

1 **TRAUMATIC BRAIN INJURY FUND AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill renames the Traumatic Brain Injury Fund.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ renames the Traumatic Brain Injury Fund as the "Brain Injury Fund"; and
- 13 ▶ makes technical changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **26-50-102**, as enacted by Laws of Utah 2008, Chapter 325

21 **26-50-201**, as last amended by Laws of Utah 2013, Chapter 400

22 **26-50-202**, as last amended by Laws of Utah 2016, Chapter 168

23 **63I-1-226**, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,
24 347, and 451

25 REPEALS:

26 **26-50-101**, as enacted by Laws of Utah 2008, Chapter 325



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

29 Section 1. Section **26-50-102** is amended to read:

30 **26-50-102. Definitions.**

31 As used in this chapter:

32 (1) "Committee" means the advisory committee created by the executive director
33 pursuant to Section **26-50-202**.

34 (2) