b) the change in ownership in a closely held corporation results in the introduction of
2985 new owners, provided that:

2986 (i) the new owners are limited to individuals who would be entitled to the equity in the
2987 closely held corporation by the laws of intestate succession had the transferor died intestate at
2988 the time of the transfer;

2989 (ii) the majority owners on January 1, 1999, have been disclosed to the department by
2990 October 1, 1999, and the majority owners on January 1, 1999, retain a majority interest in the
2991 closely held corporation; and

2992 (iii) the name of the licensed provider remains the same;

2993 (c) the change in ownership is the result of one or more owners transferring their
2994 interests to a trust, limited liability company, partnership, or closely held corporation so long as
2995 the transferors retain control over the receiving entity;

2996 (d) the change in ownership is the result of a distribution of an estate or a trust upon the
2997 death of the testator or the trustor and the recipients are limited to individuals who would be
2998 entitled to the interest by the laws of intestate succession had the transferor died intestate at the
2999 time of the transfer; or

3000 (e) other similar changes that the department establishes, by rule, as having no
3001 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:

(a) relinquishment by the provider; or

(b) revocation by the department.

Section 59. Section **26B-4-201**, which is renumbered from Section 26-61a-102 is renumbered and amended to read:

Part 2. Cannabinoid Research and Medical Cannabis

~~[26-61a-102].~~ **26B-4-201. Definitions.**

As used in this ~~[chapter]~~ part:

(1) "Active tetrahydrocannabinol" means THC, any THC analog, and tetrahydrocannabinolic acid.

3033 (2) "Cannabis Research Review Board" means the Cannabis Research Review Board
3034 created in Section ~~[26-61-201]~~ [26B-1-420](#).

3035 (3) "Cannabis" means marijuana.

3036 (4) "Cannabis cultivation facility" means the same as that term is defined in Section
3037 [4-41a-102](#).

3038 (5) "Cannabis processing facility" means the same as that term is defined in Section
3039 [4-41a-102](#).

3040 (6) "Cannabis product" means a product that:

3041 (a) is intended for human use; and

3042 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
3043 concentration of 0.3% or greater on a dry weight basis.

3044 (7) "Cannabis production establishment" means the same as that term is defined in
3045 Section [4-41a-102](#).

3046 (8) "Cannabis production establishment agent" means the same as that term is defined
3047 in Section [4-41a-102](#).

3048 (9) "Cannabis production establishment agent registration card" means the same as that
3049 term is defined in Section [4-41a-102](#).

3050 (10) "Community location" means a public or private elementary or secondary school,
3051 a church, a public library, a public playground, or a public park.

3052 (11) "Conditional medical cannabis card" means an electronic medical cannabis card
3053 that the department issues in accordance with Subsection ~~[26-61a-201]~~ [26B-4-213](#)(1)(b) to
3054 allow an applicant for a medical cannabis card to access medical cannabis during the
3055 department's review of the application.

3056 (12) "Controlled substance database" means the controlled substance database created
3057 in Section [58-37f-201](#).

3058 (13) "Department" means the Department of Health and Human Services.

3059 (14) "Designated caregiver" means:

3060 (a) an individual:

3061 (i) whom an individual with a medical cannabis patient card or a medical cannabis
3062 guardian card designates as the patient's caregiver; and

3063 (ii) who registers with the department under Section ~~[26-61a-202]~~ [26B-4-214](#); or

(b) (i) a facility that an individual designates as a designated caregiver in accordance with Subsection [~~26-61a-202~~] [26B-4-214](#)(1)(b); or

(ii) an assigned employee of the facility described in Subsection [~~26-61a-202~~] [26B-4-214](#)(1)(b)(ii).

(15) "Directions of use" means recommended routes of administration for a medical cannabis treatment and suggested usage guidelines.

(16) "Dosing guidelines" means a quantity range and frequency of administration for a recommended treatment of medical cannabis.

(17) "Financial institution" means a bank, trust company, savings institution, or credit union, chartered and supervised under state or federal law.

(18) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis shipments to a medical cannabis cardholder's home address to fulfill electronic orders that the state central patient portal facilitates.

(19) "Inventory control system" means the system described in Section [4-41a-103](#).

(20) "Legal dosage limit" means an amount that:

(a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the relevant recommending medical provider or the state central patient portal or pharmacy medical provider, in accordance with Subsection [~~26-61a-502~~] [26B-4-230](#)(4) or (5), recommends; and

(b) may not exceed:

(i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

(ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total, greater than 20 grams of active tetrahydrocannabinol.

(21) "Legal use termination date" means a date on the label of a container of unprocessed cannabis flower:

(a) that is 60 days after the date of purchase of the cannabis; and

(b) after which, the cannabis is no longer in a medicinal dosage form outside of the primary residence of the relevant medical cannabis patient cardholder.

(22) "Limited medical provider" means an individual who:

(a) meets the recommending qualifications; and

3095 (b) has no more than 15 patients with a valid medical cannabis patient card or
3096 provisional patient card as a result of the individual's recommendation, in accordance with
3097 Subsection [~~26-61a-106~~] [26B-4-204](#)(1)(b).

3098 (23) "Marijuana" means the same as that term is defined in Section [58-37-2](#).

3099 (24) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
3100 product in a medicinal dosage form.

3101 (25) "Medical cannabis card" means a medical cannabis patient card, a medical
3102 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
3103 card.

3104 (26) "Medical cannabis cardholder" means:

3105 (a) a holder of a medical cannabis card; or

3106 (b) a facility or assigned employee, described in Subsection(14)(b), only:

3107 (i) within the scope of the facility's or assigned employee's performance of the role of a
3108 medical cannabis patient cardholder's caregiver designation under Subsection [~~26-61a-202~~]
3109 [26B-4-214](#)(1)(b); and

3110 (ii) while in possession of documentation that establishes:

3111 (A) a caregiver designation described in Subsection [~~26-61a-202~~] [26B-4-214](#)(1)(b);

3112 (B) the identity of the individual presenting the documentation; and

3113 (C) the relation of the individual presenting the documentation to the caregiver
3114 designation.

3115 (27) "Medical cannabis caregiver card" means an electronic document that a cardholder
3116 may print or store on an electronic device or a physical card or document that:

3117 (a) the department issues to an individual whom a medical cannabis patient cardholder
3118 or a medical cannabis guardian cardholder designates as a designated caregiver; and

3119 (b) is connected to the electronic verification system.

3120 (28) "Medical cannabis courier" means a courier that:

3121 (a) the department licenses in accordance with Section [~~26-61a-604~~] [26B-4-239](#); and

3122 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
3123 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.

3124 (29) "Medical cannabis courier agent" means an individual who:

3125 (a) is an employee of a medical cannabis courier; and

3126 (b) who holds a valid medical cannabis courier agent registration card.
3127 (30) (a) "Medical cannabis device" means a device that an individual uses to ingest or
3128 inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
3129 (b) "Medical cannabis device" does not include a device that:
3130 (i) facilitates cannabis combustion; or
3131 (ii) an individual uses to ingest substances other than cannabis.
3132 (31) "Medical cannabis guardian card" means an electronic document that a cardholder
3133 may print or store on an electronic device or a physical card or document that:
3134 (a) the department issues to the parent or legal guardian of a minor with a qualifying
3135 condition; and
3136 (b) is connected to the electronic verification system.
3137 (32) "Medical cannabis patient card" means an electronic document that a cardholder
3138 may print or store on an electronic device or a physical card or document that:
3139 (a) the department issues to an individual with a qualifying condition; and
3140 (b) is connected to the electronic verification system.
3141 (33) "Medical cannabis pharmacy" means a person that:
3142 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
3143 medicinal dosage form from a cannabis processing facility or another medical cannabis
3144 pharmacy or a medical cannabis device; or
3145 (ii) possesses medical cannabis or a medical cannabis device; and
3146 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
3147 cannabis cardholder.
3148 (34) "Medical cannabis pharmacy agent" means an individual who:
3149 (a) is an employee of a medical cannabis pharmacy; and
3150 (b) who holds a valid medical cannabis pharmacy agent registration card.
3151 (35) "Medical cannabis pharmacy agent registration card" means a registration card
3152 issued by the department that authorizes an individual to act as a medical cannabis pharmacy
3153 agent.
3154 (36) "Medical cannabis shipment" means a shipment of medical cannabis or a medical
3155 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis
3156 courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical

3157 cannabis order that the state central patient portal facilitates.

3158 (37) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
3159 cannabis product in a medicinal dosage form, or a medical cannabis device.

3160 (38) (a) "Medicinal dosage form" means:

3161 (i) for processed medical cannabis or a medical cannabis product, the following with a
3162 specific and consistent cannabinoid content:

3163 (A) a tablet;

3164 (B) a capsule;

3165 (C) a concentrated liquid or viscous oil;

3166 (D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;

3167 (E) a topical preparation;

3168 (F) a transdermal preparation;

3169 (G) a sublingual preparation;

3170 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
3171 rectangular cuboid shape;

3172 (I) a resin or wax; or

3173 (J) an aerosol; or

3174 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

3175 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the
3176 stated weight at the time of packaging;

3177 (B) at any time the medical cannabis cardholder transports or possesses the container in
3178 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;
3179 and

3180 (C) is labeled with the container's content and weight, the date of purchase, the legal
3181 use termination date, and after December 31, 2020, a barcode that provides information
3182 connected to an inventory control system; and

3183 (iii) a form measured in grams, milligrams, or milliliters.

3184 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

3185 (i) the medical cannabis cardholder has recently removed from the container described
3186 in Subsection (38)(a)(ii) for use; and

3187 (ii) does not exceed the quantity described in Subsection (38)(a)(ii).

3188 (c) "Medicinal dosage form" does not include:
3189 (i) any unprocessed cannabis flower outside of the container described in Subsection
3190 (38)(a)(ii), except as provided in Subsection (38)(b);
3191 (ii) any unprocessed cannabis flower in a container described in Subsection (38)(a)(ii)
3192 after the legal use termination date;
3193 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
3194 on a nail or other metal object that is heated by a flame, including a blowtorch; or
3195 (iv) a liquid suspension that is branded as a beverage.
3196 (39) "Nonresident patient" means an individual who:
3197 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
3198 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
3199 card under the laws of another state, district, territory, commonwealth, or insular possession of
3200 the United States; and
3201 (c) has been diagnosed with a qualifying condition as described in Section
3202 ~~[26-61a-104]~~ [26B-4-203](#).
3203 (40) "Payment provider" means an entity that contracts with a cannabis production
3204 establishment or medical cannabis pharmacy to facilitate transfers of funds between the
3205 establishment or pharmacy and other businesses or individuals.
3206 (41) "Pharmacy medical provider" means the medical provider required to be on site at
3207 a medical cannabis pharmacy under Section ~~[26-61a-403]~~ [26B-4-219](#).
3208 (42) "Provisional patient card" means a card that:
3209 (a) the department issues to a minor with a qualifying condition for whom:
3210 (i) a recommending medical provider has recommended a medical cannabis treatment;
3211 and
3212 (ii) the department issues a medical cannabis guardian card to the minor's parent or
3213 legal guardian; and
3214 (b) is connected to the electronic verification system.
3215 (43) "Qualified medical provider" means an individual:
3216 (a) who meets the recommending qualifications; and
3217 (b) whom the department registers to recommend treatment with cannabis in a
3218 medicinal dosage form under Section ~~[26-61a-106]~~ [26B-4-204](#).

3219 (44) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
3220 ~~[26-61a-109]~~ [26B-1-310](#).

3221 (45) "Qualifying condition" means a condition described in Section ~~[26-61a-104]~~
3222 [26B-4-203](#).

3223 (46) "Recommend" or "recommendation" means, for a recommending medical
3224 provider, the act of suggesting the use of medical cannabis treatment, which:

3225 (a) certifies the patient's eligibility for a medical cannabis card; and

3226 (b) may include, at the recommending medical provider's discretion, directions of use,
3227 with or without dosing guidelines.

3228 (47) "Recommending medical provider" means a qualified medical provider or a
3229 limited medical provider.

3230 (48) "Recommending qualifications" means that an individual:

3231 (a) (i) has the authority to write a prescription;

3232 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
3233 Controlled Substances Act; and

3234 (iii) possesses the authority, in accordance with the individual's scope of practice, to
3235 prescribe a Schedule II controlled substance; and

3236 (b) is licensed as:

3237 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

3238 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
3239 Act;

3240 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
3241 Chapter 68, Utah Osteopathic Medical Practice Act; or

3242 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

3243 (49) "State central patient portal" means the website the department creates, in
3244 accordance with Section ~~[26-61a-601]~~ [26B-4-236](#), to facilitate patient safety, education, and an
3245 electronic medical cannabis order.

3246 (50) "State central patient portal medical provider" means a physician or pharmacist
3247 that the department employs in relation to the state central patient portal to consult with
3248 medical cannabis cardholders in accordance with Section ~~[26-61a-602]~~ [26B-4-237](#).

3249 (51) "State electronic verification system" means the system described in Section

3250 ~~[26-61a-103]~~ 26B-4-202.

3251 (52) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
3252 synthetic equivalent as described in Subsection ~~58-37-4~~(2)(a)(iii)(AA).

3253 (53) "THC analog" means the same as that term is defined in Section ~~4-41-102~~.

3254 (54) "Valid form of photo identification" means any of the following forms of
3255 identification that is either current or has expired within the previous six months:

3256 (a) a valid state-issued driver license or identification card;

3257 (b) a valid United States federal-issued photo identification, including:

3258 (i) a United States passport;

3259 (ii) a United States passport card;

3260 (iii) a United States military identification card; or

3261 (iv) a permanent resident card or alien registration receipt card; or

3262 (c) a passport that another country issued.

3263 Section 60. Section **26B-4-202**, which is renumbered from Section 26-61a-103 is
3264 renumbered and amended to read:

3265 ~~[26-61a-103]~~. **26B-4-202. Electronic verification system.**

3266 (1) The Department of Agriculture and Food, the department, the Department of Public
3267 Safety, and the Division of Technology Services shall:

3268 (a) enter into a memorandum of understanding in order to determine the function and
3269 operation of the state electronic verification system in accordance with Subsection (2);

3270 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
3271 Procurement Code, to develop a request for proposals for a third-party provider to develop and
3272 maintain the state electronic verification system in coordination with the Division of
3273 Technology Services; and

3274 (c) select a third-party provider who:

3275 (i) meets the requirements contained in the request for proposals issued under
3276 Subsection (1)(b); and

3277 (ii) may not have any commercial or ownership interest in a cannabis production
3278 establishment or a medical cannabis pharmacy.

3279 (2) The Department of Agriculture and Food, the department, the Department of Public
3280 Safety, and the Division of Technology Services shall ensure that, on or before March 1, 2020,

the state electronic verification system described in Subsection (1):

(a) allows an individual to apply for a medical cannabis patient card or, if applicable, a medical cannabis guardian card, provided that the card may not become active until:

(i) the relevant qualified medical provider completes the associated medical cannabis recommendation; or

(ii) for a medical cannabis card related to a limited medical provider's recommendation, the medical cannabis pharmacy completes the recording described in Subsection (2)(d);

(b) allows an individual to apply to renew a medical cannabis patient card or a medical cannabis guardian card in accordance with Section ~~[26-61a-201]~~ [26B-4-213](#);

(c) allows a qualified medical provider, or an employee described in Subsection (3) acting on behalf of the qualified medical provider, to:

(i) access dispensing and card status information regarding a patient:

(A) with whom the qualified medical provider has a provider-patient relationship; and

(B) for whom the qualified medical provider has recommended or is considering recommending a medical cannabis card;

(ii) electronically recommend, after an initial face-to-face visit with a patient described in Subsection ~~[26-61a-201]~~ [26B-4-213](#)(4)(a)(iii), treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form and optionally recommend dosing guidelines; and

(iii) electronically renew a recommendation to a medical cannabis patient cardholder or medical cannabis guardian cardholder:

(A) using telehealth services, for the qualified medical provider who originally recommended a medical cannabis treatment during a face-to-face visit with the patient; or

(B) during a face-to-face visit with the patient, for a qualified medical provider who did not originally recommend the medical cannabis treatment during a face-to-face visit.

(d) beginning on the earlier of September 1, 2021, or the date on which the electronic verification system is functionally capable of facility medical cannabis pharmacy recording, allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in accordance with Subsection ~~[26-61a-501]~~ [26B-4-229](#)(10)(a), to:

(i) access the electronic verification system to review the history within the system of a

3312 patient with whom the provider or agent is interacting, limited to read-only access for medical
3313 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge
3314 authorizes add and edit access;

3315 (ii) record a patient's recommendation from a limited medical provider, including any
3316 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;
3317 and

3318 (iii) record a limited medical provider's renewal of the provider's previous
3319 recommendation;

3320 (e) connects with:

3321 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
3322 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
3323 medicinal dosage form, or a medical cannabis device, including:

3324 (A) the time and date of each purchase;

3325 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
3326 purchased;

3327 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
3328 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
3329 device; and

3330 (D) the personally identifiable information of the medical cannabis cardholder who
3331 made the purchase; and

3332 (ii) any commercially available inventory control system that a cannabis production
3333 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
3334 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
3335 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
3336 track and confirm compliance;

3337 (f) provides access to:

3338 (i) the department to the extent necessary to carry out the department's functions and
3339 responsibilities under this ~~chapter~~ part;

3340 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
3341 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
3342 41a, Cannabis Production Establishments; and

(iii) the Division of Professional Licensing to the extent necessary to carry out the functions and responsibilities related to the participation of the following in the recommendation and dispensing of medical cannabis:

(A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

(B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

(C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

(D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act;

(g) provides access to and interaction with the state central patient portal;

(h) communicates dispensing information from a record that a medical cannabis pharmacy submits to the state electronic verification system under Subsection [26-61a-502]

[26B-4-230](#)(6)(a)(ii) to the controlled substance database;

(i) provides access to state or local law enforcement:

(i) during a law enforcement encounter, without a warrant, using the individual's driver license or state ID, only for the purpose of determining if the individual subject to the law enforcement encounter has a valid medical cannabis card; or

(ii) after obtaining a warrant; and

(j) creates a record each time a person accesses the system that identifies the person who accesses the system and the individual whose records the person accesses.

(3) (a) Beginning on the earlier of September 1, 2021, or the date on which the electronic verification system is functionally capable of allowing employee access under this Subsection (3), an employee of a qualified medical provider may access the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the qualified medical provider if:

(i) the qualified medical provider has designated the employee as an individual authorized to access the electronic verification system on behalf of the qualified medical provider;

(ii) the qualified medical provider provides written notice to the department of the

employee's identity and the designation described in Subsection (3)(a)(i); and

(iii) the department grants to the employee access to the electronic verification system.

(b) An employee of a business that employs a qualified medical provider may access the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the qualified medical provider if:

(i) the qualified medical provider has designated the employee as an individual authorized to access the electronic verification system on behalf of the qualified medical provider;

(ii) the qualified medical provider and the employing business jointly provide written notice to the department of the employee's identity and the designation described in Subsection (3)(b)(i); and

(iii) the department grants to the employee access to the electronic verification system.

(4) (a) As used in this Subsection (4), "prescribing provider" means:

(i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

(ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

(iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.

(b) Beginning on the earlier of September 1, 2021, or the date on which the electronic verification system is functionally capable of allowing provider access under this Subsection (4), a prescribing provider may access information in the electronic verification system regarding a patient the prescribing provider treats.

(5) The department may release limited data that the system collects for the purpose of:

(a) conducting medical and other department approved research;

(b) providing the report required by Section [~~26-61a-703~~] 26B-4-222; and

(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

3405 described in this section; and

3406 (b) standards and procedures to ensure accurate identification of an individual
3407 requesting information or receiving information in this section.

3408 (7) (a) Any person who knowingly and intentionally releases any information in the
3409 state electronic verification system in violation of this section is guilty of a third degree felony.

3410 (b) Any person who negligently or recklessly releases any information in the state
3411 electronic verification system in violation of this section is guilty of a class C misdemeanor.

3412 (8) (a) Any person who obtains or attempts to obtain information from the state
3413 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

3414 (b) Any person who obtains or attempts to obtain information from the state electronic
3415 verification system for a purpose other than a purpose this [chapter] part authorizes is guilty of
3416 a third degree felony.

3417 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and
3418 intentionally use, release, publish, or otherwise make available to any other person information
3419 obtained from the state electronic verification system for any purpose other than a purpose
3420 specified in this section.

3421 (b) Each separate violation of this Subsection (9) is:

3422 (i) a third degree felony; and

3423 (ii) subject to a civil penalty not to exceed \$5,000.

3424 (c) The department shall determine a civil violation of this Subsection (9) in
3425 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

3426 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
3427 General Fund.

3428 (e) This Subsection (9) does not prohibit a person who obtains information from the
3429 state electronic verification system under Subsection (2)(a), (c), or (f) from:

3430 (i) including the information in the person's medical chart or file for access by a person
3431 authorized to review the medical chart or file;

3432 (ii) providing the information to a person in accordance with the requirements of the
3433 Health Insurance Portability and Accountability Act of 1996; or

3434 (iii) discussing or sharing that information about the patient with the patient.

3435 Section 61. Section **26B-4-203**, which is renumbered from Section 26-61a-104 is

3436 renumbered and amended to read:

3437 ~~[26-61a-104].~~ **26B-4-203. Qualifying condition.**

3438 (1) By designating a particular condition under Subsection (2) for which the use of
3439 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively
3440 state that:

3441 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
3442 treatment for the condition; or

3443 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

3444 (2) For the purposes of this ~~[chapter]~~ part, each of the following conditions is a
3445 qualifying condition:

3446 (a) HIV or acquired immune deficiency syndrome;

3447 (b) Alzheimer's disease;

3448 (c) amyotrophic lateral sclerosis;

3449 (d) cancer;

3450 (e) cachexia;

3451 (f) persistent nausea that is not significantly responsive to traditional treatment, except
3452 for nausea related to:

3453 (i) pregnancy;

3454 (ii) cannabis-induced cyclical vomiting syndrome; or

3455 (iii) cannabinoid hyperemesis syndrome;

3456 (g) Crohn's disease or ulcerative colitis;

3457 (h) epilepsy or debilitating seizures;

3458 (i) multiple sclerosis or persistent and debilitating muscle spasms;

3459 (j) post-traumatic stress disorder that is being treated and monitored by a licensed
3460 mental health therapist, as that term is defined in Section [58-60-102](#), and that:

3461 (i) has been diagnosed by a healthcare provider or mental health provider employed or
3462 contracted by the United States Veterans Administration, evidenced by copies of medical
3463 records from the United States Veterans Administration that are included as part of the
3464 qualified medical provider's pre-treatment assessment and medical record documentation; or

3465 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
3466 the patient, by a provider who is:

- 3467 (A) a licensed board-eligible or board-certified psychiatrist;
3468 (B) a licensed psychologist with a master's-level degree;
3469 (C) a licensed clinical social worker with a master's-level degree; or
3470 (D) a licensed advanced practice registered nurse who is qualified to practice within
3471 the psychiatric mental health nursing specialty and who has completed the clinical practice
3472 requirements in psychiatric mental health nursing, including in psychotherapy, in accordance
3473 with Subsection [58-31b-302\(5\)\(g\)](#);
- 3474 (k) autism;
3475 (l) a terminal illness when the patient's remaining life expectancy is less than six
3476 months;
3477 (m) a condition resulting in the individual receiving hospice care;
3478 (n) a rare condition or disease that:
3479 (i) affects less than 200,000 individuals in the United States, as defined in Section 526
3480 of the Federal Food, Drug, and Cosmetic Act; and
3481 (ii) is not adequately managed despite treatment attempts using:
3482 (A) conventional medications other than opioids or opiates; or
3483 (B) physical interventions;
3484 (o) pain lasting longer than two weeks that is not adequately managed, in the qualified
3485 medical provider's opinion, despite treatment attempts using:
3486 (i) conventional medications other than opioids or opiates; or
3487 (ii) physical interventions;
3488 (p) pain that is expected to last for two weeks or longer for an acute condition,
3489 including a surgical procedure, for which a medical professional may generally prescribe
3490 opioids for a limited duration, subject to Subsection [\[26-61a-201\]](#) [26B-4-213\(5\)\(c\)](#); and
3491 (q) a condition that the Compassionate Use Board approves under Section
3492 [\[26-61a-105\]](#) [26B-1-421](#), on an individual, case-by-case basis.
- 3493 Section 62. Section **26B-4-204**, which is renumbered from Section 26-61a-106 is
3494 renumbered and amended to read:
- 3495 **[\[26-61a-106\]](#). 26B-4-204. Qualified medical provider registration --**
3496 **Continuing education -- Treatment recommendation -- Limited medical provider.**
3497 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a

3498 medical cannabis treatment unless the department registers the individual as a qualified
3499 medical provider in accordance with this section.

3500 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist
3501 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a
3502 medical cannabis treatment except within the course and scope of a practice of podiatry, as that
3503 term is defined in Section ~~58-5a-102~~.

3504 (b) Beginning on the earlier of September 1, 2021, or the date on which the department
3505 gives notice that the electronic verification system is functionally capable as described in
3506 Subsection [~~26-61a-103~~] ~~26B-4-202~~(2)(d), an individual who meets the recommending
3507 qualifications may recommend a medical cannabis treatment as a limited medical provider
3508 without registering under Subsection (1)(a) if:

3509 (i) the individual recommends the use of medical cannabis to the patient through an
3510 order described in Subsection (1)(c) after:

3511 (A) a face-to-face visit for an initial recommendation or the renewal of a
3512 recommendation for a patient for whom the limited medical provider did not make the patient's
3513 original recommendation; or

3514 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
3515 whom the limited medical provider made the patient's original recommendation; and

3516 (ii) the individual's recommendation or renewal would not cause the total number of
3517 the individual's patients who have a valid medical cannabis patient card or provisional patient
3518 card resulting from the individual's recommendation to exceed 15.

3519 (c) The individual described in Subsection (1)(b) shall communicate the individual's
3520 recommendation through an order for the medical cannabis pharmacy to record the individual's
3521 recommendation or renewal in the state electronic verification system under the individual's
3522 recommendation that:

3523 (i) (A) that the individual or the individual's employee sends electronically to a medical
3524 cannabis pharmacy; or

3525 (B) that the individual gives to the patient in writing for the patient to deliver to a
3526 medical cannabis pharmacy; and

3527 (ii) may include:

3528 (A) directions of use or dosing guidelines; and

3529 (B) an indication of a need for a caregiver in accordance with Subsection [~~26-61a-201~~]
3530 26B-4-213(3)(c).

3531 (d) If the limited medical provider gives the patient a written recommendation to
3532 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
3533 provider shall ensure that the document includes all of the information that is included on a
3534 prescription the provider would issue for a controlled substance, including:

3535 (i) the date of issuance;

3536 (ii) the provider's name, address and contact information, controlled substance license
3537 information, and signature; and

3538 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
3539 condition.

3540 (e) In considering making a recommendation as a limited medical provider, an
3541 individual may consult information that the department makes available on the department's
3542 website for recommending providers.

3543 (2) (a) The department shall, within 15 days after the day on which the department
3544 receives an application from an individual, register and issue a qualified medical provider
3545 registration card to the individual if the individual:

3546 (i) provides to the department the individual's name and address;

3547 (ii) provides to the department a report detailing the individual's completion of the
3548 applicable continuing education requirement described in Subsection (3);

3549 (iii) provides to the department evidence that the individual meets the recommending
3550 qualifications;

3551 (iv) for an applicant on or after November 1, 2021, provides to the department the
3552 information described in Subsection (10)(a); and

3553 (v) pays the department a fee in an amount that:

3554 (A) the department sets, in accordance with Section 63J-1-504; and

3555 (B) does not exceed \$300 for an initial registration.

3556 (b) The department may not register an individual as a qualified medical provider if the
3557 individual is:

3558 (i) a pharmacy medical provider; or

3559 (ii) an owner, officer, director, board member, employee, or agent of a cannabis

3560 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

3561 (3) (a) An individual shall complete the continuing education described in this

3562 Subsection (3) in the following amounts:

3563 (i) for an individual as a condition precedent to registration, four hours; and

3564 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
3565 every two years.

3566 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

3567 (i) complete continuing education:

3568 (A) regarding the topics described in Subsection (3)(d); and

3569 (B) offered by the department under Subsection (3)(c) or an accredited or approved
3570 continuing education provider that the department recognizes as offering continuing education
3571 appropriate for the recommendation of cannabis to patients; and

3572 (ii) make a continuing education report to the department in accordance with a process
3573 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
3574 Administrative Rulemaking Act, and in collaboration with the Division of Professional
3575 Licensing and:

3576 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
3577 Act, the Podiatric Physician Board;

3578 (B) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
3579 Nurse Practice Act, the Board of Nursing;

3580 (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical
3581 Practice Act, the Physicians Licensing Board;

3582 (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
3583 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
3584 and

3585 (E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
3586 Assistant Act, the Physician Assistant Licensing Board.

3587 (c) The department may, in consultation with the Division of Professional Licensing,
3588 develop the continuing education described in this Subsection (3).

3589 (d) The continuing education described in this Subsection (3) may discuss:

3590 (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 individual recommends a medical cannabis treatment.

(b) Notwithstanding Subsection (6)(a) and subject to Section ~~[26-61a-116]~~ 26B-4-223, a qualified medical provider or clinic or office that employs a qualified medical provider may advertise the following:

3622 (i) a green cross;
3623 (ii) the provider's or clinic's name and logo;
3624 (iii) a qualifying condition that the individual treats;
3625 (iv) that the individual is registered as a qualified medical provider and recommends
3626 medical cannabis; or
3627 (v) a scientific study regarding medical cannabis use.
3628 (7) (a) A qualified medical provider registration card expires two years after the day on
3629 which the department issues the card.
3630 (b) The department shall renew a qualified medical provider's registration card if the
3631 provider:
3632 (i) applies for renewal;
3633 (ii) is eligible for a qualified medical provider registration card under this section,
3634 including maintaining an unrestricted license under the recommending qualifications;
3635 (iii) certifies to the department in a renewal application that the information in
3636 Subsection (2)(a) is accurate or updates the information;
3637 (iv) submits a report detailing the completion of the continuing education requirement
3638 described in Subsection (3); and
3639 (v) pays the department a fee in an amount that:
3640 (A) the department sets, in accordance with Section [63J-1-504](#); and
3641 (B) does not exceed \$50 for a registration renewal.
3642 (8) The department may revoke the registration of a qualified medical provider who
3643 fails to maintain compliance with the requirements of this section.
3644 (9) A recommending medical provider may not receive any compensation or benefit for
3645 the qualified medical provider's medical cannabis treatment recommendation from:
3646 (a) a cannabis production establishment or an owner, officer, director, board member,
3647 employee, or agent of a cannabis production establishment;
3648 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
3649 employee, or agent of a medical cannabis pharmacy; or
3650 (c) a recommending medical provider or pharmacy medical provider.
3651 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to
3652 the department, in a manner designated by the department:

(i) if applicable, that the qualified medical provider or the entity that employs the qualified medical provider represents online or on printed material that the qualified medical provider is a qualified medical provider or offers medical cannabis recommendations to patients; and

(ii) the fee amount that the qualified medical provider or the entity that employs the qualified medical provider charges a patient for a medical cannabis recommendation, either as an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

(b) The department shall:

(i) ensure that the following information related to qualified medical providers and entities described in Subsection (10)(a)(i) is available on the department's website or on the health care price transparency tool under Subsection (10)(b)(ii):

(A) the name of the qualified medical provider and, if applicable, the name of the entity that employs the qualified medical provider;

(B) the address of the qualified medical provider's office or, if applicable, the entity that employs the qualified medical provider; and

(C) the fee amount described in Subsection (10)(a)(ii); and

(ii) share data collected under this Subsection (10) with the state auditor for use in the health care price transparency tool described in Section 67-3-11.

Section 63. Section **26B-4-205**, which is renumbered from Section 26-61a-107 is renumbered and amended to read:

~~[26-61a-107].~~ 26B-4-205. Standard of care -- Physicians and pharmacists not liable -- No private right of action.

(1) An individual described in Subsection (2) is not subject to the following solely for violating a federal law or regulation that would otherwise prohibit recommending, prescribing, or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the United States Food and Drug Administration has not approved:

(a) civil or criminal liability; or

(b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58, Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician Assistant Act.

(2) The limitations of liability described in Subsection (1) apply to:

(a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act:

(i) (A) whom the department has registered as a qualified medical provider; or

(B) who makes a recommendation as a limited medical provider; and

(ii) who recommends treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form to a patient in accordance with this ~~[chapter]~~ part; and

(b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

(i) whom the department has registered as a pharmacy medical provider; and

(ii) who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form to a medical cannabis 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:

3715 (i) providing or supervising care to a medical cannabis cardholder; or
3716 (ii) in accordance with a caregiver designation under Section [~~26-61a-202~~] [26B-4-214](#)
3717 for a medical cannabis cardholder residing at the healthcare facility, purchasing, transporting,
3718 or possessing medical cannabis for the relevant patient and in accordance with the designation.

3719 (d) Nothing in this section requires a healthcare facility to adopt a restriction under
3720 Subsection (4)(b).

3721 Section 64. Section **26B-4-206**, which is renumbered from Section 26-61a-108 is
3722 renumbered and amended to read:

3723 ~~[26-61a-108].~~ **26B-4-206. Agreement with a tribe.**

3724 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian
3725 band.

3726 (2) (a) In accordance with this section, the governor may enter into an agreement with a
3727 tribe to allow for the operation of a medical cannabis pharmacy on tribal land located within
3728 the state.

3729 (b) An agreement described in Subsection (2)(a) may not exempt any person from the
3730 requirements of this ~~[chapter]~~ part.

3731 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

3732 (i) is in writing;

3733 (ii) is signed by:

3734 (A) the governor; and

3735 (B) the governing body of the tribe that the tribe designates and has the authority to
3736 bind the tribe to the terms of the agreement;

3737 (iii) states the effective date of the agreement;

3738 (iv) provides that the governor shall renegotiate the agreement if the agreement is or
3739 becomes inconsistent with a state statute; and

3740 (v) includes any accommodation that the tribe makes:

3741 (A) to which the tribe agrees; and

3742 (B) that is reasonably related to the agreement.

3743 (d) Before executing an agreement under this Subsection (2), the governor shall consult
3744 with the department.

3745 (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

3839 1 are severable.

3840 Section 69. Section **26B-4-211**, which is renumbered from Section 26-61a-115 is
3841 renumbered and amended to read:

3842 ~~[26-61a-115]~~. **26B-4-211. Analogous to prescribed controlled substances.**

3843 When an employee, officer, or agent of the state or a political subdivision makes a
3844 finding, determination, or otherwise considers an individual's possession or use of cannabis, a
3845 cannabis product, or a medical cannabis device, the employee, officer, or agent may not
3846 consider the individual's possession or use any differently than the lawful possession or use of
3847 any prescribed controlled substance, if the individual's possession or use complies with:

- 3848 (1) this ~~[chapter]~~ part;
- 3849 (2) Title 4, Chapter 41a, Cannabis Production Establishments; or
- 3850 (3) Subsection ~~58-37-3.7~~(2) or (3).

3851 Section 70. Section **26B-4-212**, which is renumbered from Section 26-61-103 is
3852 renumbered and amended to read:

3853 ~~[26-61-103]~~. **26B-4-212. Institutional review board -- Approved study of**
3854 **cannabis, a cannabinoid product, or an expanded cannabinoid product.**

3855 (1) As used in this section:

3856 (a) "Approved study" means a medical research study:

3857 (i) the purpose of which is to investigate the medical benefits and risks of cannabinoid
3858 products; and

3859 (ii) that is approved by an IRB.

3860 (b) "Board" means the Cannabis Research Review Board created in Section
3861 26B-1-420.

3862 (c) "Cannabinoid product" means the same as that term is defined in Section 58-37-3.6.

3863 (d) "Cannabis" means the same as that term is defined in Section 58-37-3.6.

3864 (e) "Expanded cannabinoid product" means the same as that term is defined in Section
3865 58-37-3.6.

3866 (f) "Institutional review board" or "IRB" means an institutional review board that is
3867 registered for human subject research by the United States Department of Health and Human
3868 Services.

3869 [(+)] (2) A person conducting an approved study may, for the purposes of the study:

3870 (a) process a cannabinoid product or an expanded cannabinoid product;
3871 (b) possess a cannabinoid product or an expanded cannabinoid product; and
3872 (c) administer a cannabinoid product, or an expanded cannabinoid product to an
3873 individual in accordance with the approved study.

3874 ~~[(2)]~~ (3) A person conducting an approved study may:

3875 (a) import cannabis, a cannabinoid product, or an expanded cannabinoid product from
3876 another state if:

3877 (i) the importation complies with federal law; and

3878 (ii) the person uses the cannabis, cannabinoid product, or expanded cannabinoid
3879 product in accordance with the approved study; or

3880 (b) obtain cannabis, a cannabinoid product, or an expanded cannabinoid product from
3881 the National Institute on Drug Abuse.

3882 ~~[(3)]~~ (4) A person conducting an approved study may distribute cannabis, a
3883 cannabinoid product, or an expanded cannabinoid product outside the state if:

3884 (a) the distribution complies with federal law; and

3885 (b) the distribution is for the purposes of, and in accordance with, the approved study.

3886 Section 71. Section **26B-4-213**, which is renumbered from Section 26-61a-201 is
3887 renumbered and amended to read:

3888 ~~[26-61a-201]~~. **26B-4-213. Medical cannabis patient card -- Medical**
3889 **cannabis guardian card -- Conditional medical cannabis card -- Application -- Fees --**
3890 **Studies.**

3891 (1) (a) The department shall, within 15 days after the day on which an individual who
3892 satisfies the eligibility criteria in this section or Section ~~[26-61a-202]~~ [26B-4-214](#) submits an
3893 application in accordance with this section or Section ~~[26-61a-202]~~ [26B-4-214](#):

3894 (i) issue a medical cannabis patient card to an individual described in Subsection

3895 (2)(a);

3896 (ii) issue a medical cannabis guardian card to an individual described in Subsection

3897 (2)(b);

3898 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

3899 (iv) issue a medical cannabis caregiver card to an individual described in Subsection

3900 ~~[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 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) (a) An individual is eligible for a medical cannabis patient card if:

(i) (A) the individual is at least 21 years old; or

(B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate Use Board under Section ~~[26-61a-105]~~ 26B-1-421, and the Compassionate Use Board recommends department approval of the petition;

(ii) the individual is a Utah resident;

(iii) the individual's recommending medical provider recommends treatment with medical cannabis in accordance with Subsection (4);

(iv) the individual signs an acknowledgment stating that the individual received the information described in Subsection (9); and

(v) the individual 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.

3932 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

3933 (A) is at least 18 years old;

3934 (B) is a Utah resident;

3935 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
3936 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
3937 Use Board under Section [~~26-61a-105~~] [26B-1-421](#), and the Compassionate Use Board
3938 recommends department approval of the petition;

3939 (D) the individual signs an acknowledgment stating that the individual received the
3940 information described in Subsection (9);

3941 (E) pays to the department a fee in an amount that, subject to Subsection [~~26-61a-109~~]
3942 [26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#), plus the cost of the
3943 criminal background check described in Section [~~26-61a-203~~] [26B-4-215](#); and

3944 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
3945 offense under either state or federal law, unless the individual completed any imposed sentence
3946 six months or more before the day on which the individual applies for a medical cannabis
3947 guardian card.

3948 (ii) The department shall notify the Department of Public Safety of each individual that
3949 the department registers for a medical cannabis guardian card.

3950 (c) (i) A minor is eligible for a provisional patient card if:

3951 (A) the minor has a qualifying condition;

3952 (B) the minor's qualified medical provider recommends a medical cannabis treatment
3953 to address the minor's qualifying condition;

3954 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
3955 Board under Section [~~26-6a-105~~] [26B-1-421](#), and the Compassionate Use Board recommends
3956 department approval of the petition; and

3957 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
3958 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
3959 medical cannabis caregiver card under Section [~~26-61a-202~~] [26B-4-214](#).

3960 (ii) The department shall automatically issue a provisional patient card to the minor
3961 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
3962 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 treatment.

(3) (a) An individual who is eligible for a medical cannabis card described in Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the department:

(i) through an electronic application connected to the state electronic verification system;

(ii) with the recommending medical provider; and

(iii) with information including:

(A) the applicant's name, gender, age, and address;

(B) the number of the applicant's valid form of photo identification;

(C) for a medical cannabis guardian card, the name, gender, and age of the minor receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card; and

(D) for a provisional patient card, the name of the minor's parent or legal guardian who holds the associated medical cannabis guardian card.

(b) The department shall ensure that a medical cannabis card the department issues under this section contains the information described in Subsection (3)(a)(iii).

(c) (i) If a recommending medical provider determines that, because of age, illness, or disability, a medical cannabis patient cardholder requires assistance in administering the medical cannabis treatment that the recommending medical provider recommends, the recommending medical provider may indicate the cardholder's need in the state electronic verification system, either directly or, for a limited medical provider, through the order described in Subsections ~~[26-61a-106]~~ 26B-4-204(1)(c) and (d).

(ii) If a recommending medical provider makes the indication described in Subsection (3)(c)(i):

3994 (A) the department shall add a label to the relevant medical cannabis patient card
3995 indicating the cardholder's need for assistance;

3996 (B) any adult who is 18 years old or older and who is physically present with the
3997 cardholder at the time the cardholder needs to use the recommended medical cannabis
3998 treatment may handle the medical cannabis treatment and any associated medical cannabis
3999 device as needed to assist the cardholder in administering the recommended medical cannabis
4000 treatment; and

4001 (C) an individual of any age who is physically present with the cardholder in the event
4002 of an emergency medical condition, as that term is defined in Section 31A-1-301, may handle
4003 the medical cannabis treatment and any associated medical cannabis device as needed to assist
4004 the cardholder in administering the recommended medical cannabis treatment.

4005 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

4006 (A) ingest or inhale medical cannabis;

4007 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
4008 of the immediate area where the cardholder is present or with an intent other than to provide
4009 assistance to the cardholder; or

4010 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
4011 the cardholder is not in the process of being dosed with medical cannabis.

4012 (4) To recommend a medical cannabis treatment to a patient or to renew a
4013 recommendation, a recommending medical provider shall:

4014 (a) before recommending or renewing a recommendation for medical cannabis in a
4015 medicinal dosage form or a cannabis product in a medicinal dosage form:

4016 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
4017 guardian's valid form of identification described in Subsection (3)(a);

4018 (ii) review any record related to the patient and, for a minor patient, the patient's parent
4019 or legal guardian in:

4020 (A) for a qualified medical provider, the state electronic verification system; and

4021 (B) the controlled substance database created in Section 58-37f-201; and

4022 (iii) consider the recommendation in light of the patient's qualifying condition, history
4023 of substance use or opioid use disorder, and history of medical cannabis and controlled
4024 substance use during an initial face-to-face visit with the patient; and

4025 (b) state in the recommending medical provider's recommendation that the patient:
4026 (i) suffers from a qualifying condition, including the type of qualifying condition; and
4027 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
4028 product in a medicinal dosage form.

4029 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
4030 department issues under this section is valid for the lesser of:

4031 (i) an amount of time that the recommending medical provider determines; or
4032 (ii) (A) six months for the first issuance, and, except as provided in Subsection
4033 (5)(a)(ii)(B), for a renewal; or
4034 (B) for a renewal, one year if, after at least one year following the issuance of the
4035 original medical cannabis card, the recommending medical provider determines that the patient
4036 has been stabilized on the medical cannabis treatment and a one-year renewal period is
4037 justified.

4038 (b) (i) A medical cannabis card that the department issues in relation to a terminal
4039 illness described in Section [~~26-61a-104~~] [26B-4-203](#) expires after one year.

4040 (ii) The recommending medical provider may revoke a recommendation that the
4041 provider made in relation to a terminal illness described in Section [~~26-61a-104~~] [26B-4-203](#) if
4042 the medical cannabis cardholder no longer has the terminal illness.

4043 (c) A medical cannabis card that the department issues in relation to acute pain as
4044 described in Section [~~26-61a-104~~] [26B-4-203](#) expires 30 days after the day on which the
4045 department first issues a conditional or full medical cannabis card.

4046 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
4047 renewable if:

4048 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
4049 (b); or
4050 (ii) the cardholder received the medical cannabis card through the recommendation of
4051 the Compassionate Use Board under Section [~~26-61a-105~~] [26B-1-421](#).

4052 (b) The recommending medical provider who made the underlying recommendation for
4053 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card through
4054 phone or video conference with the cardholder, at the recommending medical provider's
4055 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 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form, or a medical cannabis device; and

(B) a medical cannabis guardian cardholder may assist the associated provisional patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form, or a medical cannabis device.

(8) The department may revoke a medical cannabis card that the department issues under this section if the cardholder:

(a) violates this [~~chapter~~] part; or

(b) is convicted under state or federal law of, after March 17, 2021, a drug distribution offense.

(9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to provide information regarding the following to an individual receiving a medical cannabis card:

(a) risks associated with medical cannabis treatment;

(b) the fact that a condition's listing as a qualifying condition does not suggest that medical cannabis treatment is an effective treatment or cure for that condition, as described in Subsection [~~26-61a-104~~] [26B-4-203](#)(1); and

(c) other relevant warnings and safety information that the department determines.

(10) The department may establish procedures by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance provisions of this section.

(11) (a) On or before September 1, 2021, the department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow an individual from another state to register with the department in order to purchase medical cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual is visiting the state.

(b) The department may only provide the registration process described in Subsection (11)(a):

(i) to a nonresident patient; and

(ii) for no more than two visitation periods per calendar year of up to 21 calendar days per visitation period.

(12) (a) A person may submit to the department a request to conduct a research study using medical cannabis cardholder data that the state electronic verification system contains.

(b) The department shall review a request described in Subsection (12)(a) to determine whether an institutional review board, as that term is defined in Section [~~26-61-102~~] [26B-4-201](#), could approve the research study.

(c) At the time an individual applies for a medical cannabis card, the department shall notify the individual:

(i) of how the individual's information will be used as a cardholder;

(ii) that by applying for a medical cannabis card, unless the individual withdraws consent under Subsection (12)(d), the individual consents to the use of the individual's

4118 information for external research; and

4119 (iii) that the individual may withdraw consent for the use of the individual's
4120 information for external research at any time, including at the time of application.

4121 (d) An applicant may, through the medical cannabis card application, and a medical
4122 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
4123 cardholder's consent to participate in external research at any time.

4124 (e) The department may release, for the purposes of a study described in this
4125 Subsection (12), information about a cardholder under this section who consents to participate
4126 under Subsection (12)(c).

4127 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
4128 consent:

4129 (i) applies to external research that is initiated after the withdrawal of consent; and

4130 (ii) does not apply to research that was initiated before the withdrawal of consent.

4131 (g) The department may establish standards for a medical research study's validity, by
4132 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4133 (13) The department shall record the issuance or revocation of a medical cannabis card
4134 under this section in the controlled substance database.

4135 Section 72. Section **26B-4-214**, which is renumbered from Section 26-61a-202 is
4136 renumbered and amended to read:

4137 **[26-61a-202]. 26B-4-214. Medical cannabis caregiver card -- Registration**
4138 **-- Renewal -- Revocation.**

4139 (1) (a) A cardholder described in Section [26-61a-201] 26B-4-213 may designate,
4140 through the state central patient portal, up to two individuals, or an individual and a facility in
4141 accordance with Subsection (1)(b), to serve as a designated caregiver for the cardholder.

4142 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
4143 electronic verification system is functionally capable of servicing the designation, a cardholder
4144 described in Section [26-61a-201] 26B-4-213 may designate one of the following types of
4145 facilities as one of the caregivers described in Subsection (1)(a):

4146 (A) for a patient or resident, an assisted living facility, as that term is defined in Section
4147 [26-21-2] 26B-2-201;

4148 (B) for a patient or resident, a nursing care facility, as that term is defined in Section

4149 [~~26-21-2~~] [26B-2-201](#); or

4150 (C) for a patient, a general acute hospital, as that term is defined in Section [~~26-21-2~~]
4151 [26B-2-201](#).

4152 (ii) A facility may:

4153 (A) assign one or more employees to assist patients with medical cannabis treatment
4154 under the caregiver designation described in this Subsection (1)(b); and

4155 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
4156 medical cannabis courier on behalf of the medical cannabis cardholder within the facility who
4157 designated the facility as a caregiver.

4158 (iii) The department shall make rules to regulate the practice of facilities and facility
4159 employees serving as designated caregivers under this Subsection (1)(b).

4160 (c) A parent or legal guardian described in Subsection [~~26-61a-201~~] [26B-4-213](#)(2)(d),
4161 in consultation with the minor and the minor's qualified medical provider, may designate,
4162 through the state central patient portal, up to two individuals to serve as a designated caregiver
4163 for the minor, if the department determines that the parent or legal guardian is not eligible for a
4164 medical cannabis guardian card under Section [~~26-61a-201~~] [26B-4-213](#).

4165 (d) (i) Beginning on the earlier of September 1, 2022, or the date on which the
4166 electronic verification system is functionally capable of facilitating a conditional medical
4167 cannabis caregiver card under this Subsection (1)(d), upon the entry of a caregiver designation
4168 under Subsection (1) by a patient with a terminal illness described in Section [~~26-61a-104~~]
4169 [26B-4-203](#), the department shall issue to the designated caregiver an electronic conditional
4170 medical cannabis caregiver card, in accordance with this Subsection (1)(d).

4171 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:

4172 (A) 60 days; or

4173 (B) the day on which the department completes the department's review and issues a
4174 medical cannabis caregiver card under Subsection (1)(a), denies the patient's medical cannabis
4175 caregiver card application, or revokes the conditional medical cannabis caregiver card under
4176 Subsection (8).

4177 (iii) The department may issue a conditional medical cannabis card to an individual
4178 applying for a medical cannabis patient card for which approval of the Compassionate Use
4179 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):

(a) for an individual designated caregiver, may carry a valid medical cannabis caregiver card;

(b) in accordance with this ~~chapter~~ part, may purchase, possess, transport, or assist the patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device on behalf of the designating medical cannabis cardholder;

(c) may not charge a fee to an individual to act as the individual's designated caregiver or for a service that the designated caregiver provides in relation to the role as a designated caregiver; and

(d) may accept reimbursement from the designating medical cannabis cardholder for direct costs the designated caregiver incurs for assisting with the designating cardholder's medicinal use of cannabis.

(3) (a) The department shall:

(i) within 15 days after the day on which an individual submits an application in compliance with this section, issue a medical cannabis card to the applicant if the applicant:

(A) is designated as a caregiver under Subsection (1);

(B) is eligible for a medical cannabis caregiver card under Subsection (4); and

(C) complies with this section; and

(ii) notify the Department of Public Safety of each individual that the department registers as a designated caregiver.

(b) The department shall ensure that a medical cannabis caregiver card contains the information described in Subsections (5)(b) and (3)(c)(i).

(c) If a cardholder described in Section ~~[26-61a-201]~~ 26B-4-213 designates an individual as a caregiver who already holds a medical cannabis caregiver card, the individual with the medical cannabis caregiver card:

(i) shall report to the department the information required of applicants under

4211 Subsection (5)(b) regarding the new designation;

4212 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required

4213 to file an application for another medical cannabis caregiver card;

4214 (iii) may receive an additional medical cannabis caregiver card in relation to each

4215 additional medical cannabis patient who designates the caregiver; and

4216 (iv) is not subject to an additional background check.

4217 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

4218 (a) is at least 21 years old;

4219 (b) is a Utah resident;

4220 (c) pays to the department a fee in an amount that, subject to Subsection [~~26-61a-109~~

4221 [26B-1-310](#)](5), the department sets in accordance with Section [63J-1-504](#), plus the cost of the

4222 criminal background check described in Section [~~26-61a-203~~] [26B-4-215](#);

4223 (d) signs an acknowledgment stating that the applicant received the information

4224 described in Subsection [~~26-61a-201~~] [26B-4-213](#)(9); and

4225 (e) has not been convicted of a misdemeanor or felony drug distribution offense that is

4226 a felony under either state or federal law, unless the individual completes any imposed sentence

4227 two or more years before the day on which the individual submits the application.

4228 (5) An eligible applicant for a medical cannabis caregiver card shall:

4229 (a) submit an application for a medical cannabis caregiver card to the department

4230 through an electronic application connected to the state electronic verification system; and

4231 (b) submit the following information in the application described in Subsection (5)(a):

4232 (i) the applicant's name, gender, age, and address;

4233 (ii) the name, gender, age, and address of the cardholder described in Section

4234 [~~26-61a-201~~] [26B-4-213](#) who designated the applicant;

4235 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,

4236 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical

4237 cannabis guardian cardholder; and

4238 (iv) any additional information that the department requests to assist in matching the

4239 application with the designating medical cannabis patient.

4240 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the

4241 department issues under this section is valid for the lesser of:

4242 (a) an amount of time that the cardholder described in Section ~~[26-61a-201]~~ [26B-4-213](#)
4243 who designated the caregiver determines; or

4244 (b) the amount of time remaining before the card of the cardholder described in Section
4245 ~~[26-61a-201]~~ [26B-4-213](#) expires.

4246 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
4247 designated caregiver's medical cannabis caregiver card renews automatically at the time the
4248 cardholder described in Section ~~[26-61a-201]~~ [26B-4-213](#) who designated the caregiver:

4249 (i) renews the cardholder's card; and

4250 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

4251 (b) The department shall provide a method in the card renewal process to allow a
4252 cardholder described in Section ~~[26-61a-201]~~ [26B-4-213](#) who has designated a caregiver to:

4253 (i) signify that the cardholder renews the caregiver's designation;

4254 (ii) remove a caregiver's designation; or

4255 (iii) designate a new caregiver.

4256 (8) The department may revoke a medical cannabis caregiver card if the designated
4257 caregiver:

4258 (a) violates this ~~chapter~~ part; or

4259 (b) is convicted under state or federal law of:

4260 (i) a felony drug distribution offense; or

4261 (ii) after December 3, 2018, a misdemeanor drug distribution offense.

4262 (9) The department shall record the issuance or revocation of a medical cannabis card
4263 under this section in the controlled substance database.

4264 Section 73. Section **26B-4-215**, which is renumbered from Section 26-61a-203 is
4265 renumbered and amended to read:

4266 ~~[26-61a-203]~~. **26B-4-215. Designated caregiver -- Guardian -- Criminal**
4267 **background check.**

4268 (1) Except for an applicant reapplying for a medical cannabis card within less than one
4269 year after the expiration of the applicant's previous medical cannabis card, each applicant for a
4270 medical cannabis guardian card under Section ~~[26-61a-201]~~ [26B-4-213](#) or a medical cannabis
4271 caregiver card under Section ~~[26-61a-202]~~ [26B-4-214](#) shall:

4272 (a) submit to the department, at the time of application:

4273 (i) a fingerprint card in a form acceptable to the Department of Public Safety; and
4274 (ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
4275 registration of the applicant's fingerprints in the Federal Bureau of Investigation Next
4276 Generation Identification System's Rap Back Service; and
4277 (b) consent to a fingerprint background check by:
4278 (i) the Bureau of Criminal Identification; and
4279 (ii) the Federal Bureau of Investigation.
4280 (2) The Bureau of Criminal Identification shall:
4281 (a) check the fingerprints the applicant submits under Subsection (1)(a) against the
4282 applicable state, regional, and national criminal records databases, including the Federal
4283 Bureau of Investigation Next Generation Identification System;
4284 (b) report the results of the background check to the department;
4285 (c) maintain a separate file of fingerprints that applicants submit under Subsection
4286 (1)(a) for search by future submissions to the local and regional criminal records databases,
4287 including latent prints;
4288 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
4289 Generation Identification System's Rap Back Service for search by future submissions to
4290 national criminal records databases, including the Next Generation Identification System and
4291 latent prints; and
4292 (e) establish a privacy risk mitigation strategy to ensure that the department only
4293 receives notifications for an individual with whom the department maintains an authorizing
4294 relationship.
4295 (3) The department shall:
4296 (a) assess an applicant who submits fingerprints under Subsection (1)(a) a fee in an
4297 amount that the department sets in accordance with Section 63J-1-504 for the services that the
4298 Bureau of Criminal Identification or another authorized agency provides under this section; and
4299 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
4300 Identification.
4301 Section 74. Section 26B-4-216, which is renumbered from Section 26-61a-204 is
4302 renumbered and amended to read:
4303 ~~[26-61a-204]~~. 26B-4-216. Medical cannabis card -- Patient and designated

caregiver requirements -- Rebuttable presumption.

(1) (a) A medical cannabis cardholder who possesses medical cannabis that the cardholder purchased under this ~~chapter~~ part:

(i) shall carry:

(A) at all times the cardholder's medical cannabis card; and

(B) with the medical cannabis, a label that identifies that the medical cannabis was sold from a licensed medical cannabis pharmacy and includes an identification number that links the medical cannabis to the inventory control system;

(ii) may possess up to the legal dosage limit of:

(A) unprocessed cannabis in medicinal dosage form; and

(B) a cannabis product in medicinal dosage form;

(iii) may not possess more medical cannabis than described in Subsection (1)(a)(ii);

(iv) may only possess the medical cannabis in the container in which the cardholder received the medical cannabis from the medical cannabis pharmacy; and

(v) may not alter or remove any label described in Section ~~4-41a-602~~ from the container described in Subsection (1)(a)(iv).

(b) Except as provided in Subsection (1)(c) or (e), a medical cannabis cardholder who possesses medical cannabis in violation of Subsection (1)(a) is:

(i) guilty of an infraction; and

(ii) subject to a \$100 fine.

(c) A medical cannabis cardholder or a nonresident patient who possesses medical cannabis in an amount that is greater than the legal dosage limit and equal to or less than twice the legal dosage limit is:

(i) for a first offense:

(A) guilty of an infraction; and

(B) subject to a fine of up to \$100; and

(ii) for a second or subsequent offense:

(A) guilty of a class B misdemeanor; and

(B) subject to a fine of \$1,000.

(d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the

4335 conduct underlying the penalty described in Subsection (1)(b) or (c).

4336 (e) A nonresident patient who possesses medical cannabis that is not in a medicinal
4337 dosage form is:

4338 (i) for a first offense:

4339 (A) guilty of an infraction; and

4340 (B) subject to a fine of up to \$100; and

4341 (ii) for a second or subsequent offense, is subject to the penalties described in Title 58,
4342 Chapter 37, Utah Controlled Substances Act.

4343 (f) A medical cannabis cardholder or a nonresident patient who possesses medical
4344 cannabis in an amount that is greater than twice the legal dosage limit is subject to the penalties
4345 described in Title 58, Chapter 37, Utah Controlled Substances Act.

4346 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same
4347 as that term is defined in Section 31A-1-301.

4348 (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder, a
4349 provisional patient cardholder, or a nonresident patient may not use, in public view, medical
4350 cannabis or a cannabis product.

4351 (c) In the event of an emergency medical condition, an individual described in
4352 Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a medical
4353 cannabis caregiver card may administer to the cardholder's charge, in public view, cannabis in a
4354 medicinal dosage form or a cannabis product in a medicinal dosage form.

4355 (d) An individual described in Subsection (2)(b) who violates Subsection (2)(b) is:

4356 (i) for a first offense:

4357 (A) guilty of an infraction; and

4358 (B) subject to a fine of up to \$100; and

4359 (ii) for a second or subsequent offense:

4360 (A) guilty of a class B misdemeanor; and

4361 (B) subject to a fine of \$1,000.

4362 (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis
4363 in a medicinal dosage form or a cannabis product in compliance with Subsection (1), or a
4364 medical cannabis device that corresponds with the cannabis or cannabis product:

4365 (a) there is a rebuttable presumption that the cardholder possesses the cannabis,

4366 cannabis product, or medical cannabis device legally; and

4367 (b) there is no probable cause, based solely on the cardholder's possession of the
4368 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
4369 cannabis device, to believe that the cardholder is engaging in illegal activity.

4370 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a
4371 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
4372 device, and the individual represents to the law enforcement officer that the individual holds a
4373 valid medical cannabis card, but the individual does not have the medical cannabis card in the
4374 individual's possession at the time of the stop by the law enforcement officer, the law
4375 enforcement officer shall attempt to access the state electronic verification system to determine
4376 whether the individual holds a valid medical cannabis card.

4377 (b) If the law enforcement officer is able to verify that the individual described in
4378 Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:

4379 (i) may not arrest or take the individual into custody for the sole reason that the
4380 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a
4381 medicinal dosage form, or a medical cannabis device; and

4382 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

4383 Section 75. Section **26B-4-217**, which is renumbered from Section 26-61a-401 is
4384 renumbered and amended to read:

4385 ~~[26-61a-401]~~. **26B-4-217. Medical cannabis pharmacy agent --**

4386 **Registration.**

4387 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
4388 cannabis pharmacy unless the department registers the individual as a medical cannabis
4389 pharmacy agent.

4390 (2) A recommending medical provider may not act as a medical cannabis pharmacy
4391 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or
4392 have the power to direct or cause the management or control of a medical cannabis pharmacy.

4393 (3) (a) The department shall, within 15 days after the day on which the department
4394 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
4395 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
4396 registration card to the prospective agent if the medical cannabis pharmacy:

4397 (i) provides to the department:
4398 (A) the prospective agent's name and address;
4399 (B) the name and location of the licensed medical cannabis pharmacy where the
4400 prospective agent seeks to act as the medical cannabis pharmacy agent; and
4401 (C) the submission required under Subsection (3)(b); and
4402 (ii) pays a fee to the department in an amount that, subject to Subsection [~~26-61a-109~~]
4403 26B-1-310(5), the department sets in accordance with Section 63J-1-504.
4404 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent
4405 registration card within less than one year after the expiration of the applicant's previous
4406 medical cannabis pharmacy agent registration card, each prospective agent described in
4407 Subsection (3)(a) shall:
4408 (i) submit to the department:
4409 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
4410 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
4411 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
4412 Generation Identification System's Rap Back Service; and
4413 (ii) consent to a fingerprint background check by:
4414 (A) the Bureau of Criminal Identification; and
4415 (B) the Federal Bureau of Investigation.
4416 (c) The Bureau of Criminal Identification shall:
4417 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
4418 the applicable state, regional, and national criminal records databases, including the Federal
4419 Bureau of Investigation Next Generation Identification System;
4420 (ii) report the results of the background check to the department;
4421 (iii) maintain a separate file of fingerprints that prospective agents submit under
4422 Subsection (3)(b) for search by future submissions to the local and regional criminal records
4423 databases, including latent prints;
4424 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
4425 Generation Identification System's Rap Back Service for search by future submissions to
4426 national criminal records databases, including the Next Generation Identification System and
4427 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

(ii) after December 3, 2018, a misdemeanor for drug distribution.

(8) (a) A medical cannabis pharmacy agent registration card expires two years after the day on which the department issues or renews the card.

(b) A medical cannabis pharmacy agent may renew the agent's registration card if the

4459 agent:

4460 (i) is eligible for a medical cannabis pharmacy agent registration card under this
4461 section;

4462 (ii) certifies to the department in a renewal application that the information in
4463 Subsection (3)(a) is accurate or updates the information; and

4464 (iii) pays to the department a renewal fee in an amount that:

4465 (A) subject to Subsection [~~26-61a-109~~] 26B-1-310(5), the department sets in
4466 accordance with Section 63J-1-504; and

4467 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
4468 comparison to the original application process.

4469 (9) (a) As a condition precedent to registration and renewal of a medical cannabis
4470 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

4471 (i) complete at least one hour of continuing education regarding patient privacy and
4472 federal health information privacy laws that is offered by the department under Subsection
4473 (9)(b) or an accredited or approved continuing education provider that the department
4474 recognizes as offering continuing education appropriate for the medical cannabis pharmacy
4475 practice; and

4476 (ii) make a continuing education report to the department in accordance with a process
4477 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
4478 Administrative Rulemaking Act, and in collaboration with the Division of Professional
4479 Licensing and the Board of Pharmacy.

4480 (b) The department may, in consultation with the Division of Professional Licensing,
4481 develop the continuing education described in this Subsection (9).

4482 (c) The pharmacist-in-charge described in Section [~~26-61a-403~~] 26B-4-219 shall
4483 ensure that each medical cannabis pharmacy agent working in the medical cannabis pharmacy
4484 who has access to the state electronic verification system is in compliance with this Subsection
4485 (9).

4486 Section 76. Section **26B-4-218**, which is renumbered from Section 26-61a-402 is
4487 renumbered and amended to read:

4488 [~~26-61a-402~~]. **26B-4-218. Medical cannabis pharmacy agent registration**
4489 **card -- Rebuttable presumption.**

4490 (1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis
4491 pharmacy agent registration card with the individual at all times when:

4492 (a) the individual is on the premises of a medical cannabis pharmacy; and

4493 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
4494 product in a medicinal dosage form, or a medical cannabis device between a cannabis
4495 production establishment and a medical cannabis pharmacy.

4496 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal
4497 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or
4498 transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage
4499 form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical
4500 cannabis device in compliance with Subsection (1):

4501 (a) there is a rebuttable presumption that the individual possesses the cannabis,
4502 cannabis product, or medical cannabis device legally; and

4503 (b) there is no probable cause, based solely on the individual's possession of the
4504 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
4505 cannabis device in compliance with Subsection (1), that the individual is engaging in illegal
4506 activity.

4507 (3) (a) A medical cannabis pharmacy agent who fails to carry the agent's medical
4508 cannabis pharmacy agent registration card in accordance with Subsection (1) is:

4509 (i) for a first or second offense in a two-year period:

4510 (A) guilty of an infraction; and

4511 (B) is subject to a \$100 fine; or

4512 (ii) for a third or subsequent offense in a two-year period:

4513 (A) guilty of a class C misdemeanor; and

4514 (B) subject to a \$750 fine.

4515 (b) (i) The prosecuting entity shall notify the department and the relevant medical
4516 cannabis pharmacy of each conviction under Subsection (3)(a).

4517 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
4518 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule
4519 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
4520 Administrative Rulemaking Act.

(c) An individual who is guilty of a violation described in Subsection (3)(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 (3)(a).

Section 77. Section **26B-4-219**, which is renumbered from Section 26-61a-403 is renumbered and amended to read:

~~[26-61a-403].~~ **26B-4-219. Pharmacy medical providers -- Registration -- Continuing education.**

(1) (a) A medical cannabis pharmacy:

(i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, as a pharmacy medical provider;

(ii) may employ 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, as a pharmacy medical provider;

(iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i) 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.

(b) In accordance with Subsection (3)(a), the pharmacy 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 medical cannabis pharmacy practice; 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 pharmacy medical provider who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, the Board of Pharmacy;

(B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical Practice Act, the Physicians Licensing Board; and

(C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's 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;

4583 (ii) general information about medical cannabis under federal and state law;
4584 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
4585 including risks and benefits;
4586 (iv) recommendations for medical cannabis as it relates to the continuing care of a
4587 patient in pain management, risk management, potential addiction, and palliative care; or
4588 (v) best practices for recommending the form and dosage of a medical cannabis
4589 product based on the qualifying condition underlying a medical cannabis recommendation.

4590 (4) (a) A pharmacy medical provider registration card expires two years after the day
4591 on which the department issues or renews the card.

4592 (b) A pharmacy medical provider may renew the provider's registration card if the
4593 provider:

4594 (i) is eligible for a pharmacy medical provider registration card under this section;
4595 (ii) certifies to the department in a renewal application that the information in
4596 Subsection (2)(a) is accurate or updates the information;
4597 (iii) submits a report detailing the completion of the continuing education requirement
4598 described in Subsection (3); and
4599 (iv) pays to the department a renewal fee in an amount that:

4600 (A) subject to Subsection [~~26-61a-109~~] 26B-1-310(5), the department sets in
4601 accordance with Section 63J-1-504; and
4602 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
4603 comparison to the original application process.

4604 (5) (a) Except as provided in Subsection (5)(b), a person may not advertise that the
4605 person or another person dispenses medical cannabis.

4606 (b) Notwithstanding Subsection (5)(a) and subject to Section [~~26-61a-116~~] 26B-4-223,
4607 a registered pharmacy medical provider may advertise the following:

4608 (i) a green cross;
4609 (ii) that the person is registered as a pharmacy medical provider and dispenses medical
4610 cannabis; or
4611 (iii) a scientific study regarding medical cannabis use.

4612 Section 78. Section **26B-4-220**, which is renumbered from Section 26-61a-701 is
4613 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 26B-4-242, it is unlawful for a medical cannabis cardholder to sell or otherwise give to another medical cannabis cardholder cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, a medical cannabis device, or any cannabis residue remaining in or from a medical cannabis device.

(2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who violates Subsection (1) is:

(i) guilty of a class B misdemeanor; and

(ii) subject to a \$1,000 fine.

(b) An individual is not guilty under Subsection (2)(a) if the individual:

(i) (A) is a designated caregiver; and

(B) gives the product described in Subsection (1) to the medical cannabis cardholder who designated the individual as a designated caregiver; or

(ii) (A) is a medical cannabis guardian cardholder; and

(B) gives the product described in Subsection (1) to the relevant provisional patient cardholder.

(c) An individual who is guilty of a violation described in Subsection (2)(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 (2)(a).

Section 79. Section **26B-4-221**, which is renumbered from Section 26-61a-702 is renumbered and amended to read:

~~[26-61a-702].~~ **26B-4-221.** **Enforcement -- Fine -- Citation.**

(1) (a) The department may, for a medical cannabis pharmacy's or a medical cannabis courier's violation of this ~~[chapter]~~ part or an applicable administrative rule:

(i) revoke the medical cannabis pharmacy or medical cannabis courier license;

(ii) refuse to renew the medical cannabis pharmacy or medical cannabis courier license; or

(iii) assess the medical cannabis pharmacy or medical cannabis courier an administrative penalty.

(b) The department may, for a medical cannabis pharmacy agent's or medical cannabis courier agent's violation of this [~~chapter~~] part:

(i) revoke the medical cannabis pharmacy agent or medical cannabis courier agent registration card;

(ii) refuse to renew the medical cannabis pharmacy agent or medical cannabis courier agent registration card; or

(iii) assess the medical cannabis pharmacy agent or medical cannabis courier agent an administrative penalty.

(2) The department shall deposit an administrative penalty imposed under this section into the General Fund.

(3) For a person subject to an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding under this section, the department may:

(a) for a fine amount not already specified in law, assess the person a fine of up to \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(b) order the person to cease and desist from the action that creates a violation.

(4) The department may not revoke a medical cannabis pharmacy's license or a medical cannabis courier's license without first directing the medical cannabis pharmacy or the medical cannabis courier to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(5) If, within 20 calendar days after the day on which the department issues a citation for a violation of this chapter, the person that is the subject of the citation fails to request a hearing to contest the citation, the citation becomes the department's final order.

(6) The department may, for a person who fails to comply with a citation under this section:

(a) refuse to issue or renew the person's license or agent registration card; or

(b) suspend, revoke, or place on probation the person's license or agent registration card.

(7) (a) Except where a criminal penalty is expressly provided for a specific violation of this [~~chapter~~] part, if an individual violates a provision of this [~~chapter~~] part, the individual is:

(i) guilty of an infraction; and

4676 (ii) subject to a \$100 fine.

4677 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not
4678 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4679 underlying the violation described in Subsection (7)(a).

4680 Section 80. Section **26B-4-222**, which is renumbered from Section 26-61a-703 is
4681 renumbered and amended to read:

4682 ~~[26-61a-703]~~. **26B-4-222. Report.**

4683 (1) By the November interim meeting each year beginning in 2020, the department
4684 shall report to the Health and Human Services Interim Committee on:

4685 (a) the number of applications and renewal applications filed for medical cannabis
4686 cards;

4687 (b) the number of qualifying patients and designated caregivers;

4688 (c) the nature of the debilitating medical conditions of the qualifying patients;

4689 (d) the age and county of residence of cardholders;

4690 (e) the number of medical cannabis cards revoked;

4691 (f) the number of practitioners providing recommendations for qualifying patients;

4692 (g) the number of license applications and renewal license applications received;

4693 (h) the number of licenses the department has issued in each county;

4694 (i) the number of licenses the department has revoked;

4695 (j) the quantity of medical cannabis shipments that the state central patient portal
4696 facilitates;

4697 (k) the number of overall purchases of medical cannabis and medical cannabis products
4698 from each medical cannabis pharmacy;

4699 (l) the expenses incurred and revenues generated from the medical cannabis program;
4700 and

4701 (m) an analysis of product availability in medical cannabis pharmacies.

4702 (2) The department may not include personally identifying information in the report
4703 described in this section.

4704 (3) During the 2022 legislative interim, the department shall report to the working
4705 group described in Section [36-12-8.2](#) as requested by the working group.

4706 Section 81. Section **26B-4-223**, which is renumbered from Section 26-61a-116 is

4707 renumbered and amended to read:

4708 ~~[26-61a-116].~~ **26B-4-223. Advertising.**

4709 (1) Except as provided in this ~~[chapter]~~ part, a person may not advertise regarding the
4710 recommendation, sale, dispensing, or transportation of medical cannabis.

4711 (2) Notwithstanding any authorization to advertise regarding medical cannabis under
4712 this ~~[chapter]~~ part, the person advertising may not advertise:

4713 (a) using promotional discounts or incentives;

4714 (b) a particular medical cannabis product, medical cannabis device, or medicinal
4715 dosage form; or

4716 (c) an assurance regarding an outcome related to medical cannabis treatment.

4717 (3) Notwithstanding Subsection (1):

4718 (a) a nonprofit organization that offers financial assistance for medical cannabis
4719 treatment to low-income patients may advertise the organization's assistance if the
4720 advertisement does not relate to a specific medical cannabis pharmacy or a specific medical
4721 cannabis product; and

4722 (b) a medical cannabis pharmacy may provide information regarding subsidies for the
4723 cost of medical cannabis treatment to patients who affirmatively accept receipt of the subsidy
4724 information.

4725 (4) To ensure that the name and logo of a licensee under this ~~[chapter]~~ part have a
4726 medical rather than a recreational disposition, the name and logo of the licensee:

4727 (a) may include terms and images associated with:

4728 (i) a medical disposition, including "medical," "medicinal," "medicine," "pharmacy,"
4729 "apothecary," "wellness," "therapeutic," "health," "care," "cannabis," "clinic," "compassionate,"
4730 "relief," "treatment," and "patient;" or

4731 (ii) the plant form of cannabis, including "leaf," "flower," and "bloom";

4732 (b) may not include:

4733 (i) any term, statement, design representation, picture, or illustration that is associated
4734 with a recreational disposition or that appeals to children;

4735 (ii) an emphasis on a psychoactive ingredient;

4736 (iii) a specific cannabis strain; or

4737 (iv) terms related to recreational marijuana, including "weed," "pot," "reefer," "grass,"

4738 "hash," "ganga," "Mary Jane," "high," "buzz," "haze," "stoned," "joint," "bud," "smoke,"
4739 "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust,"
4740 "bong," "budtender," "dab," "blaze," "toke," or "420."

4741 (5) The department shall define standards for advertising authorized under this chapter,
4742 including names and logos in accordance with Subsection (4), to ensure a medical rather than
4743 recreational disposition.

4744 Section 82. Section **26B-4-224**, which is renumbered from Section 26-61a-301 is
4745 renumbered and amended to read:

4746 ~~[26-61a-301].~~ **26B-4-224. Medical cannabis pharmacy -- License --**
4747 **Eligibility.**

4748 (1) A person may not operate as a medical cannabis pharmacy without a license that
4749 the department issues under this part.

4750 (2) (a) (i) Subject to Subsections (4) and (5) and to Section ~~[26-61a-305]~~ 26B-4-228,
4751 the department shall issue a license to operate a medical cannabis pharmacy in accordance with
4752 Title 63G, Chapter 6a, Utah Procurement Code.

4753 (ii) The department may not issue a license to operate a medical cannabis pharmacy to
4754 an applicant who is not eligible for a license under this section.

4755 (b) An applicant is eligible for a license under this section if the applicant submits to
4756 the department:

4757 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
4758 operate the medical cannabis pharmacy;

4759 (ii) the name and address of an individual who:

4760 (A) for a publicly traded company, has a financial or voting interest of 2% or greater in
4761 the proposed medical cannabis pharmacy;

4762 (B) for a privately held company, a financial or voting interest in the proposed medical
4763 cannabis pharmacy; or

4764 (C) has the power to direct or cause the management or control of a proposed medical
4765 cannabis pharmacy;

4766 (iii) a statement that the applicant will obtain and maintain a performance bond that a
4767 surety authorized to transact surety business in the state issues in an amount of at least
4768 \$100,000 for each application that the applicant submits to the department;

4769 (iv) an operating plan that:
4770 (A) complies with Section [~~26-61a-304~~] [26B-4-227](#);
4771 (B) includes operating procedures to comply with the operating requirements for a
4772 medical cannabis pharmacy described in this [~~chapter~~] part and with a relevant municipal or
4773 county law that is consistent with Section [~~26-61a-507~~] [26B-4-235](#); and
4774 (C) the department approves;
4775 (v) an application fee in an amount that, subject to Subsection [~~26-61a-109~~]
4776 [26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#); and
4777 (vi) a description of any investigation or adverse action taken by any licensing
4778 jurisdiction, government agency, law enforcement agency, or court in any state for any
4779 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
4780 or businesses.

4781 (c) (i) A person may not locate a medical cannabis pharmacy:
4782 (A) within 200 feet of a community location; or
4783 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
4784 as primarily residential.

4785 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
4786 from the nearest entrance to the medical cannabis pharmacy establishment by following the
4787 shortest route of ordinary pedestrian travel to the property boundary of the community location
4788 or residential area.

4789 (iii) The department may grant a waiver to reduce the proximity requirements in
4790 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
4791 for the applicant to site the proposed medical cannabis pharmacy without the waiver.

4792 (iv) An applicant for a license under this section shall provide evidence of compliance
4793 with the proximity requirements described in Subsection (2)(c)(i).

4794 (d) The department may not issue a license to an eligible applicant that the department
4795 has selected to receive a license until the selected eligible applicant obtains the performance
4796 bond described in Subsection (2)(b)(iii).

4797 (e) If the department receives more than one application for a medical cannabis
4798 pharmacy within the same city or town, the department shall consult with the local land use
4799 authority before approving any of the applications pertaining to that city or town.

4800 (3) If the department selects an applicant for a medical cannabis pharmacy license
4801 under this section, the department shall:

4802 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
4803 ~~[26-61a-109]~~ 26B-1-310(5), the department sets in accordance with Section 63J-1-504;

4804 (b) notify the Department of Public Safety of the license approval and the names of
4805 each individual described in Subsection (2)(b)(ii); and

4806 (c) charge the licensee a fee in an amount that, subject to Subsection ~~[26-61a-109]~~
4807 26B-1-310(5), the department sets in accordance with Section 63J-1-504, for any change in
4808 location, ownership, or company structure.

4809 (4) The department may not issue a license to operate a medical cannabis pharmacy to
4810 an applicant if an individual described in Subsection (2)(b)(ii):

4811 (a) has been convicted under state or federal law of:

4812 (i) a felony; or

4813 (ii) after December 3, 2018, a misdemeanor for drug distribution;

4814 (b) is younger than 21 years old; or

4815 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

4816 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds
4817 a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the department may not give
4818 preference to the applicant based on the applicant's status as a holder of the license.

4819 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
4820 license to operate a cannabis cultivation facility under Title 4, Chapter 41a, Cannabis
4821 Production Establishments, the department:

4822 (i) shall consult with the Department of Agriculture and Food regarding the applicant;
4823 and

4824 (ii) may give consideration to the applicant based on the applicant's status as a holder
4825 of a license to operate a cannabis cultivation facility if:

4826 (A) the applicant demonstrates that a decrease in costs to patients is more likely to
4827 result from the applicant's vertical integration than from a more competitive marketplace; and

4828 (B) the department finds multiple other factors, in addition to the existing license, that
4829 support granting the new license.

4830 (6) (a) The department may revoke a license under this part:

(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 to an applicant or revoke a license issued under this part 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 department issues the license.

(b) If a licensee fails to submit to the department a copy the licensee's approved land use permit application in accordance with Subsection (7)(a), the department may revoke the licensee's license.

4862 (8) The department shall deposit the proceeds of a fee imposed by this section into the
4863 Qualified Patient Enterprise Fund.

4864 (9) The department shall begin accepting applications under this part on or before
4865 March 1, 2020.

4866 (10) (a) The department's authority to issue a license under this section is plenary and is
4867 not subject to review.

4868 (b) Notwithstanding Subsection (2), the decision of the department to award a license
4869 to an applicant is not subject to:

4870 (i) Title 63G, Chapter 6a, Part 16, Protests; or

4871 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

4872 (11) (a) A medical cannabis pharmacy license is not transferrable or assignable.

4873 (b) A medical cannabis pharmacy shall report in writing to the department no later than
4874 10 business days before the date of any change of ownership of the medical cannabis
4875 pharmacy.

4876 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

4877 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
4878 pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection
4879 (2)(c);

4880 (ii) within 30 days of the submission of the application, the department shall:

4881 (A) conduct an application review; and

4882 (B) award a license to the medical cannabis pharmacy for the remainder of the term of
4883 the medical cannabis pharmacy's license before the ownership change if the medical cannabis
4884 pharmacy meets the minimum standards for licensure and operation of the medical cannabis
4885 pharmacy described in this ~~chapter~~ part; and

4886 (iii) if the department approves the license application, notwithstanding Subsection (3),
4887 the medical cannabis pharmacy shall pay a license fee that the department sets in accordance
4888 with Section ~~63J-1-504~~ in an amount that covers the board's cost of conducting the application
4889 review.

4890 Section 83. Section ~~26B-4-225~~, which is renumbered from Section 26-61a-302 is
4891 renumbered and amended to read:

4892 ~~[26-61a-302]~~. 26B-4-225. Medical cannabis pharmacy owners and

4893 **directors -- Criminal background checks.**

4894 (1) Each applicant to whom the department issues a notice of intent to award a license
4895 to operate as a medical cannabis pharmacy shall submit, before the department may award the
4896 license, from each individual who has a financial or voting interest of 2% or greater in the
4897 applicant or who has the power to direct or cause the management or control of the applicant:

4898 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
4899 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
4900 registration of the individual's fingerprints in the Federal Bureau of Investigation Next

4901 Generation Identification System's Rap Back Service; and

4902 (c) consent to a fingerprint background check by:

4903 (i) the Bureau of Criminal Identification; and

4904 (ii) the Federal Bureau of Investigation.

4905 (2) The Bureau of Criminal Identification shall:

4906 (a) check the fingerprints the applicant submits under Subsection (1) against the
4907 applicable state, regional, and national criminal records databases, including the Federal
4908 Bureau of Investigation Next Generation Identification System;

4909 (b) report the results of the background check to the department;

4910 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
4911 for search by future submissions to the local and regional criminal records databases, including
4912 latent prints;

4913 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
4914 Generation Identification System's Rap Back Service for search by future submissions to
4915 national criminal records databases, including the Next Generation Identification System and
4916 latent prints; and

4917 (e) establish a privacy risk mitigation strategy to ensure that the department only
4918 receives notifications for an individual with whom the department maintains an authorizing
4919 relationship.

4920 (3) The department shall:

4921 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
4922 amount that the department sets in accordance with Section 63J-1-504 for the services that the
4923 Bureau of Criminal Identification or another authorized agency provides under this section; and

4924 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
4925 Identification.

4926 Section 84. Section **26B-4-226**, which is renumbered from Section 26-61a-303 is
4927 renumbered and amended to read:

4928 ~~[26-61a-303]~~. **26B-4-226. Renewal.**

4929 (1) The department shall renew a license under this part every year if, at the time of
4930 renewal:

4931 (a) the licensee meets the requirements of Section ~~[26-61a-301]~~ 26B-4-224;

4932 (b) the licensee pays the department a license renewal fee in an amount that, subject to
4933 Subsection ~~[26-61a-109]~~ 26B-1-310(5), the department sets in accordance with Section
4934 63J-1-504; and

4935 (c) if the medical cannabis pharmacy changes the operating plan described in Section
4936 ~~[26-61a-304]~~ 26B-4-227 that the department approved under Subsection ~~[26-61a-301]~~
4937 26B-4-224(2)(b)(iv), the department approves the new operating plan.

4938 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis
4939 pharmacy's license, the department shall publish notice of an available license:

4940 (i) in a newspaper of general circulation for the geographic area in which the medical
4941 cannabis pharmacy license is available; or

4942 (ii) on the Utah Public Notice Website established in Section 63A-16-601.

4943 (b) The department may establish criteria, in collaboration with the Division of
4944 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
4945 3, Utah Administrative Rulemaking Act, to identify the medical cannabis pharmacy actions that
4946 constitute abandonment of a medical cannabis pharmacy license.

4947 (3) If the department has not completed the necessary processes to make a
4948 determination on a license renewal under Subsections (1)(a) and (c) before the expiration of a
4949 license, the department may issue a conditional medical cannabis pharmacy license to a
4950 licensed medical cannabis pharmacy that has applied for license renewal under this section and
4951 paid the fee described in Subsection (1)(b).

4952 Section 85. Section **26B-4-227**, which is renumbered from Section 26-61a-304 is
4953 renumbered and amended to read:

4954 ~~[26-61a-304]~~. **26B-4-227. Operating plan.**

A person applying for a medical cannabis pharmacy license shall submit to the department a proposed operation plan for the medical cannabis pharmacy that complies with this section and that includes:

(1) a description of the physical characteristics of the proposed facility, including a floor plan and an architectural elevation;

(2) a description of the credentials and experience of:

(a) each officer, director, or owner of the proposed medical cannabis pharmacy; and

(b) any highly skilled or experienced prospective employee;

(3) the medical cannabis pharmacy's employee training standards;

(4) a security plan;

(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.

4986 (c) The department may issue the licenses described in Subsection (1)(a) in accordance
4987 with this Subsection (1)(c).

4988 (i) Using one procurement process, the department may issue eight licenses to an initial
4989 group of medical cannabis pharmacies and six licenses to a second group of medical cannabis
4990 pharmacies.

4991 (ii) If the department issues licenses in two phases in accordance with Subsection
4992 (1)(c)(i), the department shall:

4993 (A) divide the state into no less than four geographic regions;

4994 (B) issue at least one license in each geographic region during each phase of issuing
4995 licenses; and

4996 (C) complete the process of issuing medical cannabis pharmacy licenses no later than
4997 July 1, 2020.

4998 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that the
4999 license recipient will locate the medical cannabis pharmacy within Dagget, Duchesne, Uintah,
5000 Carbon, Sevier, Emery, Grand, or San Juan County.

5001 (d) (i) The department may issue licenses to operate a medical cannabis pharmacy in
5002 addition to the licenses described in Subsection (1)(a) if the department determines, in
5003 consultation with the Department of Agriculture and Food and after an annual or more frequent
5004 analysis of the current and anticipated market for medical cannabis, that each additional license
5005 is necessary to provide an adequate supply, quality, or variety of medical cannabis to medical
5006 cannabis cardholders.

5007 (ii) The department shall:

5008 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5009 make rules to establish criteria and processes for the consultation, analysis, and application for
5010 a license described in Subsection (1)(d)(i); and

5011 (B) report to the Executive Appropriations Committee of the Legislature before each
5012 time the department issues an additional license under Subsection (1)(d)(i) regarding the results
5013 of the consultation and analysis described in Subsection (1)(d)(i) and the application of the
5014 criteria described in Subsection (1)(d)(ii)(A).

5015 (2) (a) If there are more qualified applicants than there are available licenses for
5016 medical cannabis pharmacies, the department shall:

5017 (i) evaluate each applicant and award the license to the applicant that best
5018 demonstrates:

5019 (A) experience with establishing and successfully operating a business that involves
5020 complying with a regulatory environment, tracking inventory, and training, evaluating, and
5021 monitoring employees;

5022 (B) an operating plan that will best ensure the safety and security of patrons and the
5023 community;

5024 (C) positive connections to the local community;

5025 (D) the suitability of the proposed location and the location's accessibility for
5026 qualifying patients;

5027 (E) the extent to which the applicant can increase efficiency and reduce the cost of
5028 medical cannabis for patients; and

5029 (F) a strategic plan described in Subsection [~~26-61a-304~~] [26B-4-227](#)(7) that has a
5030 comparatively high likelihood of success; and

5031 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
5032 maximize access to the largest number of medical cannabis cardholders.

5033 (b) In making the evaluation described in Subsection (2)(a), the department may give
5034 increased consideration to applicants who indicate a willingness to:

5035 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic
5036 medical cannabis orders that the state central patient portal facilitates; and

5037 (ii) accept payments through:

5038 (A) a payment provider that the Division of Finance approves, in consultation with the
5039 state treasurer, in accordance with Section [~~26-61a-603~~] [26B-4-238](#); or

5040 (B) a financial institution in accordance with Subsection [~~26-61a-603~~] [26B-4-238](#)(4).

5041 (3) The department may conduct a face-to-face interview with an applicant for a
5042 license that the department evaluates under Subsection (2).

5043 (4) (a) The department may designate a medical cannabis pharmacy as a home delivery
5044 medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's
5045 operating plan demonstrates the functional and technical ability to:

5046 (i) safely conduct transactions for medical cannabis shipments;

5047 (ii) accept electronic medical cannabis orders that the state central patient portal

5048 facilitates; and

5049 (iii) accept payments through:

5050 (A) a payment provider that the Division of Finance approves, in consultation with the
5051 state treasurer, in accordance with Section ~~[26-61a-603]~~ 26B-4-238; or

5052 (B) a financial institution in accordance with Subsection ~~[26-61a-603]~~ 26B-4-238(4).

5053 (b) An applicant seeking a designation as a home delivery medical cannabis pharmacy
5054 shall identify in the applicant's operating plan any information relevant to the department's
5055 evaluation described in Subsection (4)(a), including:

5056 (i) the name and contact information of the payment provider;

5057 (ii) the nature of the relationship between the prospective licensee and the payment
5058 provider;

5059 (iii) the processes of the following to safely and reliably conduct transactions for
5060 medical cannabis shipments:

5061 (A) the prospective licensee; and

5062 (B) the electronic payment provider or the financial institution described in Subsection
5063 (4)(a)(iii); and

5064 (iv) the ability of the licensee to comply with the department's rules regarding the
5065 secure transportation and delivery of medical cannabis or medical cannabis product to a
5066 medical cannabis cardholder.

5067 (c) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
5068 that the department designates as a home delivery medical cannabis pharmacy may deliver
5069 medical cannabis shipments in accordance with this ~~chapter~~ part.

5070 Section 87. Section **26B-4-229**, which is renumbered from Section 26-61a-501 is
5071 renumbered and amended to read:

5072 ~~[26-61a-501]~~. **26B-4-229. Operating requirements -- General.**

5073 (1) (a) A medical cannabis pharmacy shall operate:

5074 (i) at the physical address provided to the department under Section ~~[26-61a-301]~~
5075 26B-4-224; and

5076 (ii) in accordance with the operating plan provided to the department under Section
5077 ~~[26-61a-301]~~ 26B-4-224 and, if applicable, Section ~~[26-61a-304]~~ 26B-4-227.

5078 (b) A medical cannabis pharmacy shall notify the department before a change in the

5079 medical cannabis pharmacy's physical address or operating plan.

5080 (2) An individual may not enter a medical cannabis pharmacy unless the individual:

5081 (a) is at least 18 years old or is an emancipated minor under Section [80-7-105](#); and

5082 (b) except as provided in Subsection (4):

5083 (i) possesses a valid:

5084 (A) medical cannabis pharmacy agent registration card;

5085 (B) pharmacy medical provider registration card; or

5086 (C) medical cannabis card;

5087 (ii) is an employee of the department or the Department of Agriculture and Food

5088 performing an inspection under Section ~~[26-61a-504]~~ [26B-4-232](#); or

5089 (iii) is another individual as the department provides.

5090 (3) A medical cannabis pharmacy may not employ an individual who is younger than

5091 21 years old.

5092 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an

5093 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to

5094 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors

5095 the individual at all times while the individual is at the medical cannabis pharmacy and

5096 maintains a record of the individual's access.

5097 (5) A medical cannabis pharmacy shall operate in a facility that has:

5098 (a) a single, secure public entrance;

5099 (b) a security system with a backup power source that:

5100 (i) detects and records entry into the medical cannabis pharmacy; and

5101 (ii) provides notice of an unauthorized entry to law enforcement when the medical

5102 cannabis pharmacy is closed; and

5103 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a

5104 cannabis product.

5105 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the

5106 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection

5107 ~~[26-61a-502]~~ [26B-4-230](#)(2).

5108 (7) Except for an emergency situation described in Subsection ~~[26-61a-201]~~

5109 [26B-4-213](#)(3)(c), a medical cannabis pharmacy may not allow any individual to consume

5110 cannabis on the property or premises of the medical cannabis pharmacy.

5111 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without
5112 first indicating on the cannabis or cannabis product label the name of the medical cannabis
5113 pharmacy.

5114 (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
5115 following information regarding each recommendation underlying a transaction:

5116 (i) the recommending medical provider's name, address, and telephone number;

5117 (ii) the patient's name and address;

5118 (iii) the date of issuance;

5119 (iv) directions of use and dosing guidelines or an indication that the recommending
5120 medical provider did not recommend specific directions of use or dosing guidelines; and

5121 (v) if the patient did not complete the transaction, the name of the medical cannabis
5122 cardholder who completed the transaction.

5123 (b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
5124 not sell medical cannabis unless the medical cannabis has a label securely affixed to the
5125 container indicating the following minimum information:

5126 (A) the name, address, and telephone number of the medical cannabis pharmacy;

5127 (B) the unique identification number that the medical cannabis pharmacy assigns;

5128 (C) the date of the sale;

5129 (D) the name of the patient;

5130 (E) the name of the recommending medical provider who recommended the medical
5131 cannabis treatment;

5132 (F) directions for use and cautionary statements, if any;

5133 (G) the amount dispensed and the cannabinoid content;

5134 (H) the suggested use date;

5135 (I) for unprocessed cannabis flower, the legal use termination date; and

5136 (J) any other requirements that the department determines, in consultation with the
5137 Division of Professional Licensing and the Board of Pharmacy.

5138 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
5139 following information under Subsection (9)(b)(i) if the information is already provided on the
5140 product label that a cannabis production establishment affixes:

- 5141 (A) a unique identification number;
- 5142 (B) directions for use and cautionary statements;
- 5143 (C) amount and cannabinoid content; and
- 5144 (D) a suggested use date.
- 5145 (iii) If the size of a medical cannabis container does not allow sufficient space to
- 5146 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis
- 5147 pharmacy may provide the following information described in Subsection (9)(b)(i) on a
- 5148 supplemental label attached to the container or an informational enclosure that accompanies the
- 5149 container:
- 5150 (A) the cannabinoid content;
- 5151 (B) the suggested use date; and
- 5152 (C) any other requirements that the department determines.
- 5153 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
- 5154 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 5155 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 5156 (a) upon receipt of an order from a limited medical provider in accordance with
- 5157 Subsections [~~26-61a-106~~] [26B-4-204](#)(1)(b) through (d):
- 5158 (i) for a written order or an electronic order under circumstances that the department
- 5159 determines, contact the limited medical provider or the limited medical provider's office to
- 5160 verify the validity of the recommendation; and
- 5161 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
- 5162 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to
- 5163 verification under Subsection (10)(a)(i), enter the limited medical provider's recommendation
- 5164 or renewal, including any associated directions of use, dosing guidelines, or caregiver
- 5165 indication, in the state electronic verification system;
- 5166 (b) in processing an order for a holder of a conditional medical cannabis card described
- 5167 in Subsection [~~26-61a-201~~] [26B-4-213](#)(1)(b) that appears irregular or suspicious in the
- 5168 judgment of the pharmacy medical provider or medical cannabis pharmacy agent, contact the
- 5169 recommending medical provider or the recommending medical provider's office to verify the
- 5170 validity of the recommendation before processing the cardholder's order;
- 5171 (c) unless the medical cannabis cardholder has had a consultation under Subsection

[~~26-61a-502~~] 26B-4-230(4) or (5), verbally offer to a medical cannabis cardholder at the time of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal counseling with the pharmacy medical provider; and

(d) provide a telephone number or website by which the cardholder may contact a pharmacy medical provider for counseling.

(11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a medical cannabis device, or medical cannabis product in a locked box or other secure receptacle within the medical cannabis pharmacy.

(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.**

5203 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this
5204 ~~[chapter]~~ part:

5205 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
5206 from another medical cannabis pharmacy or a cannabis processing facility that is licensed
5207 under Section ~~4-41a-201~~;

5208 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
5209 acquired from another medical cannabis pharmacy or a cannabis processing facility that is
5210 licensed under Section ~~4-41a-201~~;

5211 (iii) a medical cannabis device; or

5212 (iv) educational material related to the medical use of cannabis.

5213 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
5214 an individual with:

5215 (i) (A) a medical cannabis card;

5216 (B) a department registration described in ~~[Section 26-61a-201]~~ Subsection
5217 26B-4-213(10); and

5218 (ii) a corresponding valid form of photo identification.

5219 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
5220 cannabis-based drug that the United States Food and Drug Administration has approved.

5221 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
5222 medical cannabis device to an individual described in Subsection ~~[26-61a-201]~~

5223 26B-4-213(2)(a)(i)(B) or to a minor described in Subsection ~~[26-61a-201]~~ 26B-4-213(2)(c)
5224 unless the individual or minor has the approval of the Compassionate Use Board in accordance
5225 with Subsection ~~[26-61a-105]~~ 26B-1-421(5).

5226 (2) A medical cannabis pharmacy:

5227 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
5228 legal dosage limit of:

5229 (i) unprocessed cannabis that:

5230 (A) is in a medicinal dosage form; and

5231 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
5232 cannabidiol in the cannabis; and

5233 (ii) a cannabis product that is in a medicinal dosage form; and

5234 (b) may not dispense:
5235 (i) more medical cannabis than described in Subsection (2)(a); or
5236 (ii) to an individual whose recommending medical provider did not recommend
5237 directions of use and dosing guidelines, until the individual consults with the pharmacy
5238 medical provider in accordance with Subsection (4), any medical cannabis.

5239 (3) An individual with a medical cannabis card:
5240 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:
5241 (i) unprocessed cannabis in a medicinal dosage form; and
5242 (ii) a cannabis product in a medicinal dosage form;
5243 (b) may not purchase:
5244 (i) more medical cannabis than described in Subsection (3)(a); or
5245 (ii) if the relevant recommending medical provider did not recommend directions of
5246 use and dosing guidelines, until the individual consults with the pharmacy medical provider in
5247 accordance with Subsection (4), any medical cannabis; and
5248 (c) may not use a route of administration that the relevant recommending medical
5249 provider or the pharmacy medical provider, in accordance with Subsection (4) or (5), has not
5250 recommended.

5251 (4) If a recommending medical provider recommends treatment with medical cannabis
5252 but wishes for the pharmacy medical provider to determine directions of use and dosing
5253 guidelines:
5254 (a) the recommending medical provider shall provide to the pharmacy medical
5255 provider, either through the state electronic verification system or through a medical cannabis
5256 pharmacy's recording of a recommendation under the order of a limited medical provider, any
5257 of the following information that the recommending medical provider feels would be needed to
5258 provide appropriate directions of use and dosing guidelines:
5259 (i) information regarding the qualifying condition underlying the recommendation;
5260 (ii) information regarding prior treatment attempts with medical cannabis; and
5261 (iii) portions of the patient's current medication list; and
5262 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the
5263 pharmacy medical provider shall:
5264 (i) review pertinent medical records, including the recommending medical provider

documentation described in Subsection (4)(a); and

(ii) unless the pertinent medical records show directions of use and dosing guidelines from a state central patient portal medical provider in accordance with Subsection (5), after completing the review described in Subsection (4)(b)(i) and consulting with the recommending medical provider as needed, determine the best course of treatment through consultation with the cardholder regarding:

(A) the patient's qualifying condition underlying the recommendation from the recommending medical provider;

(B) indications for available treatments;

(C) directions of use and dosing guidelines; and

(D) potential adverse reactions.

(5) (a) A state central patient portal medical provider may provide the consultation and make the determination described in Subsection (4)(b) for a medical cannabis patient cardholder regarding an electronic order that the state central patient portal facilitates.

(b) The state central patient portal medical provider described in Subsection (5)(a) shall document the directions of use and dosing guidelines, determined under Subsection (5)(a) in the pertinent medical records.

(6) (a) A medical cannabis pharmacy shall:

(i) (A) access the state electronic verification system before dispensing cannabis or a cannabis product to a medical cannabis cardholder in order to determine if the cardholder or, where applicable, the associated patient has met the maximum amount of medical cannabis described in Subsection (2); and

(B) if the verification in Subsection (6)(a)(i) indicates that the individual has met the maximum amount described in Subsection (2), decline the sale, and notify the recommending 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:

5296 (A) complies with Subsection [4-41a-602\(1\)\(b\)](#) or, if applicable, provisions related to a
5297 container for unprocessed cannabis flower in the definition of "medicinal dosage form" in
5298 Section [~~26-61a-102~~] [26B-4-201](#);

5299 (B) is tamper-resistant and tamper-evident; and

5300 (C) provides an opaque bag or box for the medical cannabis cardholder's use in
5301 transporting the container in public; and

5302 (v) for a product that is a cube that is designed for ingestion through chewing or
5303 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
5304 of over-consumption.

5305 (b) A medical cannabis cardholder transporting or possessing the container described
5306 in Subsection (6)(a)(iv) in public shall keep the container within the opaque bag or box that the
5307 medical cannabis pharmacist provides.

5308 (7) (a) Except as provided in Subsection (7)(b), a medical cannabis pharmacy may not
5309 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
5310 intentionally designed or constructed to resemble a cigarette.

5311 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
5312 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
5313 individual's respiratory system.

5314 (8) (a) A medical cannabis pharmacy may not give, at no cost, a product that the
5315 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

5316 (b) A medical cannabis pharmacy may give, at no cost, educational material related to
5317 the medical use of cannabis.

5318 (9) The department may impose a uniform fee on each medical cannabis transaction in
5319 a medical cannabis pharmacy in an amount that, subject to Subsection [~~26-61a-109~~]
5320 [26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#).

5321 (10) A medical cannabis pharmacy may purchase and store medical cannabis devices
5322 regardless of whether the seller has a cannabis-related license under this title or Title 4, Chapter
5323 41a, Cannabis Production Establishments.

5324 Section 89. Section **26B-4-231**, which is renumbered from Section 26-61a-503 is
5325 renumbered and amended to read:

5326 [~~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

5358 and Title 4, Chapter 41a, Cannabis Production Establishments.

5359 (3) An inspection under this section may include:

5360 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, or other
5361 physical or electronic information, or any combination of the above;

5362 (b) questioning of any relevant individual;

5363 (c) inspection of equipment, an instrument, a tool, or machinery, including a container
5364 or label;

5365 (d) random sampling of medical cannabis by the Department of Agriculture and Food
5366 in accordance with rules described in Section 4-41a-701; or

5367 (e) seizure of medical cannabis, medical cannabis devices, or educational material as
5368 evidence in a department investigation or inspection or in instances of compliance failure.

5369 (4) In making an inspection under this section, the department or the Department of
5370 Agriculture and Food may freely access any area and review and make copies of a book,
5371 record, paper, document, data, or other physical or electronic information, including financial
5372 data, sales data, shipping data, pricing data, and employee data.

5373 (5) Failure to provide the department, the Department of Agriculture and Food, or the
5374 authorized agents of the department or the Department of Agriculture and Food immediate
5375 access to records and facilities during business hours in accordance with this section may result
5376 in:

5377 (a) the imposition of a civil monetary penalty that the department sets in accordance
5378 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

5379 (b) license or registration suspension or revocation; or

5380 (c) an immediate cessation of operations under a cease and desist order that the
5381 department issues.

5382 (6) Notwithstanding any other provision of law, the department may temporarily store
5383 in any department facility the items the department seizes under Subsection (3)(e) until the
5384 department:

5385 (a) determines that sufficient compliance justifies the return of the seized items; or

5386 (b) disposes of the items in the same manner as a cannabis production establishment in
5387 accordance with Section 4-41a-405.

5388 Section 91. Section **26B-4-233**, which is renumbered from Section 26-61a-505 is

5389 renumbered and amended to read:

5390 ~~[26-61a-505].~~ **26B-4-233. Advertising.**

5391 (1) Except as provided in this section, a person may not advertise in any medium
5392 regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.

5393 (2) Subject to Section ~~[26-61a-116]~~ 26B-4-223, a medical cannabis pharmacy may:

5394 (a) advertise an employment opportunity at the medical cannabis pharmacy;

5395 (b) notwithstanding any municipal or county ordinance prohibiting signage, use
5396 signage on the outside of the medical cannabis pharmacy that:

5397 (i) includes only:

5398 (A) in accordance with Subsection ~~[26-61a-116]~~ 26B-4-223(4), the medical cannabis
5399 pharmacy's name, logo, and hours of operation; and

5400 (B) a green cross; and

5401 (ii) complies with local ordinances regulating signage;

5402 (c) advertise in any medium:

5403 (i) the pharmacy's name and logo;

5404 (ii) the location and hours of operation of the medical cannabis pharmacy;

5405 (iii) a service available at the medical cannabis pharmacy;

5406 (iv) personnel affiliated with the medical cannabis pharmacy;

5407 (v) whether the medical cannabis pharmacy is licensed as a home delivery medical
5408 cannabis pharmacy;

5409 (vi) best practices that the medical cannabis pharmacy upholds; and

5410 (vii) educational material related to the medical use of cannabis, as defined by the
5411 department;

5412 (d) hold an educational event for the public or medical providers in accordance with
5413 Subsection (3) and the rules described in Subsection (4); and

5414 (e) maintain on the medical cannabis pharmacy's website non-promotional information
5415 regarding the medical cannabis pharmacy's inventory.

5416 (3) A medical cannabis pharmacy may not include in an educational event described in
5417 Subsection (2)(d):

5418 (a) any topic that conflicts with this chapter or Title 4, Chapter 41a, Cannabis
5419 Production Establishments;

5420 (b) any gift items or merchandise other than educational materials, as those terms are
 5421 defined by the department;

5422 (c) any marketing for a specific product from the medical cannabis pharmacy or any
 5423 other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic
 5424 Act, 21 U.S.C. Sec. 301, et seq.; or

5425 (d) a presenter other than the following:

5426 (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

5427 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
 5428 Practice Act;

5429 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
 5430 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

5431 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
 5432 Assistant Act;

5433 (v) a medical practitioner, similar to the practitioners described in this Subsection
 5434 (3)(d)(v), who is licensed in another state or country;

5435 (vi) a state employee; or

5436 (vii) if the presentation relates to a cannabis topic other than medical treatment or
 5437 medical conditions, an individual whom the department approves based on the individual's
 5438 background and credentials in the presented topic.

5439 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
 5440 Administrative Rulemaking Act, to define:

5441 (a) the educational material described in Subsection (2)(c)(vii); and

5442 (b) the elements of and restrictions on the educational event described in Subsection
 5443 (3), including:

5444 (i) a minimum age of 21 years old for attendees; and

5445 (ii) an exception to the minimum age for a medical cannabis patient cardholder who is
 5446 at least 18 years old.

5447 Section 92. Section **26B-4-234**, which is renumbered from Section 26-61a-506 is
 5448 renumbered and amended to read:

5449 **[26-61a-506]. 26B-4-234. Medical cannabis transportation.**

5450 (1) Only the following individuals may transport medical cannabis under this [chapter]

5451 part:

5452 (a) a registered medical cannabis pharmacy agent;
5453 (b) a registered medical cannabis courier agent;
5454 (c) a registered pharmacy medical provider; or
5455 (d) a medical cannabis cardholder who is transporting a medical cannabis treatment
5456 that the cardholder is authorized to transport.

5457 (2) Except for an individual with a valid medical cannabis card under this ~~chapter~~
5458 part who is transporting a medical cannabis treatment that the cardholder is authorized to
5459 transport, an individual described in Subsection (1) shall possess a transportation manifest that:

5460 (a) includes a unique identifier that links the cannabis or cannabis product to a relevant
5461 inventory control system;

5462 (b) includes origin and destination information for the medical cannabis that the
5463 individual is transporting; and

5464 (c) identifies the departure and arrival times and locations of the individual
5465 transporting the medical cannabis.

5466 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
5467 establish by rule, in collaboration with the Division of Professional Licensing and the Board of
5468 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5469 requirements for transporting medical cannabis to ensure that the medical cannabis remains
5470 safe for human consumption.

5471 (b) The transportation described in Subsection (1)(a) is limited to transportation
5472 between a medical cannabis pharmacy and:

5473 (i) another medical cannabis pharmacy; or

5474 (ii) for a medical cannabis shipment, a medical cannabis cardholder's home address.

5475 (4) (a) It is unlawful for an individual described in Subsection (1) to make a transport
5476 described in this section with a manifest that does not meet the requirements of this section.

5477 (b) Except as provided in Subsection (4)(d), an individual who violates Subsection
5478 (4)(a) is:

5479 (i) guilty of an infraction; and

5480 (ii) subject to a \$100 fine.

5481 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not

5482 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
5483 underlying the violation described in Subsection (4)(b).

5484 (d) If the individual described in Subsection (4)(a) is transporting more medical
5485 cannabis than the manifest identifies, except for a de minimis administrative error:

5486 (i) this ~~[chapter]~~ part does not apply; and

5487 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
5488 Substances Act.

5489 (5) An individual other than an individual described in Subsection (1) may transport a
5490 medical cannabis device within the state if the transport does not also contain medical
5491 cannabis.

5492 Section 93. Section **26B-4-235**, which is renumbered from Section 26-61a-507 is
5493 renumbered and amended to read:

5494 ~~[26-61a-507]~~. **26B-4-235. Local control.**

5495 (1) The operation of a medical cannabis pharmacy:

5496 (a) shall be a permitted use:

5497 (i) in any zone, overlay, or district within the municipality or county except for a
5498 primarily residential zone; and

5499 (ii) on land that the municipality or county has not zoned; and

5500 (b) is subject to the land use regulations, as defined in Sections ~~[10-9a-103]~~ 26B-7-506
5501 and 17-27a-103, that apply in the underlying zone.

5502 (2) A municipality or county may not:

5503 (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal
5504 law regarding the legal status of cannabis, deny or revoke:

5505 (i) a land use permit, as that term is defined in Sections 10-9a-103 and 17-27a-103, to
5506 operate a medical cannabis pharmacy; or

5507 (ii) a business license to operate a medical cannabis pharmacy;

5508 (b) require a certain distance between a medical cannabis pharmacy and:

5509 (i) another medical cannabis pharmacy;

5510 (ii) a cannabis production establishment;

5511 (iii) a retail tobacco specialty business, as that term is defined in Section ~~[26-62-103]~~

5512 26B-7-506; or

5513 (iv) an outlet, as that term is defined in Section [32B-1-202](#); or
5514 (c) in accordance with Subsections [10-9a-509](#)(1) and [17-27a-508](#)(1), enforce a land use
5515 regulation against a medical cannabis pharmacy that was not in effect on the day on which the
5516 medical cannabis pharmacy submitted a complete land use application.

5517 (3) (a) A municipality or county may enact an ordinance that:
5518 (i) is not in conflict with this ~~chapter~~ part; and
5519 (ii) governs the time, place, or manner of medical cannabis pharmacy operations in the
5520 municipality or county.

5521 (b) An ordinance that a municipality or county enacts under Subsection (3)(a) may not
5522 restrict the hours of operation from 7 a.m. to 10 p.m.

5523 (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall
5524 comply with the land use requirements and application process described in:

5525 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,
5526 including Section [10-9a-528](#); and
5527 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,
5528 including Section [17-27a-525](#).

5529 Section 94. Section **26B-4-236**, which is renumbered from Section 26-61a-601 is
5530 renumbered and amended to read:

5531 ~~[26-61a-601]~~. **26B-4-236. State central patient portal -- Department duties.**

5532 (1) On or before July 1, 2020, the department shall establish or contract to establish, in
5533 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central patient portal as
5534 described in this section.

5535 (2) The state central patient portal shall:

5536 (a) authenticate each user to ensure the user is a valid medical cannabis patient
5537 cardholder;

5538 (b) allow a medical cannabis patient cardholder to:

5539 (i) obtain and download the cardholder's medical cannabis card;

5540 (ii) review the cardholder's medical cannabis purchase history; and
5541 (iii) manage the cardholder's personal information, including withdrawing consent for
5542 the use of the cardholder's information for a study described in Subsection ~~[26-61a-201]~~
5543 [26B-4-213](#)(12);

(c) if the cardholder's recommending medical provider recommended the use of medical cannabis without providing directions of use and dosing guidelines and the cardholder has not yet received the counseling or consultation required in Subsection [26-61a-502]

26B-4-230(4):

(i) alert the cardholder of the outstanding need for consultation; and
(ii) provide the cardholder with access to the contact information for each state central patient portal medical provider and each pharmacy medical provider;

(d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis order:

(i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or
(ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in person from the pharmacy;

(e) prohibit a patient from completing an electronic medical cannabis order described in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection [26-61a-502] 26B-4-230(2)(a) or (b);

(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

5575 (b) if the department employs a state central patient portal medical provider, the
5576 department shall ensure that a state central patient portal medical provider is available during
5577 normal business hours.

5578 (2) A state central patient portal medical provider may:

5579 (a) provide consultations to medical cannabis cardholders and qualified medical
5580 providers; and

5581 (b) determine dosing parameters in accordance with Subsection [~~26-61a-502~~]
5582 26B-4-230(5).

5583 Section 96. Section **26B-4-238**, which is renumbered from Section 26-61a-603 is
5584 renumbered and amended to read:

5585 [~~26-61a-603~~]. **26B-4-238. Payment provider for electronic medical**
5586 **cannabis transactions.**

5587 (1) A cannabis production establishment, a medical cannabis pharmacy, or a
5588 prospective home delivery medical cannabis pharmacy seeking to use a payment provider shall
5589 submit to the Division of Finance and the state treasurer information regarding the payment
5590 provider the prospective licensee will use to conduct financial transactions related to medical
5591 cannabis, including:

5592 (a) the name and contact information of the payment provider;

5593 (b) the nature of the relationship between the establishment, pharmacy, or prospective
5594 pharmacy and the payment provider; and

5595 (c) for a prospective home delivery medical cannabis pharmacy, the processes the
5596 prospective licensee and the payment provider have in place to safely and reliably conduct
5597 financial transactions for medical cannabis shipments.

5598 (2) The Division of Finance shall, in consultation with the state treasurer:

5599 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5600 make rules to establish standards for identifying payment providers that demonstrate the
5601 functional and technical ability to safely conduct financial transactions related to medical
5602 cannabis, including medical cannabis shipments;

5603 (b) review submissions the Division of Finance and the state treasurer receive under
5604 Subsection (1);

5605 (c) approve a payment provider that meets the standards described in Subsection (2)(a);

5606 and

5607 (d) establish a list of approved payment providers.

5608 (3) Any licensed cannabis production establishment, licensed medical cannabis
5609 pharmacy, or medical cannabis courier may use a payment provider that the Division of
5610 Finance approves, in consultation with the state treasurer, to conduct transactions related to the
5611 establishment's, pharmacy's, or courier's respective medical cannabis business.

5612 (4) If Congress passes legislation that allows a cannabis-related business to facilitate
5613 payments through or deposit funds in a financial institution, a cannabis production
5614 establishment or a medical cannabis pharmacy may facilitate payments through or deposit
5615 funds in a financial institution in addition to or instead of a payment provider that the Division
5616 of Finance approves, in consultation with the state treasurer, under this section.

5617 Section 97. Section **26B-4-239**, which is renumbered from Section 26-61a-604 is
5618 renumbered and amended to read:

5619 ~~[26-61a-604]~~. **26B-4-239. Home delivery of medical cannabis shipments --**
5620 **Medical cannabis couriers -- License.**

5621 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
5622 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
5623 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
5624 state central patient portal facilitates, including rules regarding the safe and controlled delivery
5625 of medical cannabis shipments.

5626 (2) A person may not operate as a medical cannabis courier without a license that the
5627 department issues under this section.

5628 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
5629 operate as a medical cannabis courier to an applicant who is eligible for a license under this
5630 section.

5631 (b) An applicant is eligible for a license under this section if the applicant submits to
5632 the department:

5633 (i) the name and address of an individual who:

5634 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
5635 pharmacy; or

5636 (B) has the power to direct or cause the management or control of a proposed cannabis

5637 production establishment;

5638 (ii) an operating plan that includes operating procedures to comply with the operating
5639 requirements for a medical cannabis courier described in this ~~[chapter]~~ part; and

5640 (iii) an application fee in an amount that, subject to Subsection ~~[26-61a-109]~~

5641 26B-1-310(5), the department sets in accordance with Section 63J-1-504.

5642 (4) If the department determines that an applicant is eligible for a license under this
5643 section, the department shall:

5644 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
5645 ~~[26-61a-109]~~ 26B-1-310(5), the department sets in accordance with Section 63J-1-504; and

5646 (b) notify the Department of Public Safety of the license approval and the names of
5647 each individual described in Subsection (3)(b)(ii).

5648 (5) The department may not issue a license to operate as a medical cannabis courier to
5649 an applicant if an individual described in Subsection (3)(b)(ii):

5650 (a) has been convicted under state or federal law of:

5651 (i) a felony; or

5652 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

5653 (b) is younger than 21 years old.

5654 (6) The department may revoke a license under this part if:

5655 (a) the medical cannabis courier does not begin operations within one year after the day
5656 on which the department issues the initial license;

5657 (b) the medical cannabis courier makes the same violation of this ~~[chapter]~~ part three
5658 times;

5659 (c) an individual described in Subsection (3)(b)(ii) is convicted, while the license is
5660 active, under state or federal law of:

5661 (i) a felony; or

5662 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

5663 (d) after a change of ownership described in Subsection (15)(c), the department
5664 determines that the medical cannabis courier no longer meets the minimum standards for
5665 licensure and operation of the medical cannabis courier described in this ~~[chapter]~~ part.

5666 (7) The department shall deposit the proceeds of a fee imposed by this section in the
5667 Qualified Patient Enterprise Fund.

5668 (8) The department shall begin accepting applications under this section on or before
5669 July 1, 2020.

5670 (9) The department's authority to issue a license under this section is plenary and is not
5671 subject to review.

5672 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
5673 of application, from each individual who has a financial or voting interest of 2% or greater in
5674 the applicant or who has the power to direct or cause the management or control of the
5675 applicant:

5676 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

5677 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
5678 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
5679 Generation Identification System's Rap Back Service; and

5680 (c) consent to a fingerprint background check by:

5681 (i) the Bureau of Criminal Identification; and

5682 (ii) the Federal Bureau of Investigation.

5683 (11) The Bureau of Criminal Identification shall:

5684 (a) check the fingerprints the applicant submits under Subsection (10) against the
5685 applicable state, regional, and national criminal records databases, including the Federal
5686 Bureau of Investigation Next Generation Identification System;

5687 (b) report the results of the background check to the department;

5688 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
5689 for search by future submissions to the local and regional criminal records databases, including
5690 latent prints;

5691 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
5692 Generation Identification System's Rap Back Service for search by future submissions to
5693 national criminal records databases, including the Next Generation Identification System and
5694 latent prints; and

5695 (e) establish a privacy risk mitigation strategy to ensure that the department only
5696 receives notifications for an individual with whom the department maintains an authorizing
5697 relationship.

5698 (12) The department shall:

5699 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
5700 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
5701 Bureau of Criminal Identification or another authorized agency provides under this section; and

5702 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
5703 Identification.

5704 (13) The department shall renew a license under this section every year if, at the time
5705 of renewal:

5706 (a) the licensee meets the requirements of this section; and

5707 (b) the licensee pays the department a license renewal fee in an amount that, subject to
5708 Subsection [~~26-61a-109~~] [26B-1-310](#)(5), the department sets in accordance with Section
5709 [63J-1-504](#).

5710 (14) A person applying for a medical cannabis courier license shall submit to the
5711 department a proposed operating plan that complies with this section and that includes:

5712 (a) a description of the physical characteristics of any proposed facilities, including a
5713 floor plan and an architectural elevation, and delivery vehicles;

5714 (b) a description of the credentials and experience of each officer, director, or owner of
5715 the proposed medical cannabis courier;

5716 (c) the medical cannabis courier's employee training standards;

5717 (d) a security plan; and

5718 (e) storage and delivery protocols, both short and long term, to ensure that medical
5719 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
5720 integrity of the cannabis.

5721 (15) (a) A medical cannabis courier license is not transferrable or assignable.

5722 (b) A medical cannabis courier shall report in writing to the department no later than
5723 10 business days before the date of any change of ownership of the medical cannabis courier.

5724 (c) If the ownership of a medical cannabis courier changes by 50% or more:

5725 (i) concurrent with the report described in Subsection (15)(b), the medical cannabis
5726 courier shall submit a new application described in Subsection (3)(b);

5727 (ii) within 30 days of the submission of the application, the department shall:

5728 (A) conduct an application review; and

5729 (B) award a license to the medical cannabis courier for the remainder of the term of the

5730 medical cannabis courier's license before the ownership change if the medical cannabis courier
5731 meets the minimum standards for licensure and operation of the medical cannabis courier
5732 described in this ~~[chapter]~~ part; and

5733 (iii) if the department approves the license application, notwithstanding Subsection (4),
5734 the medical cannabis courier shall pay a license fee that the department sets in accordance with
5735 Section ~~63J-1-504~~ in an amount that covers the board's cost of conducting the application
5736 review.

5737 (16) (a) Except as provided in Subsection (15)(b), a person may not advertise regarding
5738 the transportation of medical cannabis.

5739 (b) Notwithstanding Subsection (15)(a) and subject to Section ~~[26-61a-116]~~
5740 26B-4-223, a licensed home delivery medical cannabis pharmacy or a licensed medical
5741 cannabis courier may advertise:

- 5742 (i) a green cross;
5743 (ii) the pharmacy's or courier's name and logo; and
5744 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

5745 Section 98. Section ~~26B-4-240~~, which is renumbered from Section 26-61a-605 is
5746 renumbered and amended to read:

5747 ~~[26-61a-605]~~. **26B-4-240. Medical cannabis shipment transportation.**

5748 (1) The department shall ensure that each home delivery medical cannabis pharmacy is
5749 capable of delivering, directly or through a medical cannabis courier, medical cannabis
5750 shipments in a secure manner.

5751 (2) (a) A home delivery medical cannabis pharmacy may contract with a licensed
5752 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic medical
5753 cannabis orders that the state central patient portal facilitates.

5754 (b) If a home delivery medical cannabis pharmacy enters into a contract described in
5755 Subsection (2)(a), the pharmacy shall:

- 5756 (i) impose security and personnel requirements on the medical cannabis courier
5757 sufficient to ensure the security and safety of medical cannabis shipments; and
5758 (ii) provide regular oversight of the medical cannabis courier.

5759 (3) Except for an individual with a valid medical cannabis card who transports a
5760 shipment the individual receives, an individual may not transport a medical cannabis shipment

5761 unless the individual is:

5762 (a) a registered pharmacy medical provider;

5763 (b) a registered medical cannabis pharmacy agent; or

5764 (c) a registered agent of the medical cannabis courier described in Subsection (2).

5765 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall
5766 possess a physical or electronic transportation manifest that:

5767 (a) includes a unique identifier that links the medical cannabis shipment to a relevant
5768 inventory control system;

5769 (b) includes origin and destination information for the medical cannabis shipment the
5770 individual is transporting; and

5771 (c) indicates the departure and estimated arrival times and locations of the individual
5772 transporting the medical cannabis shipment.

5773 (5) In addition to the requirements in Subsections (3) and (4), the department may
5774 establish by rule, in collaboration with the Division of Professional Licensing and the Board of
5775 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5776 requirements for transporting medical cannabis shipments that are related to safety for human
5777 consumption of cannabis or a cannabis product.

5778 (6) (a) It is unlawful for an individual to transport a medical cannabis shipment with a
5779 manifest that does not meet the requirements of Subsection (4).

5780 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection
5781 (6)(a) is:

5782 (i) guilty of an infraction; and

5783 (ii) subject to a \$100 fine.

5784 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not
5785 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
5786 underlying the violation described in Subsection (6)(b).

5787 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
5788 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
5789 minimis administrative error:

5790 (i) this ~~chapter~~ part does not apply; and

5791 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled

5792 Substances Act.

5793 Section 99. Section **26B-4-241**, which is renumbered from Section 26-61a-606 is
5794 renumbered and amended to read:

5795 ~~[26-61a-606]~~. **26B-4-241. Medical cannabis courier agent -- Background**
5796 **check -- Registration card -- Rebuttable presumption.**

5797 (1) An individual may not serve as a medical cannabis courier agent unless:

5798 (a) the individual is an employee of a licensed medical cannabis courier; and

5799 (b) the department registers the individual as a medical cannabis courier agent.

5800 (2) (a) The department shall, within 15 days after the day on which the department
5801 receives a complete application from a medical cannabis courier on behalf of a medical
5802 cannabis courier agent, register and issue a medical cannabis courier agent registration card to
5803 the prospective agent if the medical cannabis courier:

5804 (i) provides to the department:

5805 (A) the prospective agent's name and address;

5806 (B) the name and address of the medical cannabis courier;

5807 (C) the name and address of each home delivery medical cannabis pharmacy with
5808 which the medical cannabis courier contracts to deliver medical cannabis shipments; and

5809 (D) the submission required under Subsection (2)(b);

5810 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
5811 law of:

5812 (A) a felony; or

5813 (B) after December 3, 2018, a misdemeanor for drug distribution; and

5814 (iii) pays the department a fee in an amount that, subject to Subsection ~~[26-61a-109]~~
5815 26B-1-310(5), the department sets in accordance with Section 63J-1-504.

5816 (b) Except for an applicant reapplying for a medical cannabis courier agent registration
5817 card within less than one year after the expiration of the applicant's previous medical cannabis
5818 courier agent registration card, each prospective agent described in Subsection (2)(a) shall:

5819 (i) submit to the department:

5820 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

5821 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
5822 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

5823 Generation Identification System's Rap Back Service; and
5824 (ii) consent to a fingerprint background check by:
5825 (A) the Bureau of Criminal Identification; and
5826 (B) the Federal Bureau of Investigation.
5827 (c) The Bureau of Criminal Identification shall:
5828 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
5829 the applicable state, regional, and national criminal records databases, including the Federal
5830 Bureau of Investigation Next Generation Identification System;
5831 (ii) report the results of the background check to the department;
5832 (iii) maintain a separate file of fingerprints that prospective agents submit under
5833 Subsection (2)(b) for search by future submissions to the local and regional criminal records
5834 databases, including latent prints;
5835 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
5836 Generation Identification System's Rap Back Service for search by future submissions to
5837 national criminal records databases, including the Next Generation Identification System and
5838 latent prints; and
5839 (v) establish a privacy risk mitigation strategy to ensure that the department only
5840 receives notifications for an individual with whom the department maintains an authorizing
5841 relationship.
5842 (d) The department shall:
5843 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
5844 amount that the department sets in accordance with Section 63J-1-504 for the services that the
5845 Bureau of Criminal Identification or another authorized agency provides under this section; and
5846 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
5847 Identification.
5848 (3) The department shall designate on an individual's medical cannabis courier agent
5849 registration card the name of the medical cannabis pharmacy where the individual is registered
5850 as an agent and each home delivery medical cannabis courier for which the medical cannabis
5851 courier delivers medical cannabis shipments.
5852 (4) (a) A medical cannabis courier agent shall comply with a certification standard that
5853 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.

(b) The department shall ensure that the certification standard described in Subsection (4)(a) includes training in:

- (i) Utah medical cannabis law;
- (ii) the medical cannabis shipment process; and
- (iii) medical cannabis courier agent best practices.

(5) (a) A medical cannabis courier agent registration card expires two years after the day on which the department issues or renews the card.

(b) A medical cannabis courier agent may renew the agent's registration card if the agent:

- (i) is eligible for a medical cannabis courier agent 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; and
- (iii) 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.

(6) The department may revoke or refuse to issue or renew the medical cannabis courier agent registration card of 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
- (ii) after December 3, 2018, a misdemeanor for drug distribution.

(7) A medical cannabis courier agent whom the department has registered under this section shall carry the agent's medical cannabis courier agent registration card with the agent at 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

5885 (b) the agent is handling a medical cannabis shipment.

5886 (8) If a medical cannabis courier agent handling a medical cannabis shipment possesses
5887 the shipment in compliance with Subsection (7):

5888 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and

5889 (b) there is no probable cause, based solely on the agent's possession of the medical
5890 cannabis shipment that the agent is engaging in illegal activity.

5891 (9) (a) A medical cannabis courier agent who violates Subsection (7) is:

5892 (i) guilty of an infraction; and

5893 (ii) subject to a \$100 fine.

5894 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not
5895 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
5896 underlying the violation described in Subsection (9)(a).

5897 Section 100. Section **26B-4-242**, which is renumbered from Section 26-61a-607 is
5898 renumbered and amended to read:

5899 ~~[26-61a-607]~~. **26B-4-242. Home delivery of medical cannabis shipments.**

5900 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical
5901 cannabis courier agent may not deliver a medical cannabis shipment from a home delivery
5902 medical cannabis pharmacy unless:

5903 (a) the individual receiving the shipment presents:

5904 (i) a valid form of photo identification; and

5905 (ii) (A) a valid medical cannabis card under the same name that appears on the valid
5906 form of photo identification; or

5907 (B) for a facility that a medical cannabis cardholder has designated as a caregiver under
5908 Subsection ~~[26-61a-202]~~ 26B-4-214(1)(b), evidence of the facility caregiver designation; and

5909 (b) the delivery occurs at:

5910 (i) the medical cannabis cardholder's home address that is on file in the state electronic
5911 verification system; or

5912 (ii) the facility that the medical cannabis cardholder has designated as a caregiver under
5913 Subsection ~~[26-61a-202]~~ 26B-4-214(1)(b).

5914 (2) Before a medical cannabis pharmacy agent or a medical cannabis courier agent
5915 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:

5916 (a) verify the shipment information using the state electronic verification system;
5917 (b) ensure that the individual satisfies the identification requirements in Subsection (1);
5918 (c) verify that payment is complete; and
5919 (d) record the completion of the shipment transaction in a manner such that the
5920 delivery of the shipment will later be recorded within a reasonable period in the electronic
5921 verification system.

5922 (3) The medical cannabis courier shall:

5923 (a) (i) store each medical cannabis shipment in a secure manner until the recipient
5924 medical cannabis cardholder receives the shipment or the medical cannabis courier returns the
5925 shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4);
5926 and

5927 (ii) ensure that only a medical cannabis courier agent is able to access the medical
5928 cannabis shipment until the recipient medical cannabis cardholder receives the shipment;

5929 (b) return any undelivered medical cannabis shipment to the home delivery medical
5930 cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has
5931 possessed the shipment for 10 business days; and

5932 (c) return any medical cannabis shipment to the home delivery medical cannabis
5933 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to
5934 accept the shipment.

5935 (4) (a) If a medical cannabis courier or home delivery medical cannabis pharmacy
5936 agent returns an undelivered medical cannabis shipment that remains unopened, the home
5937 delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.

5938 (b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent
5939 returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears
5940 to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the
5941 shipment by:

5942 (i) rendering the shipment unusable and unrecognizable before transporting the
5943 shipment from the home delivery medical cannabis pharmacy; and

5944 (ii) disposing of the shipment in accordance with:

5945 (A) federal and state laws, rules, and regulations related to hazardous waste;
5946 (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 defibrillation should be performed; and

(d) upon determining that defibrillation should be performed, automatically charges, enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and to a person's heart.

(3) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest compression applied to a person who is unresponsive and not breathing.

~~[(1)]~~ (4) "Committee" means the Primary Care Grant Committee described in Section ~~[26-10b-106]~~ 26B-1-410.

~~[(2)]~~ (5) "Community based organization":

(a) means a private entity; and

(b) includes for profit and not for profit entities.

~~[(3)]~~ (6) "Cultural competence" means a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or profession and enables that system, agency, or profession to work effectively in cross-cultural situations.

5978 ~~[(4)] "Executive director" means the executive director of the department.]~~

5979 (7) "Emergency medical dispatch center" means a public safety answering point, as
 5980 defined in Section [63H-7a-103](#), that is designated as an emergency medical dispatch center by
 5981 the office.

5982 ~~[(5)]~~ (8) "Health literacy" means the degree to which an individual has the capacity to
 5983 obtain, process, and understand health information and services needed to make appropriate
 5984 health decisions.

5985 ~~[(6)]~~ (9) "Institutional capacity" means the ability of a community based organization
 5986 to implement public and private contracts.

5987 ~~[(7)]~~ (10) "Medically underserved population" means the population of an urban or
 5988 rural area or a population group that the committee determines has a shortage of primary health
 5989 care.

5990 (11) "Office" means the Office of Emergency Medical Services and Preparedness
 5991 within the department.

5992 ~~[(8)]~~ (12) "Primary care grant" means a grant awarded by the department under
 5993 Subsection ~~[[26-10b-102](#)]~~ [26B-4-310](#)(1).

5994 ~~[(9)]~~ (13) (a) "Primary health care" means:

5995 (i) basic and general health care services given when a person seeks assistance to
 5996 screen for or to prevent illness and disease, or for simple and common illnesses and injuries;
 5997 and

5998 (ii) care given for the management of chronic diseases.

5999 (b) "Primary health care" includes:

6000 (i) services of physicians, nurses, physician's assistants, and dentists licensed to
 6001 practice in this state under Title 58, Occupations and Professions;

6002 (ii) diagnostic and radiologic services;

6003 (iii) preventive health services including perinatal services, well-child services, and
 6004 other services that seek to prevent disease or its consequences;

6005 (iv) emergency medical services;

6006 (v) preventive dental services; and

6007 (vi) pharmaceutical services.

6008 ~~[(10)] "Program" means the primary care grant program created under this chapter.]~~

6009 (14) "Sudden cardiac arrest" means a life-threatening condition that results when a
6010 person's heart stops or fails to produce a pulse.

6011 Section 102. Section **26B-4-302**, which is renumbered from Section 26-8b-201 is
6012 renumbered and amended to read:

6013 ~~[26-8b-201].~~ **26B-4-302. Authority to administer CPR or use an AED.**

6014 (1) A person may administer CPR on another person without a license, certificate, or
6015 other governmental authorization if the person reasonably believes that the other person is in
6016 sudden cardiac arrest.

6017 (2) A person may use an AED on another person without a license, certificate, or other
6018 governmental authorization if the person reasonably believes that the other person is in sudden
6019 cardiac arrest.

6020 Section 103. Section **26B-4-303**, which is renumbered from Section 26-8b-202 is
6021 renumbered and amended to read:

6022 ~~[26-8b-202].~~ **26B-4-303. Immunity.**

6023 (1) Except as provided in Subsection (3), the following persons are not subject to civil
6024 liability for any act or omission relating to preparing to care for, responding to care for, or
6025 providing care to, another person who reasonably appears to be in sudden cardiac arrest:

6026 (a) a person authorized, under Section ~~[26-8b-201]~~ 26B-4-302, to administer CPR,
6027 who:

6028 (i) gratuitously and in good faith attempts to administer or administers CPR to another
6029 person; or

6030 (ii) fails to administer CPR to another person;

6031 (b) a person authorized, under Section ~~[26-8b-201]~~ 26B-4-302, to use an AED who:

6032 (i) gratuitously and in good faith attempts to use or uses an AED; or

6033 (ii) fails to use an AED;

6034 (c) a person that teaches or provides a training course in administering CPR or using an
6035 AED;

6036 (d) a person that acquires an AED;

6037 (e) a person that owns, manages, or is otherwise responsible for the premises or
6038 conveyance where an AED is located;

6039 (f) a person who retrieves an AED in response to a perceived or potential sudden

6040 cardiac arrest;

6041 (g) a person that authorizes, directs, or supervises the installation or provision of an
6042 AED;

6043 (h) a person involved with, or responsible for, the design, management, or operation of
6044 a CPR or AED program;

6045 (i) a person involved with, or responsible for, reporting, receiving, recording, updating,
6046 giving, or distributing information relating to the ownership or location of an AED under [Part
6047 3, ~~Automatic External Defibrillator Databases~~] Sections 26B-4-304 through 26B-4-306; or

6048 (j) a physician who gratuitously and in good faith:

6049 (i) provides medical oversight for a public AED program; or

6050 (ii) issues a prescription for a person to acquire or use an AED.

6051 (2) This section does not relieve a manufacturer, designer, developer, marketer, or
6052 commercial distributor of an AED, or an accessory for an AED, of any liability.

6053 (3) The liability protection described in Subsection (1) does not apply to an act or
6054 omission that constitutes gross negligence or willful misconduct.

6055 Section 104. Section **26B-4-304**, which is renumbered from Section 26-8b-301 is
6056 renumbered and amended to read:

6057 ~~[26-8b-301].~~ **26B-4-304. Reporting location of automatic external**
6058 **defibrillators.**

6059 (1) In accordance with Subsection (2) and except as provided in Subsection (3):

6060 (a) a person who owns or leases an AED shall report the person's name, address, and
6061 telephone number, and the exact location of the AED, in writing or by a web-based AED
6062 registration form, if available, to the emergency medical dispatch center that provides
6063 emergency dispatch services for the location where the AED is installed, if the person:

6064 (i) installs the AED;

6065 (ii) causes the AED to be installed; or

6066 (iii) allows the AED to be installed; and

6067 (b) a person who owns or leases an AED that is removed from a location where it is
6068 installed shall report the person's name, address, and telephone number, and the exact location
6069 from which the AED is removed, in writing or by a web-based AED registration form, if
6070 available, to the emergency medical dispatch center that provides emergency dispatch services

6071 for the location from which the AED is removed, if the person:

- 6072 (i) removes the AED;
6073 (ii) causes the AED to be removed; or
6074 (iii) allows the AED to be removed.

6075 (2) A report required under Subsection (1) shall be made within 14 days after the day
6076 on which the AED is installed or removed.

6077 (3) Subsection (1) does not apply to an AED:

- 6078 (a) at a private residence; or
6079 (b) in a vehicle or other mobile or temporary location.

6080 (4) A person who owns or leases an AED that is installed in, or removed from, a
6081 private residence may voluntarily report the location of, or removal of, the AED to the
6082 emergency medical dispatch center that provides emergency dispatch services for the location
6083 where the private residence is located.

6084 (5) The department may not impose a penalty on a person for failing to comply with
6085 the requirements of this section.

6086 Section 105. Section **26B-4-305**, which is renumbered from Section 26-8b-302 is
6087 renumbered and amended to read:

6088 ~~[26-8b-302].~~ **26B-4-305. Distributors to notify of reporting requirements.**

6089 A person in the business of selling or leasing an AED shall, at the time the person
6090 provides, sells, or leases an AED to another person, notify the other person, in writing, of the
6091 reporting requirements described in Section ~~[26-8b-301]~~ [26B-4-304](#).

6092 Section 106. Section **26B-4-306**, which is renumbered from Section 26-8b-303 is
6093 renumbered and amended to read:

6094 ~~[26-8b-303].~~ **26B-4-306. Duties of emergency medical dispatch centers.**

6095 An emergency medical dispatch center shall:

- 6096 (1) implement a system to receive and manage the information reported to the
6097 emergency medical dispatch center under Section ~~[26-8b-301]~~ [26B-4-304](#);
6098 (2) record in the system described in Subsection (1), all information received under
6099 Section ~~[26-8b-301]~~ [26B-4-304](#) within 14 days after the day on which the information is
6100 received;

6101 (3) inform a person who calls to report a potential incident of sudden cardiac arrest of

the location of an AED located at the address of the potential sudden cardiac arrest;

(4) provide verbal instructions to a person described in Subsection (3) to:

(a) help a person determine if a patient is in cardiac arrest; and

(b) if needed:

(i) provide direction to start CPR;

(ii) offer instructions on how to perform CPR; or

(iii) offer instructions on how to use an AED, if one is available; and

(5) provide the information contained in the system described in Subsection (1), upon request, to the ~~[bureau]~~ office.

Section 107. Section **26B-4-307**, which is renumbered from Section 26-8b-401 is renumbered and amended to read:

~~[26-8b-401].~~ **26B-4-307. Education and training.**

(1) The ~~[bureau]~~ office shall work in cooperation with federal, state, and local agencies and schools, to encourage individuals to complete courses on the administration of CPR and the use of an AED.

(2) A person who owns or leases an AED shall encourage each person who is likely to use the AED to complete courses on the administration of CPR and the use of an AED.

Section 108. Section **26B-4-308**, which is renumbered from Section 26-8b-402 is renumbered and amended to read:

~~[26-8b-402].~~ **26B-4-308. AEDs for demonstration purposes.**

(1) Any AED used solely for demonstration or training purposes, which is not operational for emergency use is, except for the provisions of this section, exempt from the provisions of this ~~[chapter]~~ part.

(2) The owner of an AED described in Subsection (1) shall clearly mark on the exterior of the AED that the AED is for demonstration or training use only.

Section 109. Section **26B-4-309**, which is renumbered from Section 26-8b-501 is renumbered and amended to read:

~~[26-8b-501].~~ **26B-4-309. Tampering with an AED prohibited -- Penalties.**

A person is guilty of a class C misdemeanor if the person removes, tampers with, or otherwise disturbs an AED, AED cabinet or enclosure, or AED sign, unless:

(1) the person is authorized by the AED owner for the purpose of:

- 6133 (a) inspecting the AED or AED cabinet or enclosure; or
6134 (b) performing maintenance or repairs on the AED, the AED cabinet or enclosure, a
6135 wall or structure that the AED cabinet or enclosure is directly attached to, or an AED sign;
6136 (2) the person is responding to, or providing care to, a potential sudden cardiac arrest
6137 patient; or
6138 (3) the person acts in good faith with the intent to support, and not to violate, the
6139 recognized purposes of the AED.

6140 Section 110. Section **26B-4-310**, which is renumbered from Section 26-10b-102 is
6141 renumbered and amended to read:

6142 ~~[26-10b-102].~~ **26B-4-310. Department to award primary care grants --**
6143 **Applications.**

6144 (1) Within appropriations specified by the Legislature for this purpose, the department
6145 may, in accordance with the recommendation of the committee, award a grant to a public or
6146 nonprofit entity to provide primary health care to a medically underserved population.

6147 (2) When awarding a grant under Subsection (1), the department shall, in accordance
6148 with the committee's recommendation, consider:

- 6149 (a) the content of a grant application submitted to the department;
6150 (b) whether an application is submitted in the manner and form prescribed by the
6151 department; and
6152 (c) the criteria established in Section ~~[26-10b-103]~~ 26B-4-311.
6153 (3) The application for a grant under Subsection (2)(a) shall contain:
6154 (a) a requested award amount;
6155 (b) a budget; and
6156 (c) a narrative plan of the manner in which the applicant intends to provide the primary
6157 health care described in Subsection (1).

6158 Section 111. Section **26B-4-311**, which is renumbered from Section 26-10b-103 is
6159 renumbered and amended to read:

6160 ~~[26-10b-103].~~ **26B-4-311. Content of primary care grant applications.**

6161 An applicant for a grant under ~~[this chapter]~~ Section 26B-4-310 shall include, in an
6162 application:

- 6163 (1) a statement of specific, measurable objectives, and the methods the applicant will

6164 use to assess the achievement of those objectives;

6165 (2) the precise boundaries of the area the applicant will serve, including a description
6166 of the medically underserved population the applicant will serve using the grant;

6167 (3) the results of a need assessment that demonstrates that the population the applicant
6168 will serve has a need for the services provided by the applicant;

6169 (4) a description of the personnel responsible for carrying out the activities of the grant
6170 along with a statement justifying the use of any grant funds for the personnel;

6171 (5) evidence that demonstrates the applicant's existing financial and professional
6172 assistance and any attempts by the applicant to obtain financial and professional assistance;

6173 (6) a list of services the applicant will provide;

6174 (7) the schedule of fees, if any, the applicant will charge;

6175 (8) the estimated number of individuals the applicant will serve with the grant award;

6176 and

6177 (9) any other information required by the department in consultation with the
6178 committee.

6179 Section 112. Section **26B-4-312**, which is renumbered from Section 26-10b-104 is
6180 renumbered and amended to read:

6181 ~~[26-10b-104].~~ **26B-4-312. Process and criteria for awarding primary care**
6182 **grants.**

6183 (1) The department shall review and rank applications based on the criteria in this
6184 section and transmit the applications to the committee for review.

6185 (2) The committee shall, after reviewing the applications transferred to the committee
6186 under Subsection (1), make recommendations to the executive director.

6187 (3) The executive director shall, in accordance with the committee's recommendations,
6188 decide which applications to award grants under Subsection ~~[26-10b-102]~~ 26B-4-310(1).

6189 (4) The department shall establish rules in accordance with Title 63G, Chapter 3, Utah
6190 Administrative Rulemaking Act, governing the application form, the process, and the criteria
6191 the department will use in reviewing, ranking, and awarding grants and contracts under this
6192 chapter.

6193 (5) When reviewing, ranking, and awarding a primary care grant under Subsection
6194 ~~[26-10b-102]~~ 26B-4-310(1), the department shall consider the extent to which an applicant:

6195 (a) demonstrates that the area or a population group the applicant will serve under the
6196 application has a shortage of primary health care and that the primary health care will be
6197 located so that it provides assistance to the greatest number of individuals in the population
6198 group;

6199 (b) utilizes other sources of funding, including private funding, to provide primary
6200 health care;

6201 (c) demonstrates the ability and expertise to serve a medically underserved population;

6202 (d) agrees to submit a report to the committee annually; and

6203 (e) meets other criteria determined by the department in consultation with the
6204 committee.

6205 (6) The department may use up to 5% of the funds appropriated by the Legislature to
6206 the primary care grant program [~~under this chapter~~] to pay the costs of administering the
6207 program.

6208 Section 113. Section **26B-4-313**, which is renumbered from Section 26-10b-107 is
6209 renumbered and amended to read:

6210 ~~[26-10b-107]~~. **26B-4-313. Community education and outreach contracts.**

6211 (1) The department may, as funding permits, contract with community based
6212 organizations for the purpose of developing culturally and linguistically appropriate programs
6213 and services for low income and medically underserved populations to accomplish one or more
6214 of the following:

6215 (a) to educate individuals:

6216 (i) to use private and public health care coverage programs, products, services, and
6217 resources in a timely, effective, and responsible manner;

6218 (ii) to pursue preventive health care, health screenings, and disease management; and

6219 (iii) to locate health care programs and services;

6220 (b) to assist individuals to develop:

6221 (i) personal health management;

6222 (ii) self-sufficiency in daily care; and

6223 (iii) life and disease management skills;

6224 (c) to support translation of health materials and information;

6225 (d) to facilitate an individual's access to primary care and providers, including mental

6226 health services; and

6227 (e) to measure and report empirical results of the pilot project.

6228 (2) When awarding a contract for community based services under Subsection (1), the
6229 department shall consider the extent to which the applicant:

6230 (a) demonstrates that the area or a population group to be served under the application
6231 is a medically underserved population and that the services will be located to provide
6232 assistance to the greatest number of individuals residing in the area or included in the
6233 population group;

6234 (b) utilizes other sources of funding, including private funding, to provide the services
6235 described in Subsection (1);

6236 (c) demonstrates the ability and expertise to serve medically underserved populations,
6237 including individuals with limited English-speaking ability, single heads of households, the
6238 elderly, individuals with low income, and individuals with a chronic disease;

6239 (d) meets other criteria determined by the department; and

6240 (e) demonstrates the ability to empirically measure and report the results of all contract
6241 supported activities.

6242 (3) The department may only award a contract under Subsection (1):

6243 (a) in accordance with Title 63G, Chapter 6a, Utah Procurement Code;

6244 (b) that contains the information described in Section [~~26-10b-103~~] [26B-4-311](#),
6245 relating to grants; and

6246 (c) that complies with Subsections (4) and (5).

6247 (4) An applicant under this chapter shall demonstrate to the department that the
6248 applicant will not deny services to a person because of the person's inability to pay for the
6249 services.

6250 (5) Subsection (4) does not preclude an applicant from seeking payment from the
6251 person receiving services, a third party, or a government agency if:

6252 (a) the applicant is authorized to charge for the services; and

6253 (b) the person, third party, or government agency is under legal obligation to pay for
6254 the services.

6255 (6) The department shall maximize the use of federal matching funds received for
6256 services under Subsection (1) to fund additional contracts under Subsection (1).

6257 Section 114. Section **26B-4-314**, which is renumbered from Section 26-9-1 is
6258 renumbered and amended to read:

6259 **[26-9-1]. 26B-4-314. Assistance to rural communities by department.**

6260 The department shall assist rural communities in dealing with primary health care needs
6261 relating to recruiting health professionals, planning, and technical assistance. The department
6262 shall assist the communities, at their request, at any stage of development of new or expanded
6263 primary health care services and shall work with them to improve primary health care by
6264 providing information to increase the effectiveness of their systems, to decrease duplication
6265 and fragmentation of services, and to maximize community use of private gifts, and local, state,
6266 and federal grants and contracts.

6267 Section 115. Section **26B-4-315**, which is renumbered from Section 26-9-2 is
6268 renumbered and amended to read:

6269 **[26-9-2]. 26B-4-315. Responsibility of department for coordinating rural**
6270 **health programs.**

6271 The department shall be the lead agency responsible for coordinating rural health
6272 programs and shall ~~[insure]~~ ensure that resources available for rural health are efficiently and
6273 effectively used.

6274 Section 116. Section **26B-4-316**, which is renumbered from Section 26-9-3 is
6275 renumbered and amended to read:

6276 **[26-9-3]. 26B-4-316. Rural health development initiatives.**

6277 (1) (a) ~~[The]~~ University of Utah Health ~~[Science Center]~~ shall use any appropriations it
6278 receives for developing area health education centers to establish and maintain an area health
6279 education center program in accordance with this section.

6280 (b) Implementation and execution of the area health education center program is
6281 contingent upon appropriations from the Legislature.

6282 (2) (a) The area health education center program shall consist of a central program
6283 office at ~~[the]~~ University of Utah Health ~~[Science Center]~~. The program office shall establish
6284 and operate a statewide, decentralized, regional program with emphasis on addressing rural
6285 health professions workforce education and training needs.

6286 (b) The area health education center program shall have ~~[five]~~ three regional centers
6287 serving the following geographic areas:

6288 (i) the northern center serving Box Elder, Cache, Davis, Rich, Weber, and Morgan
6289 counties;

6290 (ii) the crossroads center serving Salt Lake, Wasatch, Summit, Tooele, and Utah[, ~~and~~
6291 ~~Davis~~] counties;

6292 (iii) the [~~central~~] southern center serving Juab, Millard, Piute, Sanpete, Sevier, [~~and~~]
6293 Wayne, [~~counties; (iv) the eastern center serving~~] Carbon, Daggett, Duchesne, Emery, Grand,
6294 San Juan, [~~and Uintah counties; and (v) the southwest center serving~~] Uintah, Beaver,
6295 Garfield, Iron, Kane, and Washington counties.

6296 (3) The area health education center program shall attempt to acquire funding from
6297 state, local, federal, and private sources.

6298 (4) Each area health education center shall provide community-based health
6299 professions education programming for the geographic area described in Subsection (2)(b) of
6300 this section.

6301 Section 117. Section **26B-4-317**, which is renumbered from Section 26-9-5 is
6302 renumbered and amended to read:

6303 **[~~26-9-5~~]. 26B-4-317. Rural County Health Care Special Service District**
6304 **Retirement Grant Program.**

6305 (1) As used in this section:

6306 (a) "Participating employer" means an employer that was required to participate in the
6307 Utah State Retirement System under Section 49-12-201, 49-12-202, 49-13-201, or 49-13-202.

6308 (b) "Retirement liability" means an obligation in excess of \$750,000 owed to the Utah
6309 State Retirement Office by a rural county health care special service district as a participating
6310 employer.

6311 (c) "Rural county health care special service district" means a special service district
6312 formed to provide health care in a third, fourth, fifth, or sixth class county as defined in Section
6313 17-50-501.

6314 (2) Because there is a compelling statewide public purpose in promoting health care in
6315 Utah's rural counties, and particularly in ensuring the continued existence and financial
6316 viability of hospital services provided by rural county health care special service districts, there
6317 is created a grant program to assist rural county health care special service districts in meeting a
6318 retirement liability.

(3) (a) Subject to legislative appropriation and this Subsection (3), the department shall make grants to rural county health care special service districts.

(b) To qualify for a grant, a rural county health care special service district shall:

(i) file a grant application with the department detailing:

(A) the name of the rural county health care special service district;

(B) the estimated total amount of the retirement liability;

(C) the grant amount that the rural county health care special service district is requesting; and

(D) the amount of matching funds to be provided by the rural county health care special service district to help fund the retirement liability as required by Subsection (3)(d); and

(ii) commit to provide matching funds as required by Subsection (3)(d).

(c) The department shall review each grant application and, subject to legislative appropriation, award grants to each rural health care special service district that qualifies for a grant under Subsection (3)(b).

(d) The department may not award a grant to a rural county health care special service district unless the rural county health care special service district commits to provide matching funds to the grant equal to at least 40% of the amount of the grant.

Section 118. Section **26B-4-318**, which is renumbered from Section 26-10-2 is renumbered and amended to read:

[26-10-2]. 26B-4-318. Maternal and child health provided by department.

The department shall, as funding permits, provide for maternal and child health services and services for children with a disability if the individual needs the services and the individual cannot reasonably obtain the services from other sources.

Section 119. Section **26B-4-319**, which is renumbered from Section 26-10-6 is renumbered and amended to read:

[26-10-6]. 26B-4-319. Testing of newborn infants.

(1) Except in the case where parents object on the grounds that they are members of a specified, well-recognized religious organization whose teachings are contrary to the tests required by this section, a newborn infant shall be tested for:

(a) phenylketonuria (PKU);

(b) other heritable disorders which may result in an intellectual or physical disability or

6350 death and for which:

6351 (i) a preventive measure or treatment is available; and

6352 (ii) there exists a reliable laboratory diagnostic test method;

6353 (c) (i) an infant born in a hospital with 100 or more live births annually, hearing loss;

6354 and

6355 (ii) an infant born in a setting other than a hospital with 100 or more live births

6356 annually, hearing loss; and

6357 (d) critical congenital heart defects using pulse oximetry.

6358 (2) In accordance with Section [26B-1-209](#), the department may charge fees for:

6359 (a) materials supplied by the department to conduct tests required under Subsection (1);

6360 (b) tests required under Subsection (1) conducted by the department;

6361 (c) laboratory analyses by the department of tests conducted under Subsection (1); and

6362 (d) the administrative cost of follow-up contacts with the parents or guardians of tested
6363 infants.

6364 (3) Tests for hearing loss described in Subsection (1) shall be based on one or more

6365 methods approved by the Newborn Hearing Screening Committee created in Section

6366 [26B-1-432](#), including:

6367 (a) auditory brainstem response;

6368 (b) automated auditory brainstem response; and

6369 (c) evoked otoacoustic emissions.

6370 (4) Results of tests for hearing loss described in Subsection (1) shall be reported to:

6371 (a) the department; and

6372 (b) when results of tests for hearing loss under Subsection (1) suggest that additional
6373 diagnostic procedures or medical interventions are necessary:

6374 (i) a parent or guardian of the infant;

6375 (ii) an early intervention program administered by the department in accordance with
6376 Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1431 et seq.; and

6377 (iii) the Utah Schools for the Deaf and the Blind, created in Section [53E-8-201](#).

6378 ~~[(5)(a) There is established the Newborn Hearing Screening Committee.]~~

6379 ~~[(b) The committee shall advise the department on:]~~

6380 ~~[(i) the validity and cost of newborn infant hearing loss testing procedures; and]~~

6381 ~~[(ii) rules promulgated by the department to implement this section.]~~
6382 ~~[(c) The committee shall be composed of at least 11 members appointed by the~~
6383 ~~executive director, including:]~~
6384 ~~[(i) one representative of the health insurance industry;]~~
6385 ~~[(ii) one pediatrician;]~~
6386 ~~[(iii) one family practitioner;]~~
6387 ~~[(iv) one ear, nose, and throat specialist nominated by the Utah Medical Association;]~~
6388 ~~[(v) two audiologists nominated by the Utah Speech-Language-Hearing Association;]~~
6389 ~~[(vi) one representative of hospital neonatal nurseries;]~~
6390 ~~[(vii) one representative of the Early Intervention Baby Watch Program administered~~
6391 ~~by the department;]~~
6392 ~~[(viii) one public health nurse;]~~
6393 ~~[(ix) one consumer; and]~~
6394 ~~[(x) the executive director or the executive director's designee.]~~
6395 ~~[(d) Of the initial members of the committee, the executive director shall appoint as~~
6396 ~~nearly as possible half to two-year terms and half to four-year terms. Thereafter, appointments~~
6397 ~~shall be for four-year terms except:]~~
6398 ~~[(i) for those members who have been appointed to complete an unexpired term; and]~~
6399 ~~[(ii) as necessary to ensure that as nearly as possible the terms of half the appointments~~
6400 ~~expire every two years:]~~
6401 ~~[(e) A majority of the members constitute a quorum, and a vote of the majority of the~~
6402 ~~members present constitutes an action of the committee.]~~
6403 ~~[(f) The committee shall appoint a chairman from the committee's membership.]~~
6404 ~~[(g) The committee shall meet at least quarterly.]~~
6405 ~~[(h) A member may not receive compensation or benefits for the member's service, but~~
6406 ~~may receive per diem and travel expenses in accordance with:]~~
6407 ~~[(i) Section [63A-3-106](#);~~
6408 ~~[(ii) Section [63A-3-107](#); and]~~
6409 ~~[(iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and~~
6410 ~~[63A-3-107](#).]~~
6411 ~~[(i) The department shall provide staff for the committee.]~~

6412 ~~[(6) Before implementing the test required by Subsection (1)(d), the department shall~~
6413 ~~conduct a pilot program for testing newborns for critical congenital heart defects using pulse~~
6414 ~~oximetry. The pilot program shall include the development of:]~~

6415 ~~[(a) appropriate oxygen saturation levels that would indicate a need for further medical~~
6416 ~~follow-up; and]~~

6417 ~~[(b) the best methods for implementing the pulse oximetry screening in newborn care~~
6418 ~~units:]~~

6419 Section 120. Section **26B-4-320**, which is renumbered from Section 26-10-7 is
6420 renumbered and amended to read:

6421 ~~[26-10-7].~~ **26B-4-320. Dental health programs -- Appointment of director.**

6422 The department shall establish and promote programs to protect and improve the dental
6423 health of the public. The executive director shall appoint a director of the dental health program
6424 who shall be a dentist licensed in the state with at least one year of training in an accredited
6425 school of public health or not less than two years of experience in public health dentistry.

6426 Section 121. Section **26B-4-321**, which is renumbered from Section 26-10-9 is
6427 renumbered and amended to read:

6428 ~~[26-10-9].~~ **26B-4-321. Immunizations -- Consent of minor to treatment.**

6429 (1) This section:

6430 (a) is not intended to interfere with the integrity of the family or to minimize the rights
6431 of parents or children; and

6432 (b) applies to a minor, who at the time care is sought is:

6433 (i) married or has been married;

6434 (ii) emancipated as provided for in Section [80-7-105](#);

6435 (iii) a parent with custody of a minor child; or

6436 (iv) pregnant.

6437 (2) (a) A minor described in Subsections (1)(b)(i) and (ii) may consent to:

6438 (i) vaccinations against epidemic infections and communicable diseases as defined in
6439 Section ~~[26-6-2]~~ [26B-7-201](#); and

6440 (ii) examinations and vaccinations required to attend school as provided in Title 53G,
6441 Public Education System -- Local Administration.

6442 (b) A minor described in Subsections (1)(b)(iii) and (iv) may consent to the

6443 vaccinations described in Subsections (2)(a)(i) and (ii), and the vaccine for human
6444 papillomavirus only if:

6445 (i) the minor represents to the health care provider that the minor is an abandoned
6446 minor as defined in Section 76-5-109.3; and

6447 (ii) the health care provider makes a notation in the minor's chart that the minor
6448 represented to the health care provider that the minor is an abandoned minor under Section
6449 76-5-109.3.

6450 (c) Nothing in Subsection (2)(a) or (b) requires a health care provider to immunize a
6451 minor.

6452 (3) The consent of the minor pursuant to this section:

6453 (a) is not subject to later disaffirmance because of the minority of the person receiving
6454 the medical services;

6455 (b) is not voidable because of minority at the time the medical services were provided;

6456 (c) has the same legal effect upon the minor and the same legal obligations with regard
6457 to the giving of consent as consent given by a person of full age and capacity; and

6458 (d) does not require the consent of any other person or persons to authorize the medical
6459 services described in Subsections (2)(a) and (b).

6460 (4) A health care provider who provides medical services to a minor in accordance
6461 with the provisions of this section is not subject to civil or criminal liability for providing the
6462 services described in Subsections (2)(a) and (b) without obtaining the consent of another
6463 person prior to rendering the medical services.

6464 (5) This section does not remove the requirement for parental consent or notice when
6465 required by Section 76-7-304 or 76-7-304.5.

6466 (6) The parents, parent, or legal guardian of a minor who receives medical services
6467 pursuant to Subsections (2)(a) and (b) are not liable for the payment for those services unless
6468 the parents, parent, or legal guardian consented to the medical services.

6469 Section 122. Section **26B-4-322**, which is renumbered from Section 26-10-11 is
6470 renumbered and amended to read:

6471 ~~[26-10-11]~~. **26B-4-322. Children's Hearing Aid Program -- Rulemaking.**

6472 (1) The department shall offer a program to provide hearing aids to children who
6473 qualify under this section.

6474 (2) The department shall provide hearing aids to a child who:
6475 (a) is younger than six years old;
6476 (b) is a resident of Utah;
6477 (c) has been diagnosed with hearing loss by:
6478 (i) an audiologist with pediatric expertise; and
6479 (ii) a physician or physician assistant;
6480 (d) provides documentation from an audiologist with pediatric expertise certifying that
6481 the child needs hearing aids;
6482 (e) has obtained medical clearance by a medical provider for hearing aid fitting;
6483 (f) does not qualify to receive a contribution that equals the full cost of a hearing aid
6484 from the state's Medicaid program or the Utah Children's Health Insurance Program; and
6485 (g) meets the financial need qualification criteria established by the department by rule,
6486 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
6487 participation in the program.

6488 ~~[(3) (a) There is established the Children's Hearing Aid Advisory Committee.]~~
6489 ~~[(b) The committee shall be composed of five members appointed by the executive~~
6490 ~~director, and shall include:]~~
6491 ~~[(i) one audiologist with pediatric expertise;]~~
6492 ~~[(ii) one speech language pathologist;]~~
6493 ~~[(iii) one teacher, certified under Title 53E, Public Education System -- State~~
6494 ~~Administration, as a teacher of the deaf or a listening and spoken language therapist;]~~
6495 ~~[(iv) one ear, nose, and throat specialist; and]~~
6496 ~~[(v) one parent whose child:]~~
6497 ~~[(A) is six years old or older; and]~~
6498 ~~[(B) has hearing loss.]~~
6499 ~~[(c) A majority of the members constitutes a quorum.]~~
6500 ~~[(d) A vote of the majority of the members, with a quorum present, constitutes an~~
6501 ~~action of the committee.]~~
6502 ~~[(e) The committee shall elect a chair from its members.]~~
6503 ~~[(f) The committee shall:]~~
6504 ~~[(i) meet at least quarterly;]~~

6505 ~~[(ii) recommend to the department medical criteria and procedures for selecting~~
6506 ~~children who may qualify for assistance from the account; and]~~
6507 ~~[(iii) review rules developed by the department.]~~
6508 ~~[(g) A member may not receive compensation or benefits for the member's service, but~~
6509 ~~may receive per diem and travel expenses in accordance with Sections 63A-3-106 and~~
6510 ~~63A-3-107 and rules made by the Division of Finance, pursuant to Sections 63A-3-106 and~~
6511 ~~63A-3-107.]~~
6512 ~~[(h) The department shall provide staff to the committee.]~~
6513 ~~[(4) (a) There is created within the General Fund a restricted account known as the~~
6514 ~~"Children's Hearing Aid Program Restricted Account."]~~
6515 ~~[(b) The Children's Hearing Aid Program Restricted Account shall consist of:]~~
6516 ~~[(i) amounts appropriated to the account by the Legislature; and]~~
6517 ~~[(ii) gifts, grants, devises, donations, and bequests of real property, personal property,~~
6518 ~~or services, from any source, or any other conveyance that may be made to the account from~~
6519 ~~private sources.]~~
6520 ~~[(c) Upon appropriation, all actual and necessary operating expenses for the committee~~
6521 ~~described in Subsection (3) shall be paid by the account.]~~
6522 ~~[(d) Upon appropriation, no more than 9% of the account money may be used for the~~
6523 ~~department's expenses.]~~
6524 ~~[(e) If this account is repealed in accordance with Section 63I-1-226, any remaining~~
6525 ~~assets in the account shall be deposited into the General Fund.]~~
6526 ~~[(5)]~~ (3) (a) For each child who receives a hearing aid under Subsection (2), the
6527 department shall maintain a record of the cost of providing services to the child under this
6528 section.
6529 (b) No more than six months after services are provided to a child under this section,
6530 the department shall send a letter to the family of the child who received services that includes
6531 information regarding:
6532 (i) the total amount paid by the department to provide services to the child under this
6533 section; and
6534 (ii) the process by which the family may donate all or part of the amount paid to
6535 provide services to the child to fund the Children's Hearing Aid Program.

(c) All donations made under Subsection ~~[(6)]~~ (4)(c) shall be deposited into the Children's Hearing Aid Program Restricted Account created in ~~[Subsection (4)(a)]~~ Section 26B-1-333.

~~[(6)]~~ (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish procedures for:

(a) identifying the children who are financially eligible to receive services under the program;

(b) reviewing and paying for services provided to a child under the program; and

(c) an individual to donate to the program all or part of the cost of providing services to a child under this section, without regard to whether the donation is made in response to the letter described in Subsection ~~[(5)]~~ (3)(b).

Section 123. Section **26B-4-323**, which is renumbered from Section 26-10-13 is renumbered and amended to read:

~~[26-10-13]~~. **26B-4-323. Reporting results of a test for hearing loss.**

(1) As used in this section, "health care provider" means the same as that term is defined in Section 78B-3-403.

(2) Except as provided in Subsection (3), a health care provider shall report results of a test for hearing loss to the Utah Schools for the Deaf and the Blind if:

(a) the results suggest that additional diagnostic procedures or medical interventions are necessary; and

(b) the individual tested for hearing loss is under the age of 22.

(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

6567 blood transfusions, and the use of blood derivatives and blood clotting factors.

6568 (b) "Person with a bleeding disorder" means a person:

6569 (i) who is medically diagnosed with hemophilia or a bleeding disorder;

6570 (ii) who is not eligible for Medicaid or the Children's Health Insurance Program; and

6571 (iii) who meets one or more of the following:

6572 (A) the person's insurance coverage excludes coverage for hemophilia services;

6573 (B) the person has exceeded the person's insurance plan's annual maximum benefits;

6574 (C) the person has exceeded the person's annual or lifetime maximum benefits payable

6575 under private health insurance; or

6576 (D) the premiums for the person's private insurance coverage, or cost sharing under
6577 private coverage, are greater than a percentage of the person's annual adjusted gross income as
6578 established by the department by administrative rule.

6579 (2) (a) Within appropriations specified by the Legislature for this purpose, the
6580 department shall make grants to public and nonprofit entities who assist persons with bleeding
6581 disorders with the cost of obtaining hemophilia services or the cost of insurance premiums for
6582 coverage of hemophilia services.

6583 (b) Applicants for grants under this section:

6584 (i) shall be submitted to the department in writing; and

6585 (ii) shall comply with Subsection (3).

6586 (3) Applications for grants under this section shall include:

6587 (a) a statement of specific, measurable objectives, and the methods to be used to assess
6588 the achievement of those objectives;

6589 (b) a description of the personnel responsible for carrying out the activities of the grant
6590 along with a statement justifying the use of any grant funds for the personnel;

6591 (c) letters and other forms of evidence showing that efforts have been made to secure
6592 financial and professional assistance and support for the services to be provided under the
6593 grant;

6594 (d) a list of services to be provided by the applicant;

6595 (e) the schedule of fees to be charged by the applicant; and

6596 (f) other provisions as determined by the department.

6597 (4) The department may accept grants, gifts, and donations of money or property for

6598 use by the grant program.

6599 (5) The department shall establish rules in accordance with Title 63G, Chapter 3, Utah
6600 Administrative Rulemaking Act, governing the application form, process, and criteria it will
6601 use in awarding grants under this section.

6602 Section 125. Section **26B-4-401**, which is renumbered from Section 26-53-102 is
6603 renumbered and amended to read:

6604 **Part 4. School Health**

6605 ~~[26-53-102].~~ **26B-4-401. Definitions.**

6606 As used in this ~~[chapter]~~ part:

6607 (1) "Agent" means a coach, teacher, employee, representative, or volunteer.

6608 (2) (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):

6609 (i) a sports team;

6610 (ii) a public or private school;

6611 (iii) a public or private sports league;

6612 (iv) a public or private sports camp; or

6613 (v) any other public or private organization that organizes, manages, or sponsors a
6614 sporting event for its members, enrollees, or attendees.

6615 (b) "Amateur sports organization" does not include a professional:

6616 (i) team;

6617 (ii) league; or

6618 (iii) sporting event.

6619 (3) "Anaphylaxis" means a potentially life-threatening hypersensitivity to a substance.

6620 (a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty
6621 breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.

6622 (b) Causes of anaphylaxis may include insect sting, food allergy, drug reaction, and
6623 exercise.

6624 (4) "Asthma action plan" means a written plan:

6625 (a) developed with a school nurse, a student's parent or guardian, and the student's
6626 health care provider to help control the student's asthma; and

6627 (b) signed by the student's:

6628 (i) parent or guardian; and

6629 (ii) health care provider.

6630 (5) "Asthma emergency" means an episode of respiratory distress that may include
6631 symptoms such as wheezing, shortness of breath, coughing, chest tightness, or breathing
6632 difficulty.

6633 [~~(3)~~] (6) "Child" means an individual who is under the age of 18.

6634 (7) "Epinephrine auto-injector" means a portable, disposable drug delivery device that
6635 contains a measured, single dose of epinephrine that is used to treat a person suffering a
6636 potentially fatal anaphylactic reaction.

6637 (8) "Health care provider" means an individual who is licensed as:

6638 (a) a physician under Title 58, Chapter 67, Utah Medical Practice Act;

6639 (b) a physician under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

6640 (c) an advanced practice registered nurse under Section [58-31b-302](#); or

6641 (d) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

6642 (9) "Pharmacist" means the same as that term is defined in Section [58-17b-102](#).

6643 (10) "Pharmacy intern" means the same as that term is defined in Section [58-17b-102](#).

6644 (11) "Physician" means the same as that term is defined in Section [58-67-102](#).

6645 (12) "Qualified adult" means a person who:

6646 (a) is 18 years of age or older; and

6647 (b) (i) for purposes of administering an epinephrine auto-injector, has successfully
6648 completed the training program established in Section [26B-4-407](#); and

6649 (ii) for purposes of administering stock albuterol, has successfully completed the
6650 training program established in Section [26B-4-408](#).

6651 (13) "Qualified epinephrine auto-injector entity":

6652 (a) means a facility or organization that employs, contracts with, or has a similar
6653 relationship with a qualified adult who is likely to have contact with another person who may
6654 experience anaphylaxis; and

6655 (b) includes:

6656 (i) recreation camps;

6657 (ii) an education facility, school, or university;

6658 (iii) a day care facility;

6659 (iv) youth sports leagues;

- 6660 (v) amusement parks;
- 6661 (vi) food establishments;
- 6662 (vii) places of employment; and
- 6663 (viii) recreation areas.

6664 ~~[(4)]~~ (14) "Qualified health care provider" means a health care provider who:

- 6665 (a) is licensed under Title 58, Occupations and Professions; and
- 6666 (b) may evaluate and manage a concussion within the health care provider's scope of
- 6667 practice.

6668 (15) "Qualified stock albuterol entity" means a public or private school that employs,
 6669 contracts with, or has a similar relationship with a qualified adult who is likely to have contact
 6670 with another person who may experience an asthma emergency.

6671 ~~[(5)]~~ (16) (a) "Sporting event" means any of the following athletic activities that is
 6672 organized, managed, or sponsored by an organization:

- 6673 (i) a game;
- 6674 (ii) a practice;
- 6675 (iii) a sports camp;
- 6676 (iv) a physical education class;
- 6677 (v) a competition; or
- 6678 (vi) a tryout.

6679 (b) "Sporting event" does not include:

6680 (i) the issuance of a lift ticket or pass by a ski resort, the use of the ticket or pass, or a
 6681 ski or snowboarding class or school at a ski resort, unless the skiing or snowboarding is part of
 6682 a camp, team, or competition that is organized, managed, or sponsored by the ski resort;

6683 (ii) as applied to a government entity, merely making available a field, facility, or other
 6684 location owned, leased, or controlled by the government entity to an amateur sports
 6685 organization or a child, regardless of whether the government entity charges a fee for the use;
 6686 or

6687 (iii) free play or recess taking place during school hours.

6688 (17) "Stock albuterol" means a prescription inhaled medication:

- 6689 (a) used to treat asthma; and
- 6690 (b) that may be delivered through a device, including:

6691 (i) an inhaler; or

6692 (ii) a nebulizer with a mouthpiece or mask.

6693 (iii) free play or recess taking place during school hours.

6694 [(6)] (18) "Traumatic head injury" means an injury to the head arising from blunt
6695 trauma, an acceleration force, or a deceleration force, with one of the following observed or
6696 self-reported conditions attributable to the injury:

6697 (a) transient confusion, disorientation, or impaired consciousness;

6698 (b) dysfunction of memory;

6699 (c) loss of consciousness; or

6700 (d) signs of other neurological or neuropsychological dysfunction, including:

6701 (i) seizures;

6702 (ii) irritability;

6703 (iii) lethargy;

6704 (iv) vomiting;

6705 (v) headache;

6706 (vi) dizziness; or

6707 (vii) fatigue.

6708 Section 126. Section **26B-4-402**, which is renumbered from Section 26-10-5 is
6709 renumbered and amended to read:

6710 **[26-10-5]. 26B-4-402. Plan for school health services.**

6711 The department shall establish a plan for school health services for pupils in elementary
6712 and secondary schools. The department shall cooperate with the State Board of Education and
6713 local health departments in developing such plan and shall coordinate activities between these
6714 agencies. The plan may provide for the delivery of health services by and through intermediate
6715 and local school districts and local health departments.

6716 Section 127. Section **26B-4-403**, which is renumbered from Section 26-53-201 is
6717 renumbered and amended to read:

6718 **[26-53-201]. 26B-4-403. Adoption and enforcement of concussion and**
6719 **head injury policy -- Notice of policy to parent or guardian.**

6720 Each amateur sports organization shall:

6721 (1) adopt and enforce a concussion and head injury policy that:

6722 (a) is consistent with the requirements of Section [~~26-53-301~~] 26B-4-404; and
 6723 (b) describes the nature and risk of:
 6724 (i) a concussion or a traumatic head injury; and
 6725 (ii) continuing to participate in a sporting event after sustaining a concussion or a
 6726 traumatic head injury;
 6727 (2) ensure that each agent of the amateur sports organization is familiar with, and has a
 6728 copy of, the concussion and head injury policy; and
 6729 (3) before permitting a child to participate in a sporting event of the amateur sports
 6730 organization:
 6731 (a) provide a written copy of the concussion and head injury policy to a parent or legal
 6732 guardian of a child; and
 6733 (b) obtain the signature of a parent or legal guardian of the child, acknowledging that
 6734 the parent or legal guardian has read, understands, and agrees to abide by, the concussion and
 6735 head injury policy.
 6736 Section 128. Section **26B-4-404**, which is renumbered from Section 26-53-301 is
 6737 renumbered and amended to read:
 6738 **[~~26-53-301~~]. 26B-4-404. Removal of child suspected of sustaining**
 6739 **concussion or a traumatic head injury -- Medical clearance required before return to**
 6740 **participation.**
 6741 (1) An amateur sports organization, and each agent of the amateur sports organization,
 6742 shall:
 6743 (a) immediately remove a child from participating in a sporting event of the amateur
 6744 sports organization if the child is suspected of sustaining a concussion or a traumatic head
 6745 injury; and
 6746 (b) prohibit the child described in Subsection (1)(a) from participating in a sporting
 6747 event of the amateur sports organization until the child:
 6748 (i) is evaluated by a qualified health care provider who is trained in the evaluation and
 6749 management of a concussion; and
 6750 (ii) provides the amateur sports organization with a written statement from the
 6751 qualified health care provider described in Subsection (1)(b)(i) stating that:
 6752 (A) the qualified health care provider has, within three years before the day on which

6753 the written statement is made, successfully completed a continuing education course in the
6754 evaluation and management of a concussion; and

6755 (B) the child is cleared to resume participation in the sporting event of the amateur
6756 sports organization.

6757 (2) This section does not create a new cause of action.

6758 Section 129. Section **26B-4-405**, which is renumbered from Section 26-53-401 is
6759 renumbered and amended to read:

6760 ~~[26-53-401].~~ **26B-4-405. School nurses evaluating student injuries.**

6761 (1) A school nurse may assess a child who is suspected of sustaining a concussion or a
6762 traumatic head injury during school hours on school property regardless of whether the nurse
6763 has received specialized training in the evaluation and management of a concussion.

6764 (2) A school nurse who does not meet the requirements of Subsections ~~[26-53-301]~~
6765 26B-4-404(1)(b)(i) and (1)(b)(ii)(A), but who assesses a child who is suspected of sustaining a
6766 concussion or traumatic head injury under Subsection (1):

6767 (a) shall refer the child to a qualified health care provider who is trained in the
6768 evaluation and management of a concussion; and

6769 (b) may not provide a written statement permitting the child to resume participation in
6770 free play or physical education class under Subsection ~~[26-53-301]~~ 26B-4-404(1)(b)(ii).

6771 (3) A school nurse shall undergo training in the evaluation and management of a
6772 concussion, as funding allows.

6773 Section 130. Section **26B-4-406**, which is renumbered from Section 26-41-103 is
6774 renumbered and amended to read:

6775 ~~[26-41-103].~~ **26B-4-406. Voluntary participation.**

6776 (1) ~~[This chapter does]~~ Sections 26B-4-406 through 26B-4-411 do not create a duty or
6777 standard of care for:

6778 (a) a person to be trained in the use and storage of epinephrine auto-injectors or stock
6779 albuterol; or

6780 (b) except as provided in Subsection (5), a qualified epinephrine auto-injector entity to
6781 store epinephrine auto-injectors or a qualified stock albuterol entity to store stock albuterol on
6782 its premises.

6783 (2) Except as provided in Subsections (3) and (5), a decision by a person to

6784 successfully complete a training program under Section [~~26-41-104 or 26-41-104.1~~] 26B-4-407
6785 or 26B-4-408 and to make emergency epinephrine auto-injectors or stock albuterol available
6786 under the provisions of this chapter is voluntary.

6787 (3) A school, school board, or school official may not prohibit or dissuade a teacher or
6788 other school employee at a primary or secondary school in the state, either public or private,
6789 from:

6790 (a) completing a training program under Section [~~26-41-104 or 26-41-104.1~~]
6791 26B-4-407 or 26B-4-408;

6792 (b) possessing or storing an epinephrine auto-injector or stock albuterol on school
6793 property if:

6794 (i) the teacher or school employee is a qualified adult; and

6795 (ii) the possession and storage is in accordance with the training received under Section
6796 [~~26-41-104 or 26-41-104.1~~] 26B-4-407 or 26B-4-408; or

6797 (c) administering an epinephrine auto-injector or stock albuterol to any person, if:

6798 (i) the teacher or school employee is a qualified adult; and

6799 (ii) the administration 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.

6801 (4) A school, school board, or school official may encourage a teacher or other school
6802 employee to volunteer to become a qualified adult.

6803 (5) (a) Each primary or secondary school in the state, both public and private, shall
6804 make an emergency epinephrine auto-injector available to any teacher or other school
6805 employee who:

6806 (i) is employed at the school; and

6807 (ii) is a qualified adult.

6808 (b) This section does not require a school described in Subsection (5)(a) to keep more
6809 than one emergency epinephrine auto-injector on the school premises, so long as it may be
6810 quickly accessed by a teacher or other school employee, who is a qualified adult, in the event of
6811 an emergency.

6812 (6) (a) Each primary or secondary school in the state, both public and private, may
6813 make stock albuterol available to any school employee who:

6814 (i) is employed at the school; and

6815 (ii) is a qualified adult.

6816 (b) A qualified adult may administer stock albuterol to a student who:

6817 (i) has a diagnosis of asthma by a health care provider;

6818 (ii) has a current asthma action plan on file with the school; and

6819 (iii) is showing symptoms of an asthma emergency as described in the student's asthma
6820 action plan.

6821 (c) This Subsection (6) may not be interpreted to relieve a student's parent or guardian
6822 of providing a student's medication or create an expectation that a school will have stock
6823 albuterol available.

6824 (7) No school, school board, or school official shall retaliate or otherwise take adverse
6825 action against a teacher or other school employee for:

6826 (a) volunteering under Subsection (2);

6827 (b) engaging in conduct described in Subsection (3); or

6828 (c) failing or refusing to become a qualified adult.

6829 Section 131. Section **26B-4-407**, which is renumbered from Section 26-41-104 is
6830 renumbered and amended to read:

6831 ~~[26-41-104].~~ **26B-4-407. Training in use and storage of epinephrine**
6832 **auto-injector.**

6833 (1) (a) Each primary and secondary school in the state, both public and private, shall
6834 make initial and annual refresher training, regarding the storage and emergency use of an
6835 epinephrine auto-injector, available to any teacher or other school employee who volunteers to
6836 become a qualified adult.

6837 (b) The training described in Subsection (1)(a) may be provided by the school nurse, or
6838 other person qualified to provide such training, designated by the school district physician, the
6839 medical director of the local health department, or the local emergency medical services
6840 director.

6841 (2) A person who provides training under Subsection (1) or (6) shall include in the
6842 training:

6843 (a) techniques for recognizing symptoms of anaphylaxis;

6844 (b) standards and procedures for the storage and emergency use of epinephrine
6845 auto-injectors;

6846 (c) emergency follow-up procedures, including calling the emergency 911 number and
6847 contacting, if possible, the student's parent and physician; and

6848 (d) written materials covering the information required under this Subsection (2).

6849 (3) A qualified adult shall retain for reference the written materials prepared in
6850 accordance with Subsection (2)(d).

6851 (4) A public school shall permit a student to possess an epinephrine auto-injector or
6852 possess and self-administer an epinephrine auto-injector if:

6853 (a) the student's parent or guardian signs a statement:

6854 (i) authorizing the student to possess or possess and self-administer an epinephrine
6855 auto-injector; and

6856 (ii) acknowledging that the student is responsible for, and capable of, possessing or
6857 possessing and self-administering an epinephrine auto-injector; and

6858 (b) the student's health care provider provides a written statement that states that:

6859 (i) it is medically appropriate for the student to possess or possess and self-administer
6860 an epinephrine auto-injector; and

6861 (ii) the student should be in possession of the epinephrine auto-injector at all times.

6862 (5) The department, in cooperation with the state superintendent of public instruction,
6863 shall design forms to be used by public and private schools for the parental and health care
6864 providers statements described in Subsection (4).

6865 (6) (a) The department:

6866 (i) shall approve educational programs conducted by other persons, to train:

6867 (A) people under Subsection (6)(b) of this section, regarding the proper use and storage
6868 of emergency epinephrine auto-injectors; and

6869 (B) a qualified epinephrine auto-injector entity regarding the proper storage and
6870 emergency use of epinephrine auto-injectors; and

6871 (ii) may, as funding is available, conduct educational programs to train people
6872 regarding the use of and storage of emergency epinephrine auto-injectors.

6873 (b) A person who volunteers to receive training as a qualified adult to administer an
6874 epinephrine auto-injector under the provisions of this Subsection (6) shall demonstrate a need
6875 for the training to the department, which may be based upon occupational, volunteer, or family
6876 circumstances, and shall include:

6877 (i) camp counselors;
6878 (ii) scout leaders;
6879 (iii) forest rangers;
6880 (iv) tour guides; and
6881 (v) other persons who have or reasonably expect to have contact with at least one other
6882 person as a result of the person's occupational or volunteer status.

6883 Section 132. Section **26B-4-408**, which is renumbered from Section 26-41-104.1 is
6884 renumbered and amended to read:

6885 ~~[26-41-104.1].~~ **26B-4-408. Training in use and storage of stock albuterol.**

6886 (1) (a) Each primary and secondary school in the state, both public and private, shall
6887 make initial and annual refresher training regarding the storage and emergency use of stock
6888 albuterol available to a teacher or school employee who volunteers to become a qualified adult.

6889 (b) The training described in Subsection (1)(a) shall be provided by the department.

6890 (2) A person who provides training under Subsection (1) or (6) shall include in the
6891 training:

6892 (a) techniques for recognizing symptoms of an asthma emergency;

6893 (b) standards and procedures for the storage and emergency use of stock albuterol;

6894 (c) emergency follow-up procedures, and contacting, if possible, the student's parent;

6895 and

6896 (d) written materials covering the information required under this Subsection (2).

6897 (3) A qualified adult shall retain for reference the written materials prepared in
6898 accordance with Subsection (2)(d).

6899 (4) (a) A public or private school shall permit a student to possess and self-administer
6900 asthma medication if:

6901 (i) the student's parent or guardian signs a statement:

6902 (A) authorizing the student to self-administer asthma medication; and

6903 (B) acknowledging that the student is responsible for, and capable of,
6904 self-administering the asthma medication; and

6905 (ii) the student's health care provider provides a written statement that states:

6906 (A) it is medically appropriate for the student to self-administer asthma medication and
6907 be in possession of asthma medication at all times; and

6908 (B) the name of the asthma medication prescribed or authorized for the student's use.

6909 (b) Section 53G-8-205 does not apply to the possession and self-administration of
6910 asthma medication in accordance with this section.

6911 (5) The department, in cooperation with the state superintendent of public instruction,
6912 shall design forms to be used by public and private schools for the parental and health care
6913 provider statements described in Subsection (4).

6914 (6) The department:

6915 (a) shall approve educational programs conducted by other persons to train:

6916 (i) people under Subsection (6)(b), regarding the proper use and storage of stock
6917 albuterol; and

6918 (ii) a qualified stock albuterol entity regarding the proper storage and emergency use of
6919 stock albuterol; and

6920 (b) may conduct educational programs to train people regarding the use of and storage
6921 of stock albuterol.

6922 Section 133. Section 26B-4-409, which is renumbered from Section 26-41-105 is
6923 renumbered and amended to read:

6924 ~~[26-41-105].~~ **26B-4-409. Authority to obtain and use an epinephrine**
6925 **auto-injector or stock albuterol.**

6926 (1) A qualified adult who is a teacher or other school employee at a public or private
6927 primary or secondary school in the state, or a school nurse, may obtain from the school district
6928 physician, the medical director of the local health department, or the local emergency medical
6929 services director a prescription for:

6930 (a) epinephrine auto-injectors for use in accordance with this ~~[chapter]~~ part; or

6931 (b) stock albuterol for use in accordance with this ~~[chapter]~~ part.

6932 (2) (a) A qualified adult may obtain an epinephrine auto-injector for use in accordance
6933 with this ~~[chapter]~~ part that is dispensed by:

6934 (i) a pharmacist as provided under Section 58-17b-1004; or

6935 (ii) a pharmacy intern as provided under Section 58-17b-1004.

6936 (b) A qualified adult may obtain stock albuterol for use in accordance with this
6937 ~~[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 (3) A qualified adult:
- 6941 (a) may immediately administer an epinephrine auto-injector to a person exhibiting
- 6942 potentially life-threatening symptoms of anaphylaxis when a physician is not immediately
- 6943 available; and
- 6944 (b) shall initiate emergency medical services or other appropriate medical follow-up in
- 6945 accordance with the training materials retained under Section ~~[26-41-104]~~ [26B-4-407](#) after
- 6946 administering an epinephrine auto-injector.
- 6947 (4) If a school nurse is not immediately available, a qualified adult:
- 6948 (a) may immediately administer stock albuterol to an individual who:
- 6949 (i) has a diagnosis of asthma by a health care provider;
- 6950 (ii) has a current asthma action plan on file with the school; and
- 6951 (iii) is showing symptoms of an asthma emergency as described in the student's asthma
- 6952 action plan; and
- 6953 (b) shall initiate appropriate medical follow-up in accordance with the training
- 6954 materials retained under Section ~~[26-41-104.1]~~ [26B-4-408](#) after administering stock albuterol.
- 6955 (5) (a) A qualified entity that complies with Subsection (5)(b) or (c), may obtain a
- 6956 supply of epinephrine auto-injectors or stock albuterol, respectively, from a pharmacist under
- 6957 Section [58-17b-1004](#), or a pharmacy intern under Section [58-17b-1004](#) for:
- 6958 (i) storing:
- 6959 (A) the epinephrine auto-injectors on the qualified epinephrine auto-injector entity's
- 6960 premises; and
- 6961 (B) stock albuterol on the qualified stock albuterol entity's premises; and
- 6962 (ii) use by a qualified adult in accordance with Subsection (3) or (4).
- 6963 (b) A qualified epinephrine auto-injector entity shall:
- 6964 (i) designate an individual to complete an initial and annual refresher training program
- 6965 regarding the proper storage and emergency use of an epinephrine auto-injector available to a
- 6966 qualified adult; and
- 6967 (ii) store epinephrine auto-injectors in accordance with the standards established by the
- 6968 department in Section ~~[26-41-107]~~ [26B-4-411](#).
- 6969 (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 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 or defense against liability that may be available under state law.

Section 135. Section **26B-4-411**, which is renumbered from Section 26-41-107 is renumbered and amended to read:

~~[26-41-107]~~. **26B-4-411. Administrative rulemaking authority.**

The department shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(1) establish and approve training programs in accordance with Sections ~~[26-41-104 and 26-41-104.1]~~ 26B-4-407 and 26B-4-408;

(2) establish a procedure for determining who is eligible for training as a qualified adult under Subsection ~~[26-41-104]~~ 26B-4-407(6)(b)(v); and

7001 (3) establish standards for storage of:

7002 (a) emergency auto-injectors by a qualified epinephrine auto-injector entity under

7003 Section ~~[26-41-104]~~ 26B-4-407; and

7004 (b) stock albuterol by a qualified stock albuterol entity under Section ~~[26-41-104.1]~~

7005 26B-4-408.

7006 Section 136. Section **26B-4-501**, which is renumbered from Section 26-64-102 is

7007 renumbered and amended to read:

7008 **Part 5. Treatment Access**

7009 ~~[26-64-102]~~. **26B-4-501. Definitions.**

7010 As used in this ~~[chapter]~~ part:

7011 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter
7012 37, Utah Controlled Substances Act.

7013 (2) "Critical access hospital" means a critical access hospital that meets the criteria of
7014 42 U.S.C. Sec. 1395i-4(c)(2) (1998).

7015 (3) "Designated facility" means:

7016 (a) a freestanding urgent care center;

7017 (b) a general acute hospital; or

7018 (c) a critical access hospital.

7019 ~~[(1)]~~ (4) "Dispense" means the same as that term is defined in Section 58-17b-102.

7020 ~~[(2)]~~ (5) "Division" means the Division of Professional Licensing created in Section
7021 58-1-103.

7022 ~~[(3)] "Local health department" means:~~

7023 ~~[(a) a local health department, as defined in Section 26A-1-102; or]~~

7024 ~~[(b) a multicounty local health department, as defined in Section 26A-1-102.]~~

7025 (6) "Emergency contraception" means the use of a substance, approved by the United
7026 States Food and Drug Administration, to prevent pregnancy after sexual intercourse.

7027 (7) "Freestanding urgent care center" means the same as that term is defined in Section
7028 59-12-801.

7029 (8) "General acute hospital" means the same as that term is defined in Section
7030 26B-2-201.

7031 (9) "Health care facility" means a hospital, a hospice inpatient residence, a nursing

7032 facility, a dialysis treatment facility, an assisted living residence, an entity that provides home-
7033 and community-based services, a hospice or home health care agency, or another facility that
7034 provides or contracts to provide health care services, which facility is licensed under Chapter 2,
7035 Part 2, Health Care Facility Licensing and Inspection.

7036 (10) "Health care provider" means:

7037 (a) a physician, as defined in Section [58-67-102](#);

7038 (b) an advanced practice registered nurse, as defined in Section [58-31b-102](#);

7039 (c) a physician assistant, as defined in Section [58-70a-102](#); or

7040 (d) an individual licensed to engage in the practice of dentistry, as defined in Section
7041 [58-69-102](#).

7042 (11) "Increased risk" means risk exceeding the risk typically experienced by an
7043 individual who is not using, and is not likely to use, an opiate.

7044 (12) "Opiate" means the same as that term is defined in Section [58-37-2](#).

7045 (13) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug
7046 that is not a controlled substance and that is approved by the federal Food and Drug
7047 Administration for the diagnosis or treatment of an opiate-related drug overdose.

7048 (14) "Opiate-related drug overdose event" means an acute condition, including a
7049 decreased level of consciousness or respiratory depression resulting from the consumption or
7050 use of a controlled substance, or another substance with which a controlled substance was
7051 combined, and that a person would reasonably believe to require medical assistance.

7052 (15) "Overdose outreach provider" means:

7053 (a) a law enforcement agency;

7054 (b) a fire department;

7055 (c) an emergency medical service provider, as defined in Section [26B-4-101](#);

7056 (d) emergency medical service personnel, as defined in Section [26B-4-101](#);

7057 (e) an organization providing treatment or recovery services for drug or alcohol use;

7058 (f) an organization providing support services for an individual, or a family of an
7059 individual, with a substance use disorder;

7060 (g) an organization providing substance use or mental health services under contract
7061 with a local substance abuse authority, as defined in Section [26B-5-101](#), or a local mental
7062 health authority, as defined in Section [26B-5-101](#);

7063 (h) an organization providing services to the homeless;
 7064 (i) a local health department;
 7065 (j) an individual licensed to practice pharmacy under Title 58, Chapter 17b, Pharmacy
 7066 Practice Act; or
 7067 (k) an individual.
 7068 ~~[(4)]~~ (16) "Patient counseling" means the same as that term is defined in Section
 7069 58-17b-102.
 7070 ~~[(5)]~~ (17) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
 7071 ~~[(6)]~~ (18) "Pharmacy intern" means the same as that term is defined in Section
 7072 58-17b-102.
 7073 ~~[(7)]~~ (19) "Physician" means the same as that term is defined in Section 58-67-102.
 7074 (20) "Practitioner" means:
 7075 (a) a physician; or
 7076 (b) any other person who is permitted by law to prescribe emergency contraception.
 7077 ~~[(8)]~~ (21) "Prescribe" means the same as that term is defined in Section 58-17b-102.
 7078 ~~[(9)]~~ (22) (a) "Self-administered hormonal contraceptive" means a self-administered
 7079 hormonal contraceptive that is approved by the United States Food and Drug Administration to
 7080 prevent pregnancy.
 7081 (b) "Self-administered hormonal contraceptive" includes an oral hormonal
 7082 contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch.
 7083 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
 7084 induce an abortion, as that term is defined in Section 76-7-301.
 7085 (23) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part
 7086 4, Sexual Offenses, that may result in a pregnancy.
 7087 (24) "Victim of sexual assault" means any person who presents to receive, or receives,
 7088 medical care in consequence of being subjected to sexual assault.
 7089 Section 137. Section **26B-4-502**, which is renumbered from Section 26-21b-201 is
 7090 renumbered and amended to read:
 7091 ~~[26-21b-201].~~ **26B-4-502. Emergency contraception services for a victim of**
 7092 **sexual assault.**
 7093 (1) Except as provided in Subsection (2), a designated facility shall provide the

7094 following services to a victim of sexual assault:

7095 (a) provide the victim with written and oral medical information regarding emergency
7096 contraception that is unbiased, accurate, and generally accepted by the medical community as
7097 being scientifically valid;

7098 (b) orally inform the victim of sexual assault that the victim may obtain emergency
7099 contraception at the designated facility;

7100 (c) offer a complete regimen of emergency contraception to a victim of sexual assault;

7101 (d) provide, at the designated facility, emergency contraception to the victim of sexual
7102 assault upon her request;

7103 (e) maintain a protocol, prepared by a physician, for the administration of emergency
7104 contraception at the designated facility to a victim of sexual assault; and

7105 (f) develop and implement a written policy to ensure that a person is present at the
7106 designated facility, or on-call, who:

7107 (i) has authority to dispense or prescribe emergency contraception, independently, or
7108 under the protocol described in Subsection (1)(e), to a victim of sexual assault; and

7109 (ii) is trained to comply with the requirements of this section.

7110 (2) A freestanding urgent care center is exempt from the requirements of Subsection
7111 (1) if:

7112 (a) there is a general acute hospital or a critical access hospital within 30 miles of the
7113 freestanding urgent care center; and

7114 (b) an employee of the freestanding urgent care center provides the victim with:

7115 (i) written and oral medical information regarding emergency contraception that is
7116 unbiased, accurate, and generally accepted by the medical community as being scientifically
7117 valid; and

7118 (ii) the name and address of the general acute hospital or critical access hospital
7119 described in Subsection (2)(a).

7120 (3) A practitioner shall comply with Subsection (4) with regard to a person who is a
7121 victim of sexual assault, if the person presents to receive medical care, or receives medical
7122 care, from the practitioner at a location that is not a designated facility.

7123 (4) A practitioner described in Subsection (3) shall:

7124 (a) provide the victim with written and oral medical information regarding emergency

contraception that is unbiased, accurate, and generally accepted by the medical community as being scientifically valid; and

(b) (i) (A) orally inform the victim of sexual assault that the victim may obtain emergency contraception at the facility where the practitioner is located; and

(B) provide emergency contraception to the victim of sexual assault, if she requests emergency contraception; or

(ii) inform the victim of sexual assault of the nearest location where she may obtain emergency contraception.

(5) (a) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to enforce the provisions of this section.

(b) The department shall, in an expeditious manner, investigate any complaint received by the department regarding the failure of a health care facility to comply with a requirement of this section.

(c) If the department finds a violation of this section or any rules adopted under this section, the department may take one or more of the actions described in Section [26B-2-208](#).

Section 138. Section **26B-4-503**, which is renumbered from Section 26-64-103 is renumbered and amended to read:

~~[26-64-103].~~ **26B-4-503. Voluntary participation.**

~~[This chapter does]~~ Sections [26B-4-504](#) through [26B-4-507](#) do not create a duty or standard of care for a person to prescribe or dispense a self-administered hormonal contraceptive.

Section 139. Section **26B-4-504**, which is renumbered from Section 26-64-104 is renumbered and amended to read:

~~[26-64-104].~~ **26B-4-504. Authorization to dispense self-administered hormonal contraceptives.**

Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed under Title 58, Chapter 17b, Pharmacy Practice Act, to dispense a self-administered hormonal contraceptive may dispense the self-administered hormonal contraceptive:

(1) to a patient who is 18 years old or older;

(2) pursuant to a standing prescription drug order made in accordance with Section ~~[26-64-105]~~ [26B-4-505](#);

(3) without any other prescription drug order from a person licensed to prescribe a self-administered hormonal contraceptive; and

(4) in accordance with the dispensing guidelines in Section ~~[26-64-106]~~ [26B-4-506](#).

Section 140. Section **26B-4-505**, which is renumbered from Section 26-64-105 is renumbered and amended to read:

~~[26-64-105]~~. **26B-4-505. Standing prescription drug orders for a self-administered hormonal contraceptive.**

A physician who is licensed to prescribe a self-administered hormonal contraceptive, including a physician acting in the physician's capacity as an employee of the department, or a medical director of a local health department, may issue a standing prescription drug order authorizing the dispensing of the self-administered hormonal contraceptive under Section ~~[26-64-104]~~ [26B-4-504](#) in accordance with a protocol that:

(1) requires the physician to specify the persons, by professional license number, authorized to dispense the self-administered hormonal contraceptive;

(2) requires the physician to review at least annually the dispensing practices of those authorized by the physician to dispense the self-administered hormonal contraceptive;

(3) requires those authorized by the physician to dispense the self-administered hormonal contraceptive to make and retain a record of each person to whom the self-administered hormonal contraceptive is dispensed, including:

(a) the name of the person;

(b) the drug dispensed; and

(c) other relevant information; and

(4) is approved by the department by administrative rule made in accordance with Title 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

7187 approved by the division in collaboration with the Board of Pharmacy and the Physicians
7188 Licensing Board, from the patient before dispensing the self-administered hormonal
7189 contraceptive;

7190 (b) if the results of the evaluation in Subsection (1)(a) indicate that it is unsafe to
7191 dispense a self-administered hormonal contraceptive to a patient:

7192 (i) may not dispense a self-administered hormonal contraceptive to the patient; and
7193 (ii) shall refer the patient to a primary care or women's health care practitioner;

7194 (c) may not continue to dispense a self-administered hormonal contraceptive to a
7195 patient for more than 24 months after the date of the initial prescription without evidence that
7196 the patient has consulted with a primary care or women's health care practitioner during the
7197 preceding 24 months; and

7198 (d) shall provide the patient with:

7199 (i) written information regarding:

7200 (A) the importance of seeing the patient's primary care practitioner or women's health
7201 care practitioner to obtain recommended tests and screening; and

7202 (B) the effectiveness and availability of long-acting reversible contraceptives as an
7203 alternative to self-administered hormonal contraceptives; and

7204 (ii) a copy of the record of the encounter with the patient that includes:

7205 (A) the patient's completed self-assessment tool; and
7206 (B) a description of the contraceptives dispensed, or the basis for not dispensing a
7207 contraceptive.

7208 (2) If a pharmacist dispenses a self-administered hormonal contraceptive to a patient,
7209 the pharmacist shall, at a minimum, provide patient counseling to the patient regarding:

7210 (a) the appropriate administration and storage of the self-administered hormonal
7211 contraceptive;

7212 (b) potential side effects and risks of the self-administered hormonal contraceptive;

7213 (c) the need for backup contraception;

7214 (d) when to seek emergency medical attention; and
7215 (e) the risk of contracting a sexually transmitted infection or disease, and ways to
7216 reduce the risk of contraction.

7217 (3) The division, in collaboration with the Board of Pharmacy and the Physicians

7218 Licensing Board, shall make rules in accordance with Title 63G, Chapter 3, Utah
7219 Administrative Rulemaking Act, establishing the self-screening risk assessment questionnaire
7220 described in Subsection (1)(a).

7221 Section 142. Section **26B-4-507**, which is renumbered from Section 26-64-107 is
7222 renumbered and amended to read:

7223 ~~[26-64-107].~~ **26B-4-507. Limited civil liability.**

7224 A physician who issues a standing prescription drug order in accordance with Section
7225 ~~[26-64-105]~~ 26B-4-505 is not liable for any civil damages for acts or omissions resulting from
7226 the dispensing of a self-administered hormonal contraceptive under ~~[this chapter]~~ Sections
7227 26B-4-504 through 26B-4-506.

7228 Section 143. Section **26B-4-508**, which is renumbered from Section 26-55-103 is
7229 renumbered and amended to read:

7230 ~~[26-55-103].~~ **26B-4-508. Voluntary participation.**

7231 ~~[This chapter does]~~ Sections 26B-4-509 through 26B-4-514 do not create a duty or
7232 standard of care for a person to prescribe or administer an opiate antagonist.

7233 Section 144. Section **26B-4-509**, which is renumbered from Section 26-55-104 is
7234 renumbered and amended to read:

7235 ~~[26-55-104].~~ **26B-4-509. Prescribing, dispensing, and administering an**
7236 **opiate antagonist -- Immunity from liability.**

7237 (1) (a) (i) For purposes of Subsection (1)(a)(ii), "a person other than a health care
7238 facility or health care provider" includes the following, regardless of whether the person has
7239 received funds from the department through the Opiate Overdose Outreach Pilot Program
7240 created in Section ~~[26-55-107]~~ 26B-4-512:

7241 (A) a person described in Subsections ~~[26-55-107]~~ 26B-4-512(1)(a)(i)(A) through
7242 (1)(a)(i)(F); or

7243 (B) an organization, defined by department rule made under Subsection ~~[26-55-107]~~
7244 26B-4-512(7)(e), that is in a position to assist an individual who is at increased risk of
7245 experiencing an opiate-related drug overdose event.

7246 (ii) Except as provided in Subsection (1)(b), the following persons are not liable for
7247 any civil damages for acts or omissions made as a result of administering an opiate antagonist
7248 when the person acts in good faith to administer the opiate antagonist to an individual whom

7249 the person believes to be experiencing an opiate-related drug overdose event:

7250 (A) an overdose outreach provider; or

7251 (B) a person other than a health care facility or health care provider.

7252 (b) A health care provider:

7253 (i) is not immune from liability under Subsection (1)(a) when the health care provider is

7254 acting within the scope of the health care provider's responsibilities or duty of care; and

7255 (ii) is immune from liability under Subsection (1)(a) if the health care provider is under

7256 no legal duty to respond and otherwise complies with Subsection (1)(a).

7257 (2) Notwithstanding Sections [58-1-501](#), [58-17b-501](#), and [58-17b-502](#), a health care

7258 provider who is licensed to prescribe an opiate antagonist may prescribe, including by a

7259 standing prescription drug order issued in accordance with Subsection [\[26-55-105\]](#)

7260 [26B-4-510](#)(2), or dispense an opiate antagonist:

7261 (a) (i) to an individual who is at increased risk of experiencing an opiate-related drug

7262 overdose event;

7263 (ii) for an individual described in Subsection (2)(a)(i), to a family member, friend, or

7264 other person, including a person described in Subsections [\[26-55-107\]](#) [26B-4-512](#)(1)(a)(i)(A)

7265 through (1)(a)(i)(F), that is in a position to assist the individual; or

7266 (iii) to an overdose outreach provider for:

7267 (A) furnishing the opiate antagonist to an individual described in Subsection (2)(a)(i)

7268 or (ii), as provided in Section [\[26-55-106\]](#) [26B-4-511](#); or

7269 (B) administering to an individual experiencing an opiate-related drug overdose event;

7270 (b) without a prescriber-patient relationship; and

7271 (c) without liability for any civil damages for acts or omissions made as a result of

7272 prescribing or dispensing the opiate antagonist in good faith.

7273 (3) A health care provider who dispenses an opiate antagonist to an individual or an

7274 overdose outreach provider under Subsection (2)(a) shall provide education to the individual or

7275 overdose provider that includes written instruction on how to:

7276 (a) recognize an opiate-related drug overdose event; and

7277 (b) respond appropriately to an opiate-related drug overdose event, including how to:

7278 (i) administer an opiate antagonist; and

7279 (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,

7311 authorized to dispense the opiate antagonist;

7312 (c) requires the physician to review at least annually the dispensing practices of those
7313 authorized by the physician to dispense the opiate antagonist;

7314 (d) requires those authorized by the physician to dispense the opiate antagonist to make
7315 and retain a record of each person to whom the opiate antagonist is dispensed, which shall
7316 include:

7317 (i) the name of the person;

7318 (ii) the drug dispensed; and

7319 (iii) other relevant information; and

7320 (e) is approved by the Division of Professional Licensing within the Department of
7321 Commerce by administrative rule made in accordance with Title 63G, Chapter 3, Utah
7322 Administrative Rulemaking Act.

7323 Section 146. Section **26B-4-511**, which is renumbered from Section 26-55-106 is
7324 renumbered and amended to read:

7325 ~~[26-55-106].~~ **26B-4-511. Overdose outreach providers.**

7326 Notwithstanding Sections [58-1-501](#), [58-17b-501](#), and [58-17b-502](#):

7327 (1) an overdose outreach provider may:

7328 (a) obtain an opiate antagonist dispensed on prescription by:

7329 (i) a health care provider, in accordance with Subsections ~~[26-55-104]~~ [26B-4-509](#)(2)
7330 and (3); or

7331 (ii) a pharmacist or pharmacy intern, as otherwise authorized by Title 58, Chapter 17b,
7332 Pharmacy Practice Act;

7333 (b) store the opiate antagonist; and

7334 (c) furnish the opiate antagonist:

7335 (i) (A) to an individual who is at increased risk of experiencing an opiate-related drug
7336 overdose event; or

7337 (B) to a family member, friend, overdose outreach provider, or other individual who is
7338 in a position to assist an individual who is at increased risk of experiencing an opiate-related
7339 drug overdose event; and

7340 (ii) without liability for any civil damages for acts or omissions made as a result of
7341 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:

- 7373 (A) a person licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
7374 (B) a health care facility; or
7375 (C) an individual.
- 7376 (b) "School" means:
7377 (i) a public school:
7378 (A) for elementary or secondary education, including a charter school; or
7379 (B) for other purposes;
7380 (ii) a private school:
7381 (A) for elementary or secondary education; or
7382 (B) accredited for other purposes, including higher education or specialty training; or
7383 (iii) an institution within the state system of higher education, as described in Section
7384 [53B-1-102](#).
- 7385 (2) There is created within the department the "Opiate Overdose Outreach Pilot
7386 Program."
- 7387 (3) The department may use funds appropriated for the program to:
7388 (a) provide grants under Subsection (4);
7389 (b) promote public awareness of the signs, symptoms, and risks of opioid misuse and
7390 overdose;
7391 (c) increase the availability of educational materials and other resources designed to
7392 assist individuals at increased risk of opioid overdose, their families, and others in a position to
7393 help prevent or respond to an overdose event;
7394 (d) increase public awareness of, access to, and use of opiate antagonist;
7395 (e) update the department's Utah Clinical Guidelines on Prescribing Opioids and
7396 promote its use by prescribers and dispensers of opioids;
7397 (f) develop a directory of substance misuse treatment programs and promote its
7398 dissemination to and use by opioid prescribers, dispensers, and others in a position to assist
7399 individuals at increased risk of opioid overdose;
7400 (g) coordinate a multi-agency coalition to address opioid misuse and overdose; and
7401 (h) maintain department data collection efforts designed to guide the development of
7402 opioid overdose interventions and track their effectiveness.
- 7403 (4) No later than September 1, 2016, and with available funding, the department shall

7404 grant funds through the program to persons that are in a position to assist an individual who is
7405 at increased risk of experiencing an opiate-related drug overdose event.

7406 (5) Funds granted by the program:

7407 (a) may be used by a grantee to:

7408 (i) pay for the purchase by the grantee of an opiate antagonist; or

7409 (ii) pay for the grantee's cost of providing training on the proper administration of an
7410 opiate antagonist in response to an opiate-related drug overdose event; and

7411 (b) may not be used:

7412 (i) to pay for costs associated with the storage or dispensing of an opiate antagonist; or

7413 (ii) for any other purposes.

7414 (6) Grantees shall report annually to the department on the use of granted funds in
7415 accordance with department rules made under Subsection (7)(d).

7416 (7) No later than July 1, 2016, the department shall, in accordance with Title 63G,
7417 Chapter 3, Utah Administrative Rulemaking Act, make rules specifying:

7418 (a) how to apply for a grant from the program;

7419 (b) the criteria used by the department to determine whether a grant request is
7420 approved, including criteria providing that:

7421 (i) grants are awarded to areas of the state, including rural areas, that would benefit
7422 most from the grant; and

7423 (ii) no more than 15% of the total amount granted by the program is used to pay for
7424 grantees' costs of providing training on the proper administration of an opiate antagonist in
7425 response to an opiate-related drug overdose event;

7426 (c) the criteria used by the department to determine the amount of a grant;

7427 (d) the information a grantee shall report annually to the department under Subsection
7428 (6), including:

7429 (i) the amount of opiate antagonist purchased and dispensed by the grantee during the
7430 reporting period;

7431 (ii) the number of individuals to whom the opiate antagonist was dispensed by the
7432 grantee;

7433 (iii) the number of lives known to have been saved during the reporting period as a
7434 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.

As used in this ~~chapter~~ part:

(1) "Adult Autism Treatment Account" means the Adult Autism Treatment Account created in Section ~~[26-67-205]~~ 26B-1-322.

(2) "Advisory committee" means the Adult Autism Treatment Program Advisory Committee created in Section ~~[26B-1-204]~~ 26B-1-424.

(3) "Applied behavior analysis" means the same as that term is defined in Section 31A-22-642.

(4) "Autism spectrum disorder" means the same as that term is defined in Section 31A-22-642.

(5) "Program" means the Adult Autism Treatment Program created in Section ~~[26-67-201]~~ 26B-4-602.

(6) "Qualified individual" means an individual who:

(a) is at least 22 years old;

(b) is a resident of the state;

(c) has been diagnosed by a qualified professional as having:

(i) an autism spectrum disorder; or

(ii) another neurodevelopmental disorder requiring significant supports through treatment using applied behavior analysis; and

(d) needs significant supports for a condition described in Subsection (6)(c), as demonstrated by formal assessments of the individual's:

- 7497 (i) cognitive ability;
7498 (ii) adaptive ability;
7499 (iii) behavior; and
7500 (iv) communication ability.

7501 (7) "Qualified provider" means a provider that is qualified under Section ~~[26-67-202]~~
7502 26B-4-603 to provide services for the program.

7503 Section 151. Section **26B-4-602**, which is renumbered from Section 26-67-201 is
7504 renumbered and amended to read:

7505 ~~[26-67-201]~~. **26B-4-602. Adult Autism Treatment Program -- Creation --**
7506 **Requirements -- Reporting.**

7507 (1) There is created within the department the Adult Autism Treatment Program.

7508 (2) (a) The program shall be administered by the department in collaboration with the
7509 advisory committee.

7510 (b) The program shall be funded only with money from the Adult Autism Treatment
7511 Account.

7512 (3) (a) An individual may apply for a grant from the program by submitting to a
7513 qualified provider the information specified by the department under Subsection ~~[26-67-204]~~
7514 26B-4-604(5).

7515 (b) As funding permits, the department shall award a grant from the program on behalf
7516 of an applicant in accordance with criteria established by the department, in collaboration with
7517 the advisory committee, by rule made in accordance with Title 63G, Chapter 3, Utah
7518 Administrative Rulemaking Act.

7519 (c) A grant shall:

- 7520 (i) be for a specific amount;
7521 (ii) cover a specific period, not to exceed five years; and
7522 (iii) be disbursed incrementally, if appropriate.

7523 (d) The department shall transmit a grant awarded on behalf of an applicant to a
7524 qualified provider designated by the applicant.

7525 (4) A qualified provider that receives a grant for the treatment of a qualified individual
7526 shall:

7527 (a) use the grant only for treatment of the qualified individual;

- 7528 (b) submit any reports that are required by the department; and
 7529 (c) notify the department within seven days if:
 7530 (i) the qualified individual:
 7531 (A) has not received treatment from the qualified provider for 10 consecutive days;
 7532 (B) is no longer receiving treatment from the qualified provider; or
 7533 (C) is no longer a qualified individual; or
 7534 (ii) the qualified provider is no longer a qualified provider.

- 7535 (5) A qualified provider that receives a grant for the treatment of a qualified individual
 7536 shall refund any amount to the department on a prorated basis for each day that:
 7537 (a) the qualified provider is no longer a qualified provider;
 7538 (b) the individual is no longer a qualified individual; or
 7539 (c) the qualified provider does not provide services to a qualified individual.

7540 Section 152. Section **26B-4-603**, which is renumbered from Section 26-67-203 is
 7541 renumbered and amended to read:

7542 ~~[26-67-203]~~. **26B-4-603. Provider qualifications.**

7543 The department shall designate a provider as a qualified provider if the provider:

- 7544 (1) is able to treat a qualified individual's condition through:
 7545 (a) one or more evidence-based treatments, including applied behavior analysis;
 7546 (b) individualized, client-centered treatment;
 7547 (c) any method that engages the qualified individual's family members in the treatment
 7548 process; and
 7549 (d) measured development of the qualified individual's pre-vocational, vocational, and
 7550 daily-living skills; and
 7551 (2) provides treatment to a qualified individual through:
 7552 (a) a behavior analyst licensed under Title 58, Chapter 61, Part 7, Behavior Analyst
 7553 Licensing Act; or
 7554 (b) a psychologist who is licensed under Title 58, Chapter 61, Psychologist Licensing
 7555 Act.

7556 Section 153. Section **26B-4-604**, which is renumbered from Section 26-67-204 is
 7557 renumbered and amended to read:

7558 ~~[26-67-204]~~. **26B-4-604. Department rulemaking.**

The department, in collaboration with the advisory committee, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

- (1) specify assessment tools and outcomes that a qualified provider may use to determine the types of supports that a qualified individual needs;
- (2) define evidence-based treatments that a qualified individual may pay for with grant funding;
- (3) establish criteria for awarding a grant under this ~~[chapter]~~ part;
- (4) specify the information that an individual shall submit to demonstrate that the individual is a qualified individual;
- (5) specify the information a provider shall submit to demonstrate that the provider is a qualified provider; and
- (6) specify the content and timing of reports required from a qualified provider, including a report on actual and projected treatment outcomes for a qualified individual.

Section 154. Section **26B-4-701**, which is renumbered from Section 26-46a-102 is renumbered and amended to read:

Part 7. Health Care Workforce

~~[26-46a-102].~~ 26B-4-701. Definitions.

As used in this ~~[chapter]~~ part:

(1) "Accredited clinical education program" means a clinical education program for a health care profession that is accredited by the Accreditation Council on Graduate Medical Education.

(2) "Accredited clinical training program" means a clinical training program that is accredited by an entity recognized within medical education circles as an accrediting body for medical education, advanced practice nursing education, physician assistance education, doctor of pharmacy education, dental education, or registered nursing education.

(3) "Centers for Medicare and Medicaid Services" means the Centers for Medicare and Medicaid Services within the United States Department of Health and Human Services.

(4) "Health care professionals in training" means medical students and residents, advance practice nursing students, physician assistant students, doctor of pharmacy students, dental students, and registered nursing students.

~~[(4)]~~ (5) "Hospital" means a general acute hospital, as defined in [Title 26, Chapter 21,

7590 ~~Health Care Facility Licensing and Inspection Act.]~~ Section [26B-2-201](#).

7591 ~~[(2)]~~ (6) "Physician" means a person:

7592 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or

7593 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical

7594 Practice Act.

7595 ~~[(3)]~~ (7) "Rural county" means a county with a population of less than 50,000, as

7596 determined by:

7597 (a) the most recent official census or census estimate of the United States Bureau of the

7598 Census; or

7599 (b) the most recent population estimate for the county from the Utah Population

7600 Committee, if a population figure for the county is not available under Subsection ~~[(3)]~~ (7)(a).

7601 ~~[(4)]~~ (8) "Rural hospital" means a hospital located within a rural county.

7602 (9) "UMEC" means the Utah Medical Education Council created in Section

7603 [26B-4-706](#).

7604 Section 155. Section **26B-4-702**, which is renumbered from Section 26-46-102 is

7605 renumbered and amended to read:

7606 ~~[26-46-102]~~. **26B-4-702. Creation of Utah Health Care Workforce**

7607 **Financial Assistance Program -- Duties of department.**

7608 (1) As used in this section:

7609 (a) "Eligible professional" means a geriatric professional or a health care professional

7610 who is eligible to participate in the program.

7611 (b) "Geriatric professional" means a person who:

7612 (i) is a licensed:

7613 (A) health care professional;

7614 (B) social worker;

7615 (C) occupational therapist;

7616 (D) pharmacist;

7617 (E) physical therapist; or

7618 (F) psychologist; and

7619 (ii) is determined by the department to have adequate advanced training in geriatrics to

7620 prepare the person to provide specialized geriatric care within the scope of the person's

7621 profession.

7622 (c) "Health care professional" means:

7623 (i) a licensed:

7624 (A) physician;

7625 (B) physician assistant;

7626 (C) nurse;

7627 (D) dentist; or

7628 (E) mental health therapist; or

7629 (ii) another licensed health care professional designated by the department by rule.

7630 (d) "Program" means the Utah Health Care Workforce Financial Assistance Program

7631 created in this section.

7632 (e) "Underserved area" means an area designated by the department as underserved by

7633 health care professionals, based upon the results of a needs assessment developed by the

7634 department in consultation with the Utah Health Care Workforce Financial Assistance Program

7635 Advisory Committee created under Section [26B-1-419](#).

7636 [(+)] (2) There is created within the department the Utah Health Care Workforce
7637 Financial Assistance Program to provide, within funding appropriated by the Legislature for the
7638 following purposes:

7639 (a) professional education scholarships and loan repayment assistance to health care
7640 professionals who locate or continue to practice in underserved areas; and

7641 (b) loan repayment assistance to geriatric professionals who locate or continue to
7642 practice in underserved areas.

7643 [(2)] (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
7644 Act, the department shall make rules governing the administration of the program, including
7645 rules that address:

7646 (a) application procedures;

7647 (b) eligibility criteria;

7648 (c) selection criteria;

7649 (d) service conditions, which at a minimum shall include professional service in an
7650 underserved area for a minimum period of time by any person receiving a scholarship or loan
7651 repayment assistance;

(e) penalties for failure to comply with service conditions or other terms of a scholarship or loan repayment contract;

(f) criteria for modifying or waiving service conditions or penalties in case of extreme hardship or other good cause; and

(g) administration of contracts entered into before the effective date of this act, between the department and scholarship or loan repayment recipients, as authorized by law.

~~[(3)]~~ (4) The department may provide education loan repayment assistance to an eligible professional if the eligible professional:

(a) agrees to practice in an underserved area for the duration of the eligible professional's participation in the program; and

(b) submits a written commitment from the health care facility employing the eligible professional that the health care facility will provide education loan repayment assistance to the eligible professional in an amount equal to 20% of the total award amount provided to the eligible professional.

~~[(4)]~~ (5) The department shall seek and consider the recommendations of the Utah Health Care Workforce Financial Assistance Program Advisory Committee created under Section ~~[26-46-103]~~ [26B-1-419](#) as it develops and modifies rules to administer the program.

~~[(5)]~~ (6) Funding for the program:

(a) shall be a line item within the appropriations act;

(b) shall be nonlapsing unless designated otherwise by the Legislature; and

(c) may be used to cover administrative costs of the program, including reimbursement expenses of the Utah Health Care Workforce Financial Assistance Program Advisory Committee created under Section ~~[26-46-103]~~ [26B-1-419](#).

~~[(6)]~~ (7) Refunds for loan repayment assistance, penalties for breach of contract, and other payments to the program are dedicated credits to the program.

~~[(7)]~~ (8) The department shall prepare an annual report on the revenues, expenditures, and outcomes of the program.

Section 156. Section **26B-4-703**, which is renumbered from Section 26-46a-103 is renumbered and amended to read:

~~[26-46a-103]~~. **26B-4-703. Rural Physician Loan Repayment Program -- Purpose -- Repayment limit -- Funding -- Reporting -- Rulemaking -- Advisory**

7683 **committee.**

7684 (1) There is created within the department the Rural Physician Loan Repayment
7685 Program to provide, within funding appropriated by the Legislature for this purpose, education
7686 loan repayment assistance to physicians in accordance with Subsection (2).

7687 (2) The department may enter into an education loan repayment assistance contract
7688 with a physician if:

7689 (a) the physician:

7690 (i) locates or continues to practice in a rural county; and

7691 (ii) has a written commitment from a rural hospital that the hospital will provide
7692 education loan repayment assistance to the physician;

7693 (b) the assistance provided by the program does not exceed the assistance provided by
7694 the rural hospital; and

7695 (c) the physician is otherwise eligible for assistance under administrative rules adopted
7696 under Subsection (6).

7697 (3) Funding for the program:

7698 (a) shall be a line item within an appropriations act;

7699 (b) may be used to pay for the per diem and travel expenses of the Rural Physician
7700 Loan Repayment Program Advisory Committee under Subsection [~~26-46a-104~~] [26B-1-423](#)(5);
7701 and

7702 (c) may be used to pay for department expenses incurred in the administration of the
7703 program:

7704 (i) including administrative support provided to the Rural Physician Loan Repayment
7705 Program Advisory Committee created under Subsection [~~26-46a-104~~] [26B-1-423](#)(7); and

7706 (ii) in an amount not exceeding 10% of funding for the program.

7707 (4) Refunds of loan repayment assistance, penalties for breach of contract, and other
7708 payments to the program are dedicated credits to the program.

7709 (5) The department shall prepare an annual report of the program's revenues,
7710 expenditures, and outcomes.

7711 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7712 the department shall make rules governing the administration of the program, including rules
7713 that address:

7714 (i) application procedures;
 7715 (ii) eligibility criteria;
 7716 (iii) verification of the amount provided by a rural hospital to a physician for
 7717 repayment of the physician's education loans;
 7718 (iv) service conditions, which at a minimum shall include professional service by the
 7719 physician in the rural hospital providing loan repayment assistance to the physician;
 7720 (v) selection criteria and assistance amounts;
 7721 (vi) penalties for failure to comply with service conditions or other terms of a loan
 7722 repayment assistance contract; and
 7723 (vii) criteria for modifying or waiving service conditions or penalties in the case of
 7724 extreme hardship or for other good cause.

7725 (b) The department shall seek and consider the recommendations of the Rural
 7726 Physician Loan Repayment Program Advisory Committee created [~~under Section 26-46a-104~~]
 7727 in Section 26B-1-423 as it develops and modifies rules to administer the program.

7728 Section 157. Section **26B-4-704**, which is renumbered from Section 26-60-103 is
 7729 renumbered and amended to read:

7730 ~~[26-60-103].~~ **26B-4-704. Scope of telehealth practice -- Enforcement.**

7731 (1) As used in this section:

7732 (a) "Asynchronous store and forward transfer" means the transmission of a patient's
 7733 health care information from an originating site to a provider at a distant site.

7734 (b) "Distant site" means the physical location of a provider delivering telemedicine
 7735 services.

7736 (c) "Originating site" means the physical location of a patient receiving telemedicine
 7737 services.

7738 (d) "Patient" means an individual seeking telemedicine services.

7739 (e) (i) "Patient-generated medical history" means medical data about a patient that the
 7740 patient creates, records, or gathers.

7741 (ii) "Patient-generated medical history" does not include a patient's medical record that
 7742 a healthcare professional creates and the patient personally delivers to a different healthcare
 7743 professional.

7744 (f) "Provider" means an individual who is:

7745 (i) licensed under Chapter 2, Part 2, Health Care Facility Licensing and Inspection;

7746 (ii) licensed under Title 58, Occupations and Professions, to provide health care; or

7747 (iii) licensed under Chapter 2, Part 1, Human Services Programs and Facilities.

7748 (g) "Synchronous interaction" means real-time communication through interactive
7749 technology that enables a provider at a distant site and a patient at an originating site to interact
7750 simultaneously through two-way audio and video transmission.

7751 (h) "Telehealth services" means the transmission of health-related services or
7752 information through the use of electronic communication or information technology.

7753 (i) "Telemedicine services" means telehealth services:

7754 (i) including:

7755 (A) clinical care;

7756 (B) health education;

7757 (C) health administration;

7758 (D) home health;

7759 (E) facilitation of self-managed care and caregiver support; or

7760 (F) remote patient monitoring occurring incidentally to general supervision; and

7761 (ii) provided by a provider to a patient through a method of communication that:

7762 (A) uses asynchronous store and forward transfer or synchronous interaction; and

7763 (B) meets industry security and privacy standards, including compliance with the
7764 federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110
7765 Stat. 1936, as amended, and the federal Health Information Technology for Economic and
7766 Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended.

7767 [(+)] (2) A provider offering telehealth services shall:

7768 (a) at all times:

7769 (i) act within the scope of the provider's license under Title 58, Occupations and
7770 Professions, in accordance with the provisions of this chapter and all other applicable laws and
7771 rules; and

7772 (ii) be held to the same standards of practice as those applicable in traditional health
7773 care settings;

7774 (b) if the provider does not already have a provider-patient relationship with the
7775 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 renumbered and amended to read:

[26-69-301]. 26B-4-705. Utah Health Workforce Information Center.

(1) As used in this section:

(a) "Council" means the Utah Health Workforce Advisory Council created in Section 26B-1-425.

(b) "Health sector" means any place of employment where the primary function is the delivery of health care services.

(c) (i) "Health workforce" means the individuals, collectively and by profession, who deliver health care services or assist in the delivery of health care services.

(ii) "Health workforce" includes any health care professional who does not work in the

7838 health sector and any non-health care professional who works in the health sector.

7839 ~~[(+)]~~ (2) There is created within the department the Utah Health Workforce
7840 Information Center.

7841 ~~[(2)]~~ (3) The information center shall:

7842 (a) under the guidance of the council, work with the Department of Commerce to
7843 collect data described in Section [58-1-112](#);

7844 (b) analyze data from any available source regarding Utah's health workforce including
7845 data collected by the Department of Commerce under Section [58-1-112](#);

7846 (c) send a report to the council regarding any analysis of health workforce data;

7847 (d) conduct research on Utah's health workforce as directed by the council;

7848 (e) notwithstanding the provisions of Subsection [35A-4-312](#)(3), receive information
7849 obtained by the Department of Workforce Services under the provisions of Section [35A-4-312](#)
7850 for purposes consistent with the information center's duties, including identifying changes in
7851 Utah's health workforce numbers, types, and geographic distribution;

7852 (f) project the demand for individuals to enter health care professions, including the
7853 nursing profession in accordance with Section [53B-26-202](#);

7854 (g) subject to Section ~~[26-3-7]~~ [26B-8-406](#), share data with any appropriate person as
7855 determined by the information center; and

7856 (h) conduct research and provide analysis for any state agency as approved by the
7857 executive director or the executive director's designee.

7858 ~~[(3)]~~ (4) Notwithstanding any other provision of state law, the information center is
7859 authorized to obtain data from any state agency if:

7860 (a) the council and the information center deem receiving the data necessary to perform
7861 a duty listed under Subsection ~~[(2)]~~ (3) or ~~[26-69-202(1)]~~ [26B-1-425](#)(7); and

7862 (b) the information center's access to the data will not:

7863 (i) violate any federal statute or federal regulation; or

7864 (ii) violate a condition a state agency must follow:

7865 (A) to participate in a federal program; or

7866 (B) to receive federal funds.

7867 Section 159. Section **26B-4-706**, which is renumbered from Section 26-69-402 is
7868 renumbered and amended to read:

7869 ~~[26-69-402].~~ **26B-4-706. Utah Medical Education Council.**

7870 (1) (a) There is created the Utah Medical Education Council, which is a subcommittee
7871 of the Utah Health Workforce Advisory Council.

7872 (b) The membership of UMEC shall consist of the following appointed by the
7873 governor:

7874 (i) the dean of the school of medicine at the University of Utah;

7875 (ii) an individual who represents graduate medical education at the University of Utah;

7876 (iii) an individual from each institution, other than the University of Utah, that

7877 sponsors an accredited clinical education program;

7878 (iv) an individual from the health care insurance industry; and

7879 (v) (A) three members of the general public who are not employed by or affiliated with
7880 any institution that offers, sponsors, or finances health care or medical education; and

7881 (B) if the number of individuals appointed under Subsection (1)(b)(iii) is more than
7882 two, the governor may appoint an additional member of the public under this Subsection
7883 (1)(b)(v) for each individual the governor appoints under Subsection (1)(b)(iii) beyond two.

7884 (2) Except as provided in Subsections (1)(b)(i) and (ii), no two council members may
7885 be employed by or affiliated with the same:

7886 (a) institution of higher education;

7887 (b) state agency outside of higher education; or

7888 (c) private entity.

7889 (3) The dean of the school of medicine at the University of Utah:

7890 (a) shall chair UMEC;

7891 (b) may not be counted in determining the existence of a quorum; and

7892 (c) may only cast a vote on a matter before the council if the vote of the other council
7893 members results in a tied vote.

7894 (4) UMEC shall annually elect a vice chair from UMEC's members.

7895 (5) (a) Consistent with Subsection (6)(b), a majority of the members constitute a
7896 quorum.

7897 (b) The action of a majority of a quorum is the action of UMEC.

7898 (6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year
7899 terms of office.

(b) Notwithstanding Subsection (6)(a), the governor shall, at the time of the initial appointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the members are appointed every two years.

(c) If a vacancy occurs in the membership for any reason, the replacement shall be appointed by the governor for the unexpired term in the same manner as the original appointment was made.

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section [63A-3-106](#);

(b) Section [63A-3-107](#); and

(c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and [63A-3-107](#).

(8) The council shall provide staff for UMEC.

Section 160. Section **26B-4-707**, which is renumbered from Section 26-69-403 is renumbered and amended to read:

[26-69-403]. 26B-4-707. Medical Education Program.

(1) There is created a Medical Education Program to be administered by UMEC in cooperation with the Division of Finance.

(2) The program shall be funded from money received for graduate medical education from:

(a) the federal Centers for Medicare and Medicaid Services or other federal agency;

(b) state appropriations; and

(c) donation or private contributions.

(3) All funding for this program shall be nonlapsing.

(4) Program money may only be expended if:

(a) approved by UMEC; and

(b) used for graduate medical education in accordance with Subsection [\[26-69-404\]](#) [26B-4-708](#)(4).

Section 161. Section **26B-4-708**, which is renumbered from Section 26-69-404 is renumbered and amended to read:

[26-69-404]. 26B-4-708. Duties of UMEC.

7931 UMEC shall:

7932 (1) seek private and public contributions for the program;

7933 (2) determine the method for reimbursing institutions that sponsor health care
7934 professionals in training;

7935 (3) determine the number and type of positions for health care professionals in training
7936 for which program money may be used;

7937 (4) distribute program money for graduate medical education in a manner that:

7938 (a) prepares postgraduate medical residents, as defined by the accreditation council on
7939 graduate medical education, for inpatient, outpatient, hospital, community, and geographically
7940 diverse settings;

7941 (b) encourages the coordination of interdisciplinary clinical training among health care
7942 professionals in training;

7943 (c) promotes stable funding for the clinical training of health care professionals in
7944 training; and

7945 (d) only funds accredited clinical training programs; and

7946 (5) advise on the implementation of the program.

7947 Section 162. Section **26B-4-709**, which is renumbered from Section 26-69-405 is
7948 renumbered and amended to read:

7949 ~~[26-69-405]~~. **26B-4-709. Powers of UMEC.**

7950 The UMEC may:

7951 (1) appoint advisory committees of broad representation on interdisciplinary clinical
7952 education, workforce mix planning and projections, funding mechanisms, and other topics as is
7953 necessary;

7954 (2) use federal money for necessary administrative expenses to carry out UMEC's
7955 duties and powers as permitted by federal law;

7956 (3) distribute program money in accordance with Subsection ~~[26-69-404]~~

7957 26B-4-708(4); and

7958 (4) as is necessary to carry out UMEC's duties under Section ~~[26-69-404]~~ 26B-4-708,
7959 adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

7960 Section 163. Section **26B-4-710**, which is renumbered from Section 26-69-406 is
7961 renumbered and amended to read:

7962 ~~[26-69-406]~~. 26B-4-710. Rural residency training program.

7963 (1) As used in this section:

7964 (a) "Physician" means:

7965 (i) an individual licensed to practice medicine under Title 58, Chapter 67, Utah Medical
7966 Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

7967 (ii) an individual licensed to practice dentistry under Title 58, Chapter 69, Dentist and
7968 Dental Hygienist Practice Act.

7969 (b) "Rural residency training program" means an accredited clinical training program
7970 that places a physician into a rural county for a part or all of the physician's clinical training.

7971 (2) Subject to appropriations from the Legislature, UMEC shall establish a pilot
7972 program to place physicians into rural residency training programs.

7973 Section 164. Section **26B-4-711**, which is renumbered from Section 26-69-407 is
7974 renumbered and amended to read:

7975 ~~[26-69-407]~~. 26B-4-711. Residency grant program.

7976 (1) As used in this section:

7977 (a) "D.O. program" means an osteopathic medical program that prepares a graduate to
7978 obtain licensure as a doctor of osteopathic medicine upon completing a state's licensing
7979 requirements.

7980 (b) "M.D. program" means a medical education program that prepares a graduate to
7981 obtain licensure as a doctor of medicine upon completing a state's licensing requirements.

7982 (c) "Residency program" means a program that provides training for graduates of a
7983 D.O. program or an M.D. program.

7984 (2) UMEC shall develop a grant program where a sponsoring institution in Utah may
7985 apply for a grant to establish a new residency program or expand a current residency program.

7986 (3) An applicant for a grant shall:

7987 (a) provide the proposed specialty area for each grant funded residency position;

7988 (b) identify where the grant funded residency position will provide care;

7989 (c) (i) provide proof that the residency program is accredited by the Accreditation
7990 Council for Graduate Medical Education; or

7991 (ii) identify what actions need to occur for the proposed residency program to become
7992 accredited by the Accreditation Council for Graduate Medical Education;

7993 (d) identify how a grant funded residency position will be funded once the residency
7994 program exhausts the grant money;

7995 (e) agree to implement selection processes for a residency position that treat applicants
7996 from D.O. programs and applicants from M.D. programs equally;

7997 (f) agree to provide information identified by UMEC that relates to post-residency
7998 employment outcomes for individuals who work in grant funded residency positions; and

7999 (g) provide any other information related to the grant application UMEC deems
8000 necessary.

8001 (4) UMEC shall prioritize awarding grants to new or existing residency programs that
8002 will:

8003 (a) address a workforce shortage, occurring in Utah, for a specialty; or

8004 (b) serve an underserved population, including a rural population.

8005 (5) Before November 1, 2023, and each November 1 thereafter, UMEC shall provide a
8006 written report to the Higher Education Appropriations Subcommittee describing:

8007 (a) which sponsoring institutions received a grant;

8008 (b) the number of residency positions created; and

8009 (c) for each residency position created:

8010 (i) the type of specialty;

8011 (ii) where the residency position provides care; and

8012 (iii) an estimated date of when a grant funded residency position will no longer need
8013 grant funding.

8014 Section 165. Section **26B-4-712**, which is renumbered from Section 26-69-408 is
8015 renumbered and amended to read:

8016 ~~[26-69-408]~~. **26B-4-712. Forensic psychiatrist fellowship grant.**

8017 (1) As used in this section, "forensic psychiatry" means the provision of services by an
8018 individual who:

8019 (a) is a licensed physician;

8020 (b) is board certified for a psychiatry specialization recognized by the American Board
8021 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
8022 Specialists; and

8023 (c) uses scientific and clinical expertise in legal contexts involving the mental health of

8024 individuals.

8025 (2) UMEC shall establish a grant program that will facilitate the creation of a single
8026 forensic psychiatrist fellowship program.

8027 (3) An applicant for the grant shall:

8028 (a) demonstrate how the applicant is best suited for developing a forensic psychiatry
8029 fellowship program, including:

8030 (i) a description of resources that would be available to the program; and

8031 (ii) any resources or staff that need to be acquired for the program;

8032 (b) identify what needs to occur for the proposed residency program to become
8033 accredited by the Accreditation Council for Graduate Medical Education;

8034 (c) provide an estimate of how many individuals would be trained in the program at
8035 any one time;

8036 (d) provide any information related to the grant application UMEC deems necessary for
8037 awarding the grant; and

8038 (e) if awarded the grant, agree to:

8039 (i) enter into a contract with the Department of Corrections that the applicant will
8040 provide for the provision of forensic psychiatry services to an individual:

8041 (A) who needs psychiatric services; and

8042 (B) is under the Department of Corrections' jurisdiction;

8043 (ii) ensure that any individual hired to provide forensic psychiatry services will comply
8044 with all relevant:

8045 (A) national licensing requirements; and

8046 (B) state licensing requirements under Title 58, Occupations and Professions.

8047 Section 166. Section **26B-4-801**, which is renumbered from Section 26-49-102 is
8048 renumbered and amended to read:

8049 **Part 8. Uniform Emergency Volunteer Health Practitioners Act**

8050 ~~[26-49-102]~~. **26B-4-801. Definitions.**

8051 As used in this [chapter] part:

8052 (1) "Disaster relief organization" means an entity that:

8053 (a) provides emergency or disaster relief services that include health or veterinary
8054 services provided by volunteer health practitioners;

8055 (b) is designated or recognized as a provider of the services described in Subsection
8056 (1)(a) under a disaster response and recovery plan adopted by:

- 8057 (i) an agency of the federal government;
- 8058 (ii) the department; or
- 8059 (iii) a local health department; and

8060 (c) regularly plans and conducts its activities in coordination with:

- 8061 (i) an agency of the federal government;
- 8062 (ii) the department; or
- 8063 (iii) a local health department.

8064 (2) "Emergency" means:

- 8065 (a) a state of emergency declared by:
- 8066 (i) the president of the United States;
- 8067 (ii) the governor in accordance with Title 53, Chapter 2a, Part 2, Disaster Response and
8068 Recovery Act; and
- 8069 (iii) the chief executive officer of a political subdivision in accordance with Title 53,
8070 Chapter 2a, Part 2, Disaster Response and Recovery Act, for a local emergency; or

8071 (b) a public health emergency declared by:

- 8072 (i) the executive director through a public health order in accordance with ~~[Title 26,~~
8073 ~~Utah Health Code]~~ this title; or
- 8074 (ii) a local health department for a location under the local health department's
8075 jurisdiction.

8076 (3) "Emergency Management Assistance Compact" means the interstate compact
8077 approved by Congress by Public ~~[Law]~~ L. No. 104-321, 110 Stat. 3877 and adopted by Utah in
8078 Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact.

8079 (4) "Entity" means a person other than an individual.

8080 (5) "Health facility" means an entity licensed under the laws of this or another state to
8081 provide health or veterinary services.

8082 (6) "Health practitioner" means an individual licensed under Utah law or another state
8083 to provide health or veterinary services.

8084 (7) "Health services" means the provision of treatment, care, advice, guidance, other
8085 services, or supplies related to the health or death of individuals or human populations, to the

8086 extent necessary to respond to an emergency, including:

8087 (a) the following, concerning the physical or mental condition or functional status of an
8088 individual or affecting the structure or function of the body:

8089 (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; or

8090 (ii) counseling, assessment, procedures, or other services;

8091 (b) selling or dispensing a drug, a device, equipment, or another item to an individual
8092 in accordance with a prescription; and

8093 (c) funeral, cremation, cemetery, or other mortuary services.

8094 (8) "Host entity":

8095 (a) means an entity operating in Utah that:

8096 (i) uses volunteer health practitioners to respond to an emergency; and

8097 (ii) is responsible during an emergency, for actually delivering health services to
8098 individuals or human populations, or veterinary services to animals or animal populations; and

8099 (b) may include disaster relief organizations, hospitals, clinics, emergency shelters,
8100 health care provider offices, or any other place where volunteer health practitioners may
8101 provide health or veterinary services.

8102 (9) (a) "License" means authorization by a state to engage in health or veterinary
8103 services that are unlawful without authorization.

8104 (b) "License" includes authorization under this title to an individual to provide health
8105 or veterinary services based upon a national or state certification issued by a public or private
8106 entity.

8107 (10) "Local emergency" means the same as that term is defined in Section [53-2a-203](#).

8108 (11) "Local health department" means the same as that term is defined in Section
8109 [26A-1-102](#).

8110 (12) "Public health emergency" means the same as that term is defined in Section
8111 [\[26-23b-102\]](#) [26B-7-301](#).

8112 (13) "Scope of practice" means the extent of the authorization to provide health or
8113 veterinary services granted to a health practitioner by a license issued to the practitioner in the
8114 state in which the principal part of the practitioner's services are rendered, including any
8115 conditions imposed by the licensing authority.

8116 (14) "State" means:

- 8117 (a) a state of the United States;
8118 (b) the District of Columbia;
8119 (c) Puerto Rico;
8120 (d) the United States Virgin Islands; or
8121 (e) any territory or insular possession subject to the jurisdiction of the United States.
8122 (15) "Veterinary services" shall have the meaning provided for in Subsection

8123 [58-28-102](#)(11).

8124 (16) (a) "Volunteer health practitioner" means a health practitioner who provides health
8125 or veterinary services, whether or not the practitioner receives compensation for those services.

8126 (b) "Volunteer health practitioner" does not include a practitioner who receives
8127 compensation under a preexisting employment relationship with a host entity or affiliate that
8128 requires the practitioner to provide health services in Utah, unless the practitioner is:

- 8129 (i) not a Utah resident; and
8130 (ii) employed by a disaster relief organization providing services in Utah during an
8131 emergency.

8132 Section 167. Section **26B-4-802**, which is renumbered from Section 26-49-103 is
8133 renumbered and amended to read:

8134 ~~[26-49-103].~~ **26B-4-802. Applicability to volunteer health practitioners.**

8135 This ~~[chapter]~~ part applies to volunteer health practitioners who:

8136 (1) are registered with a registration system that complies with Section ~~[26-49-202]~~

8137 [26B-4-804](#); and

8138 (2) provide health or veterinary services in Utah for a host entity during an emergency.

8139 Section 168. Section **26B-4-803**, which is renumbered from Section 26-49-201 is
8140 renumbered and amended to read:

8141 ~~[26-49-201].~~ **26B-4-803. Regulation of services during emergency.**

8142 (1) During an emergency, the ~~[Department of Health]~~ department or a local health
8143 department may limit, restrict, or otherwise regulate:

- 8144 (a) the duration of practice by volunteer health practitioners;
8145 (b) the geographical areas in which volunteer health practitioners may practice;
8146 (c) the types of volunteer health practitioners who may practice; and
8147 (d) any other matters necessary to coordinate effectively the provision of health or

8148 veterinary services during the emergency.

8149 (2) An order issued under Subsection (1) takes effect immediately, without prior notice
8150 or comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative
8151 Rulemaking Act, or an adjudication within the meaning of Title 63G, Chapter 4,
8152 Administrative Procedures Act.

8153 (3) A host entity that uses volunteer health practitioners to provide health or veterinary
8154 services in Utah shall:

8155 (a) to the extent practicable and in order to provide for the efficient and effective use of
8156 volunteer health practitioners, consult and coordinate its activities with:

8157 (i) the ~~[Department of Health]~~ department;

8158 (ii) local health departments; or

8159 (iii) the Department of Agriculture and Food; ~~[or]~~ and

8160 ~~[(iv) the Department of Human Services; and]~~

8161 (b) comply with all state and federal laws relating to the management of emergency
8162 health or veterinary services.

8163 Section 169. Section **26B-4-804**, which is renumbered from Section 26-49-202 is
8164 renumbered and amended to read:

8165 ~~[26-49-202].~~ **26B-4-804. Volunteer health practitioner registration**
8166 **systems.**

8167 (1) To qualify as a volunteer health practitioner registration system, the registration
8168 system shall:

8169 (a) accept applications for the registration of volunteer health practitioners before or
8170 during an emergency;

8171 (b) include information about the licensure and good standing of health practitioners
8172 that is accessible by authorized persons;

8173 (c) be capable of confirming the accuracy of information concerning whether a health
8174 practitioner is licensed and in good standing before health services or veterinary services are
8175 provided under this chapter; and

8176 (d) meet one of the following conditions:

8177 (i) be an emergency system for advance registration of volunteer health practitioners
8178 established by a state and funded through the United States Department of Health and Human

8179 Services under Section 319I of the Public Health Services Act, 42 U.S.C. Sec. 247d-7b, as
8180 amended;

8181 (ii) be a local unit consisting of trained and equipped emergency response, public
8182 health, and medical personnel formed under Section 2801 of the Public Health Services Act, 42
8183 U.S.C. Sec. 300hh as amended;

8184 (iii) be operated by a:

8185 (A) disaster relief organization;

8186 (B) licensing board;

8187 (C) national or regional association of licensing boards or health practitioners;

8188 (D) health facility that provides comprehensive inpatient and outpatient healthcare
8189 services, including tertiary care; or

8190 (E) governmental entity; or

8191 (iv) be designated by the [~~Department of Health~~] department as a registration system
8192 for purposes of this chapter.

8193 (2) (a) Subject to Subsection (2)(b), during an emergency, the [~~Department of Health~~]
8194 department, a person authorized to act on behalf of the [~~Department of Health~~] department, or a
8195 host entity shall confirm whether a volunteer health practitioner in Utah is registered with a
8196 registration system that complies with Subsection (1).

8197 (b) The confirmation authorized under this Subsection (2) is limited to obtaining the
8198 identity of the practitioner from the system and determining whether the system indicates that
8199 the practitioner is licensed and in good standing.

8200 (3) Upon request of a person authorized under Subsection (2), or a similarly authorized
8201 person in another state, a registration system located in Utah shall notify the person of the
8202 identity of a volunteer health practitioner and whether or not the volunteer health practitioner is
8203 licensed and in good standing.

8204 (4) A host entity is not required to use the services of a volunteer health practitioner
8205 even if the volunteer health practitioner is registered with a registration system that indicates
8206 that the practitioner is licensed and in good standing.

8207 Section 170. Section **26B-4-805**, which is renumbered from Section 26-49-203 is
8208 renumbered and amended to read:

8209 **[26-49-203]. 26B-4-805. Recognition of volunteer health practitioners**

8210 **licensed in other states.**

8211 (1) During an emergency, a volunteer health practitioner registered with a registration
8212 system that complies with Section [~~26-49-202~~] 26B-4-804 and licensed and in good standing in
8213 the state upon which the practitioner's registration is based:

8214 (a) may practice in Utah to the extent authorized by this chapter as if the practitioner
8215 were licensed in Utah; and

8216 (b) is exempt from:

8217 (i) licensure in Utah; or

8218 (ii) operating under modified scope of practice provisions in accordance with
8219 Subsections 58-1-307(4) and (5).

8220 (2) A volunteer health practitioner qualified under Subsection (1) is not entitled to the
8221 protections of this chapter if the practitioner is licensed in more than one state and any license
8222 of the practitioner:

8223 (a) is suspended, revoked, or subject to an agency order limiting or restricting practice
8224 privileges; or

8225 (b) has been voluntarily terminated under threat of sanction.

8226 Section 171. Section **26B-4-806**, which is renumbered from Section 26-49-204 is
8227 renumbered and amended to read:

8228 ~~[26-49-204]~~. **26B-4-806. No effect on credentialing and privileging.**

8229 (1) For purposes of this section:

8230 (a) "Credentialing" means obtaining, verifying, and assessing the qualifications of a
8231 health practitioner to provide treatment, care, or services.

8232 (b) "Privileging" means the authorizing by an appropriate authority of a health
8233 practitioner to provide specific treatment, care, or services at a health facility subject to limits
8234 based on factors that include license, education, training, experience, competence, health status,
8235 and specialized skill.

8236 (2) This ~~[chapter]~~ part does not affect credentialing or privileging standards of a health
8237 facility, and does not preclude a health facility from waiving or modifying those standards
8238 during an emergency.

8239 Section 172. Section **26B-4-807**, which is renumbered from Section 26-49-205 is
8240 renumbered and amended to read:

8241 ~~[26-49-205]~~. 26B-4-807. **Provision of volunteer health or veterinary**
8242 **services -- Administrative sanctions -- Authority of Division of Professional Licensing.**

8243 (1) Subject to Subsections (2) and (3), a volunteer health practitioner shall comply with
8244 the scope of practice for a similarly licensed practitioner established by the licensing
8245 provisions, practice acts, or other Utah laws.

8246 (2) Except as otherwise provided in Subsection (3), this ~~[chapter]~~ part does not
8247 authorize a volunteer health practitioner to provide services that are outside the volunteer
8248 health practitioner's scope of practice, even if a similarly licensed practitioner in Utah would be
8249 permitted to provide the services.

8250 (3) (a) In accordance with this section and Section ~~58-1-405~~, the Division of
8251 Professional Licensing may issue an order modifying or restricting the health or veterinary
8252 services that volunteer health practitioners may provide pursuant to this ~~[chapter]~~ part.

8253 (b) An order under this subsection takes effect immediately, without prior notice or
8254 comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative
8255 Rulemaking Act, or a directive within the meaning of Title 63G, Chapter 4, Administrative
8256 Procedures Act.

8257 (4) A host entity may restrict the health or veterinary services that a volunteer health
8258 practitioner may provide under this ~~[chapter]~~ part.

8259 (5) (a) A volunteer health practitioner does not engage in unauthorized practice unless
8260 the volunteer health practitioner has reason to know of any limitation, modification, or
8261 restriction under this chapter, Title 58, Chapter 1, Division of Occupational and Professional
8262 Licensing Act, or that a similarly licensed practitioner in Utah would not be permitted to
8263 provide the services.

8264 (b) A volunteer health practitioner has reason to know of a limitation, modification, or
8265 restriction, or that a similarly licensed practitioner in Utah would not be permitted to provide a
8266 service, if:

8267 (i) the volunteer health practitioner knows the limitation, modification, or restriction
8268 exists or that a similarly licensed practitioner in Utah would not be permitted to provide the
8269 service; or

8270 (ii) from all the facts and circumstances known to the volunteer health practitioner at
8271 the relevant time, a reasonable person would conclude that:

8272 (A) the limitation, modification, or restriction exists; or

8273 (B) a similarly licensed practitioner in Utah would not be permitted to provide the
8274 service.

8275 (6) In addition to the authority granted by law of Utah other than this chapter to
8276 regulate the conduct of volunteer health practitioners, the Division of Professional Licensing
8277 Act or other disciplinary authority in Utah:

8278 (a) may impose administrative sanctions upon a volunteer health practitioner licensed
8279 in Utah for conduct outside of Utah in response to an out-of-state emergency;

8280 (b) may impose administrative sanctions upon a volunteer health practitioner not
8281 licensed in Utah for conduct in Utah in response to an in-state emergency; and

8282 (c) shall report any administrative sanctions imposed upon a volunteer health
8283 practitioner licensed in another state to the appropriate licensing board or other disciplinary
8284 authority in any other state in which the volunteer health practitioner is known to be licensed.

8285 (7) In determining whether or not to impose administrative sanctions under Subsection
8286 (6), the Division of Professional Licensing Act or other disciplinary authority shall consider the
8287 circumstances in which the conduct took place, including:

8288 (a) any exigent circumstances; and

8289 (b) the volunteer health practitioner's scope of practice, education, training, experience,
8290 and specialized skill.

8291 Section 173. Section **26B-4-808**, which is renumbered from Section 26-49-301 is
8292 renumbered and amended to read:

8293 ~~[26-49-301]~~. **26B-4-808. Relation to other laws.**

8294 (1) (a) This ~~[chapter]~~ part does not limit rights, privileges, or immunities provided to
8295 volunteer health practitioners by laws other than this ~~[chapter]~~ part.

8296 (b) Except as otherwise provided in Subsection (2), this ~~[chapter]~~ part does not affect
8297 requirements for the use of health practitioners pursuant to Title 53, Chapter 2a, Part 4,
8298 Emergency Management Assistance Compact.

8299 (2) An authorized representative of a party state may incorporate volunteer health
8300 practitioners into the emergency forces of Utah even if those volunteer health practitioners are
8301 not officers or employees of Utah, a political subdivision of Utah, or a municipality or other
8302 local government within Utah.

8303 Section 174. Section **26B-4-809**, which is renumbered from Section 26-49-401 is
8304 renumbered and amended to read:

8305 ~~[26-49-401].~~ **26B-4-809. Regulatory authority.**

8306 (1) The ~~[Department of Health]~~ department shall make rules by following the
8307 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

8308 (2) Before adopting rules under Subsection (1), the ~~[Department of Health]~~ department
8309 shall consult and consider:

8310 (a) the recommendations of the entity established to coordinate the implementation of
8311 the Emergency Management Assistance Compact; and

8312 (b) rules adopted by similarly empowered agencies in other states in order to promote
8313 uniformity of application of this ~~[chapter]~~ part and make the emergency response systems in
8314 the various states reasonably compatible.

8315 Section 175. Section **26B-4-810**, which is renumbered from Section 26-49-501 is
8316 renumbered and amended to read:

8317 ~~[26-49-501].~~ **26B-4-810. Limitations on civil liability for volunteer health**
8318 **practitioners.**

8319 Volunteer health practitioners who provide health or veterinary services pursuant to this
8320 chapter are immune from liability and civil damages as set forth in Section [58-13-2](#).

8321 Section 176. Section **26B-4-811**, which is renumbered from Section 26-49-601 is
8322 renumbered and amended to read:

8323 ~~[26-49-601].~~ **26B-4-811. Workers' compensation coverage.**

8324 (1) For purposes of this section, "injury" means a physical or mental injury or disease
8325 for which an employee of Utah who is injured or contracts the disease in the course of the
8326 employee's employment would be entitled to benefits under Title 34A, Chapter 2, Workers'
8327 Compensation Act.

8328 (2) A volunteer health practitioner is considered a state employee for purposes of
8329 receiving workers' compensation medical benefits under Title 34A, Chapter 2, Workers'
8330 Compensation Act, and Chapter 3, Utah Occupational Disease Act.

8331 (3) The state shall provide workers' compensation benefits for a volunteer health
8332 practitioner under:

8333 (a) Title 34A, Chapter 2, Workers' Compensation Act; and

8334 (b) Title 34A, Chapter 3, Utah Occupational Disease Act.

8335 (4) (a) In accordance with Section ~~34A-2-105~~, the workers' compensation benefits
8336 described in Subsection (3) are the exclusive remedy against the state or an officer, agent, or
8337 employee of the state, for all injuries and occupational diseases resulting from the volunteer
8338 health practitioner's services for the state.

8339 (b) For purposes of Subsection (4)(a), the state is considered the employer of the
8340 volunteer health practitioner.

8341 (5) To compute the workers' compensation benefits for a volunteer health practitioner
8342 described in Subsection (3), the average weekly wage of the volunteer health practitioner shall
8343 be the state's average weekly wage at the time of the emergency that is the basis for the
8344 volunteer health practitioner's workers' compensation claim.

8345 (6) (a) The Labor Commission shall:

8346 (i) adopt rules, enter into agreements with other states, or take other measures to
8347 facilitate the receipt of benefits for injury or death by volunteer health practitioners who reside
8348 in other states; and

8349 (ii) consult with and consider the practices for filing, processing, and paying claims by
8350 agencies with similar authority in other states to promote uniformity of application of this
8351 chapter with other states that enact similar legislation.

8352 (b) The Labor Commission may waive or modify requirements for filing, processing,
8353 and paying claims that unreasonably burden the volunteer health practitioners.

8354 Section 177. Section ~~26B-4-812~~, which is renumbered from Section 26-49-701 is
8355 renumbered and amended to read:

8356 ~~[26-49-701]~~. **26B-4-812. Uniformity of application and construction.**

8357 In applying and construing this ~~[chapter]~~ part, consideration shall be given to the need
8358 to promote uniformity of the law with respect to its subject matter among states that enact it.

8359 Section 178. **Repealer.**

8360 This bill repeals:

8361 Section ~~26-1-2~~, **Definitions.**

8362 Section ~~26-1-7.5~~, **Health advisory council.**

8363 Section ~~26-2-1~~, **Short title.**

8364 Section ~~26-2-2~~, **Definitions.**

8365 Section 26-4-1, Short title.

8366 Section 26-5-2, Establishment of prevention programs by department.

8367 Section 26-5-3, System for detecting and monitoring diseases established by

8368 department.

8369 Section 26-5-4, Programs of community and professional education established by

8370 department.

8371 Section 26-6-1, Short title.

8372 Section 26-6-12, Rabies or other animal disease -- Investigation following order of

8373 quarantine.

8374 Section 26-6-13, Rabies or other animal disease -- Authority of peace officer to kill

8375 or capture animals.

8376 Section 26-6-14, Rabies or other animal disease -- Quarantine defined.

8377 Section 26-6b-2, Definitions.

8378 Section 26-8a-101, Title.

8379 Section 26-8a-211, Report.

8380 Section 26-8b-101, Title.

8381 Section 26-8b-102, Definitions.

8382 Section 26-8b-601, Title.

8383 Section 26-8c-101, Title.

8384 Section 26-8d-101, Title.

8385 Section 26-9f-101, Title.

8386 Section 26-9f-102, Definitions.

8387 Section 26-9f-104, Duties and responsibilities.

8388 Section 26-10-1, Definitions.

8389 Section 26-15-1, Definitions.

8390 Section 26-15-5.1, Exemptions to food handler requirements.

8391 Section 26-15-12, Rules to implement statutes on smoking.

8392 Section 26-15a-101, Title.

8393 Section 26-15a-103, Duties.

8394 Section 26-15a-107, Duties.

8395 Section 26-15b-101, Title.

8396 Section **26-15b-102**, Definitions.

8397 Section **26-15b-103**, Permitting -- Fees.

8398 Section **26-15b-104**, Permits.

8399 Section **26-15c-101**, Title.

8400 Section **26-15c-102**, Definitions.

8401 Section **26-15c-103**, Permitting -- Fees.

8402 Section **26-15c-104**, Safety and health inspections and permits.

8403 Section **26-18-1**, Short title.

8404 Section **26-18-2**, Definitions.

8405 Section **26-18-402.5**, Nonlapsing Medicaid funds.

8406 Section **26-18-501**, Definitions.

8407 Section **26-18-601**, Title.

8408 Section **26-18-602**, Definitions.

8409 Section **26-18-701**, Definitions.

8410 Section **26-18-702**, Division and Department of Workforce Services compliance

8411 **with adoption assistance interstate compact.**

8412 Section **26-18a-1**, Definitions.

8413 Section **26-18a-3**, Purpose of committee.

8414 Section **26-19-101**, Title.

8415 Section **26-20-1**, Title.

8416 Section **26-21-1**, Title.

8417 Section **26-21-4**, Per diem and travel expenses of committee members.

8418 Section **26-21-5**, Duties of committee.

8419 Section **26-21-100**, Reserved.

8420 Section **26-21-203**, Department authorized to grant, deny, or revoke clearance --

8421 **Department may limit direct patient access.**

8422 Section **26-21-205**, Department of Public Safety -- Retention of information --

8423 **Notification of Department of Health.**

8424 Section **26-21-206**, Covered providers and covered contractors required to apply

8425 **for clearance of certain individuals.**

8426 Section **26-21-207**, Covered providers required to apply for clearance for certain

8427 **individuals other than residents residing in residential settings -- Certain individuals**
8428 **other than residents prohibited from residing in residential settings without clearance.**
8429 Section **26-21-208**, Application for clearance by individuals.
8430 Section **26-21-210**, No civil liability.
8431 Section **26-21-301**, Title.
8432 Section **26-21-302**, Definitions.
8433 Section **26-21-304**, Monitoring device -- Facility admission, patient discharge, and
8434 **posted notice.**
8435 Section **26-21a-201**, Short title.
8436 Section **26-21b-101**, Title.
8437 Section **26-21b-102**, Definitions.
8438 Section **26-21b-301**, Investigation and enforcement.
8439 Section **26-21c-101**, Title.
8440 Section **26-21c-102**, Definitions.
8441 Section **26-21c-104**, Presenting protocols upon inspection.
8442 Section **26-23a-1**, Definitions.
8443 Section **26-23a-3**, Penalties.
8444 Section **26-23b-101**, Title.
8445 Section **26-25-2**, Restrictions on use of data.
8446 Section **26-25-3**, Information considered privileged communications.
8447 Section **26-25-4**, Information held in confidence -- Protection of identities.
8448 Section **26-25-5**, Violation of chapter a misdemeanor -- Civil liability.
8449 Section **26-26-1**, "Institution" defined.
8450 Section **26-26-2**, Authorization for institutions to obtain impounded animals.
8451 Section **26-26-4**, Institution to pay transportation expense -- Restrictions on use of
8452 **animals -- Fee.**
8453 Section **26-26-5**, Records of animals required.
8454 Section **26-26-6**, Revocation of authorization.
8455 Section **26-26-7**, Adoption of rules by department -- Inspection and investigation of
8456 **institutions.**
8457 Section **26-28-101**, Title.

8458 Section **26-31-101**, Title.

8459 Section **26-31-102**, Definitions.

8460 Section **26-31-202**, Blood donation by a minor.

8461 Section **26-33a-101**, Short title.

8462 Section **26-33a-103**, Committee membership -- Terms -- Chair -- Compensation.

8463 Section **26-34-1**, Short title.

8464 Section **26-34-2**, Definition of death -- Determination of death.

8465 Section **26-35a-101**, Title.

8466 Section **26-36b-101**, Title.

8467 Section **26-36c-101**, Title.

8468 Section **26-36d-101**, Title.

8469 Section **26-37a-101**, Title.

8470 Section **26-38-1**, Title.

8471 Section **26-38-2**, Definitions.

8472 Section **26-38-3.5**, Smoking ban exemption for Native American ceremony.

8473 Section **26-38-6**, Local ordinances.

8474 Section **26-38-7**, Enforcement action by proprietors.

8475 Section **26-38-8**, Penalties.

8476 Section **26-38-9**, Enforcement of chapter.

8477 Section **26-39-101**, Title.

8478 Section **26-39-203**, Duties of the Child Care Center Licensing Committee.

8479 Section **26-40-101**, Title.

8480 Section **26-41-101**, Title.

8481 Section **26-41-102**, Definitions.

8482 Section **26-43-101**, Title.

8483 Section **26-43-103**, Disclosure of information.

8484 Section **26-46-101**, Definitions.

8485 Section **26-46a-101**, Title.

8486 Section **26-47-101**, Title.

8487 Section **26-47-102**, Prescription Drug Assistance Program.

8488 Section **26-49-101**, Title.

8489 Section **26-50-101**, Title.

8490 Section **26-50-102**, Definitions.

8491 Section **26-51-101**, Title.

8492 Section **26-51-202**, Public education concerning methamphetamine contamination.

8493 Section **26-53-101**, Title.

8494 Section **26-54-101**, Title.

8495 Section **26-55-101**, Title.

8496 Section **26-55-102**, Definitions.

8497 Section **26-57-101**, Title.

8498 Section **26-57-102**, Definitions.

8499 Section **26-57-104**, Labeling of nicotine products containing nicotine.

8500 Section **26-58-101**, Title.

8501 Section **26-60-101**, Title.

8502 Section **26-60-102**, Definitions.

8503 Section **26-60-104**, Enforcement.

8504 Section **26-60-105**, Study by Public Utilities, Energy, and Technology Interim

8505 **Committee and Health Reform Task Force.**

8506 Section **26-61-101**, Title.

8507 Section **26-61-102**, Definitions.

8508 Section **26-61-202**, Duties.

8509 Section **26-61a-101**, Title.

8510 Section **26-62-101**, Title.

8511 Section **26-64-101**, Title.

8512 Section **26-66-101**, Title.

8513 Section **26-66-102**, Definitions.

8514 Section **26-66-201**, Early Childhood Utah Advisory Council.

8515 Section **26-66-203**, Compensation.

8516 Section **26-67-101**, Title.

8517 Section **26-68-101**, Title.

8518 Section **26-69-101**, Definitions.

8519 Section **26-69-202**, Council and executive director duties.

8520 Section **26-69-203**, Members serve without pay -- Reimbursement for expenses.

8521 Section **26-69-401**, Definitions.

8522 Section **26-70-101**, Definitions.

8523 Section **26A-1-101**, Short title.

8524 Section **26B-1-201.1**, Transition to single state agency -- Transition plan.

8525 Section **26B-1a-101**, Definitions.

8526 Section **26B-1a-102**, Office of American Indian-Alaska Native Health and Family

8527 **Services -- Creation -- Purpose.**

8528 Section **26B-1a-103**, Director of the office -- Appointment -- Qualifications -- Staff.

8529 Section **26B-1a-107**, Liaison reporting.

8530 Section **62A-1-104**, Definitions.

8531 Section **62A-1-123**, Intergenerational poverty mitigation reporting.

8532 Section **62A-1-201**, Title.

8533 Section **62A-2-101**, Definitions.

8534 Section **62A-3-101**, Definitions.

8535 Section **62A-4a-101.5**, Juvenile services.

8536 Section **62A-4a-210**, Definitions.

8537 Section **62A-5-206.8**, Management of the Utah State Developmental Center

8538 **Sustainability Fund.**

8539 Section **62A-5-401**, Purpose.

8540 Section **62A-5-403**, Services for persons under 11 years of age.

8541 Section **62A-5a-101**, Policy statement.

8542 Section **62A-5a-102**, Definitions.

8543 Section **62A-5a-104**, Powers of council.

8544 Section **62A-5a-105**, Coordination of services for school-age children.

8545 Section **62A-5b-101**, Title.

8546 Section **62A-6-101**, Definitions.

8547 Section **62A-11-103**, Definitions.

8548 Section **62A-11-301**, Title.

8549 Section **62A-11-601**, Title.

8550 Section **62A-11-701**, Title.

8551 Section **62A-11-702, Definitions.**
8552 Section **62A-14-101, Title.**
8553 Section **62A-15-101, Title.**
8554 Section **62A-15-102, Definitions.**
8555 Section **62A-15-201, Title.**
8556 Section **62A-15-645, Retrospective effect of provisions.**
8557 Section **62A-15-1001, Definitions.**
8558 Section **62A-15-1100, Definitions.**
8559 Section **62A-15-1301, Definitions.**
8560 Section **62A-15-1303, Statewide mental health crisis line and statewide warm line**
8561 **operational standards.**
8562 Section **62A-15-1401, Definitions.**
8563 Section **62A-15-1501, Definitions.**
8564 Section **62A-15-1601, Definitions.**
8565 Section **62A-15-1701, Definitions.**
8566 Section **62A-15-1801, Definitions.**
8567 Section **62A-16-101, Title.**
8568 Section **62A-17-101, Title.**
8569 Section **62A-18-101, Title.**
8570 Section **62A-18-102, Definitions.**
8571 Section **62A-18-103, Office of Quality and Design -- Creation.**
8572 Section **62A-18-104, Director of the office -- Appointment -- Qualifications.**
8573 Section 179. **Coordinating S.B. 40 with H.B. 59 -- Substantive and technical**
8574 **amendments.**
8575 If this S.B. 40 and H.B. 59, First Responder Mental Health Amendments, both pass and
8576 become law, it is the intent of the Legislature that the Office of Legislative Research and
8577 General Counsel prepare the Utah Code database for publication by amending Subsection
8578 26B-4-102(8) (renumbered from Section 26-8a-105) in this S.B. 40 to incorporate the
8579 amendments in Subsection 26-8a-206(3) in H.B. 59 to read as follows:
8580 "(8) (a) develop and implement a statewide program to provide support and counseling
8581 for personnel who have been exposed to one or more stressful incidents in the course of

8582 providing emergency services which shall include:

8583 (i) ongoing training for agencies providing emergency services and counseling program
8584 volunteers;

8585 (ii) critical incident stress debriefing for personnel at no cost to the emergency
8586 provider; and

8587 (iii) advising the department on training requirements for licensure as a behavioral
8588 emergency services technician; and

8589 (b) reimburse reasonable actual expenses, including mileage, incurred by a volunteer
8590 during the course of the volunteer's provision of critical incident stress services under
8591 Subsection (8)(a)."

8592 Section 180. **Coordinating S.B. 40 with H.B. 72 -- Substantive and technical**
8593 **amendments.**

8594 If this S.B. 40 and H.B. 72, Medical Cannabis Governance Revisions, both pass and
8595 become law, the Legislature intends that the Office of Legislative Research and General
8596 Counsel prepare the Utah Code database for publication on July 1, 2023, as follows:

8597 (1) with respect to the following sections, the amendments in H.B. 72 supersede the
8598 amendments made in this bill on May 3, 2023:

8599 (a) Section [4-41a-801.1](#) (renumbered from Section [26-61a-702](#)) in H.B. 72;

8600 (b) Section [4-41a-109](#) (renumbered from Section [26-61a-116](#)) in H.B. 72;

8601 (c) Section [4-41a-1001](#) (renumbered from Section [26-61a-301](#)) in H.B. 72;

8602 (d) Section [4-41-1004](#) (renumbered from Section [26-61a-304](#)) in H.B. 72;

8603 (e) Section [4-41a-1005](#) (renumbered from Section [26-61a-305](#)) in H.B. 72;

8604 (f) Section [4-41a-1106](#) (renumbered from Section [26-61a-401](#)) in H.B. 72;

8605 (g) Section [4-41a-1101](#) (renumbered from Section [26-61a-501](#)) in H.B. 72;

8606 (h) Section [4-41a-1103](#) (renumbered from Section [26-61a-504](#)) in H.B. 72;

8607 (i) Section [4-41a-1104](#) (renumbered from Section [26-61a-505](#)) in H.B. 72;

8608 (j) Section [4-41a-1105](#) (renumbered from Section [26-61a-507](#)) in H.B. 72;

8609 (k) Section [4-41a-1202](#) (renumbered from Section [26-61a-604](#)) in H.B. 72;

8610 (l) Section [4-41a-1203](#) (renumbered from Section [26-61a-605](#)) in H.B. 72; and

8611 (m) Section [4-41a-1204](#) (renumbered from Section [26-61a-606](#)) in H.B. 72;

8612 (2) if H.B. 72 rennumbers a section from Title 26 to Title 4 and S.B. 40 rennumbers the

8613 same section from Title 26 to Title 26B, the renumbering of the section in H.B. 72 will
 8614 supersede in the following sections:

- 8615 (a) Section 4-41a-108 (renumbered from Section 26-61a-603) in H.B. 72;
- 8616 (b) Section 4-41a-1002 (renumbered from Section 26-61a-302) in H.B. 72;
- 8617 (c) Section 4-41a-1003 (renumbered from Section 26-61a-303) in H.B. 72;
- 8618 (d) Section 4-41a-1101 (renumbered from Section 26-61a-501) in H.B. 72;
- 8619 (e) Section 4-41a-1102 (renumbered from Section 26-61a-502) in H.B. 72;
- 8620 (f) Section 4-41a-1107 (renumbered from Section 26-61a-402) in H.B. 72; and
- 8621 (g) Section 4-41a-1205 (renumbered from Section 26-61a-607) in H.B. 72;
- 8622 (3) if H.B. 72 renumbers a section reference from Title 26 to Title 4 and S.B. 40

8623 renumbers the same section reference from Title 26 to Title 26B, the renumbering in H.B. 72
 8624 supersedes in the following sections:

- 8625 (a) Section 4-41a-1003 (renumbered from Section 26-61a-303) in H.B. 72;
- 8626 (b) Section 4-41a-1102 (renumbered from Section 26-61a-502) in H.B. 72;
- 8627 (c) Section 26B-4-202 (renumbered from Section 26-61a-103) in S.B. 40;
- 8628 (d) Section 26B-4-204 (renumbered from Section 26-61a-106) in S.B. 40;
- 8629 (e) Section 26B-4-213 (renumbered from Section 26-61a-201) in S.B. 40;
- 8630 (f) Section 26B-4-219 (renumbered from Section 26-61a-403) in S.B. 40;
- 8631 (g) Section 26B-4-231 (renumbered from Section 26-61a-503) in S.B. 40; and
- 8632 (h) Section 26B-4-236 (renumbered from Section 26-61a-601) in S.B. 40;
- 8633 (4) in Subsection 4-41a-1106(3)(a)(ii) (renumbered from Subsection
- 8634 26-61a-401(3)(a)(ii)) in H.B. 72, replacing the reference to Subsection 26-61a-109(5) with
- 8635 Subsection 4-41a-104(5);

8636 (5) in Subsection 4-41a-1106(8)(b)(iii) (renumbered from Subsection

8637 26-61a-401(8)(b)(iii)) in H.B. 72, replacing the reference to Subsection 26-61a-109(5) with

8638 Subsection 4-41a-104(5);

8639 (6) by amending:

8640 (a) Subsection 4-41a-1101(10)(c) (renumbered from Subsection 26-61a-501(10)(c)) in

8641 H.B. 72 to read:

8642 "(c) unless the medical cannabis cardholder has had a consultation under Subsection

8643 [26-61a-502(4) or (5)] 26B-4-231(5) verbally offer to a medical cannabis cardholder at the time

of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal counseling with the pharmacy medical provider; and";

(b) Subsection 4-41a-1102(1)(b)(i)(B) (renumbered from Subsection 26-61a-502(1)(b)(i)(B)) in H.B. 72 to read:

"(b) a [~~department~~] Department of Health and Human Services registration described in Subsection [~~26-61a-201(11)~~]; 26B-4-213(10)";

(c) Subsection 4-41a-1202(13)(b) (renumbered from Subsection 26-61a-604(13)(b)) in H.B. 72 to read:

"(B) the licensee pays the department a license renewal fee in an amount that, subject to Subsection [~~26-61a-109~~] 4-41a-104(5), the department sets in accordance with Section 63J-1-504."; and

(d) Subsection 26B-4-220(1) (renumbered from Subsection 26-61a-701(1)) in S.B. 40 to read:

"(1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments[; and Sections ~~26-61a-502, 26-61a-605, and 26-61a-607~~] and Pharmacies, it is unlawful for a medical cannabis cardholder to sell or otherwise give to another medical cannabis cardholder cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, a medical cannabis device, or any cannabis residue remaining in or from a medical cannabis device."; and

(7) having the renumbering of Section 26B-4-231 (renumbered from Section 26-61a-503) in S.B. 40, as implemented on May 3, 2023, supersede the renumbering of Section 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

8675 instructions in Section 183 of this bill;

8676 (b) Section 53-2d-106 (renumbered from Section 26-8a-106) in S.B. 64;

8677 (c) Section 53-2d-207 (renumbered from Section 26-8a-207) in S.B. 64;

8678 (d) Section 53-2d-209 (renumbered from Section 26-8a-210) in S.B. 64;

8679 (e) Section 53-2d-401 (renumbered from Section 26-8a-301) in S.B. 64;

8680 (f) Section 53-2d-408 (renumbered from Section 26-8a-308) in S.B. 64;

8681 (g) Section 53-2d-409 (renumbered from Section 26-8a-309) in S.B. 64;

8682 (h) Section 53-2d-505.4 (renumbered from Section 26-8a-405.4) in S.B. 64;

8683 (i) Section 53-2d-514 (renumbered from Section 26-8a-414) in S.B. 64;

8684 (j) Section 53-2d-601 (renumbered from Section 26-8a-501) in S.B. 64;

8685 (k) Section 53-2d-602 (renumbered from Section 26-8a-502) in S.B. 64;

8686 (l) Section 53-2d-603 (renumbered from Section 26-8a-503) in S.B. 64;

8687 (m) Section 53-2d-606 (renumbered from Section 26-8a-506) in S.B. 64;

8688 (n) Section 53-2d-607 (renumbered from Section 26-8a-507) in S.B. 64;

8689 (o) Section 53-2d-701 (renumbered from Section 26-8a-601) in S.B. 64; and

8690 (p) Section 53-2d-807 (renumbered from Section 26-8b-402) in S.B. 64;

8691 (3) changing the reference in Subsection 53-2d-701(7) (renumbered from Subsection
8692 26-8a-601(7)) in S.B. 64 from "Section 62A-15-629" to "Section 26B-5-331"; and

8693 (4) removing the following newly enacted subsections in Section 26B-4-301

8694 (renumbered from Section 26-10b-101) of this bill:

8695 (a) Subsections 26B-4-301(1) through (4);

8696 (b) Subsection 26B-4-301(8); and

8697 (c) Subsection 26B-4-301(14).

8698 **Section 182. Coordinating S.B. 40 with S.B. 272 -- Substantive and technical**
8699 **amendments.**

8700 If this S.B. 40 and S.B. 272, Funds Amendments, both pass and become law, it is the
8701 intent of the Legislature that the Office of Legislative Research and General Counsel prepare
8702 the Utah Code database for publication on July 1, 2023, by repealing Subsection 26B-4-301(1)
8703 (renumbered from Subsection 26-10b-101(1)) in this S.B. 40, and renumbering the section
8704 accordingly.

8705 **Section 183. Coordinating S.B. 40 with H.B. 59 and S.B. 64 -- Substantive and**

8706 **technical amendments.**

8707 If this S.B. 40, H.B. 59, First Responder Mental Health Amendments, and S.B. 64,
8708 Bureau of Emergency Medical Services Amendments, all pass and become law, it is the intent
8709 of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah
8710 Code database for publication, on July 1, 2024, by:

8711 (1) renumbering Section 26B-4-102 (renumbered from Section 26-8a-105) in this bill
8712 to Section 53-2d-103; and

8713 (2) amending Section 53-2d-103 (renumbered from Section 26-8a-105) in S.B. 64 to
8714 read:

8715 " (1) The [department] bureau shall:

8716 [(1)] (a) coordinate the emergency medical services within the state;

8717 [(2)] (b) [administer this chapter and the rules established pursuant to it;] administer
8718 any programs and applicable rules created under this chapter;

8719 [(3)] (c) establish a voluntary task force representing a diversity of emergency medical
8720 service providers to advise the [department] bureau and the committee on rules;

8721 [(4)] (d) establish an emergency medical service personnel peer review board to advise
8722 the [department] bureau concerning discipline of emergency medical service personnel under
8723 this chapter; and

8724 [(5)] (e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
8725 Rulemaking Act, to:

8726 [(a)] (i) license ambulance providers and paramedic providers;

8727 [(b)] (ii) permit ambulances, emergency medical response vehicles, and nonemergency
8728 secured behavioral health transport vehicles, including approving an emergency vehicle
8729 operator's course in accordance with Section [26-8a-304] 53-2d-404;

8730 [(c)] (iii) establish:

8731 [(i)] (A) the qualifications for membership of the peer review board created by this
8732 section;

8733 [(ii)] (B) a process for placing restrictions on a license while an investigation is
8734 pending;

8735 [(iii)] (C) the process for the investigation and recommendation by the peer review
8736 board; and

8737 ~~[(iv)]~~ (D) the process for determining the status of a license while a peer review board
8738 investigation is pending;

8739 ~~[(d)]~~ (iv) establish application, submission, and procedural requirements for licenses,
8740 designations, and permits; and

8741 ~~[(e)]~~ (v) establish and implement the programs, plans, and responsibilities as specified
8742 in other sections of this chapter.

8743 (2) (a) The bureau shall share data related to the bureau's duties with the Department of
8744 Health and Human Services.

8745 (b) The Department of Health and Human Services shall share data related to the
8746 bureau's duties with the bureau.

8747 (c) All data collected by the bureau under this chapter is subject to Title 26B, Chapter
8748 8, Part 4, Health Statistics, including data privacy protections."

8749 Section 184. **Revisor instructions.**

8750 The Legislature intends that the Office of Legislative Research and General Counsel, in
8751 preparing the Utah Code database for publication:

8752 (1) not enroll this bill if any of the following bills do not pass:

8753 (a) S.B. 38, Health and Human Services Recodification - Administration, Licensing,
8754 and Recovery Services;

8755 (b) S.B. 39, Health and Human Services Recodification - Health Care Assistance and
8756 Data; or

8757 (c) S.B. 41, Health and Human Services Recodification - Prevention, Supports,
8758 Substance Use and Mental Health; and

8759 (2) in any new language added to the Utah Code by legislation passed during the 2023
8760 General Session, replace any references to Titles 26 or 62A with the renumbered reference as it
8761 is renumbered in this bill.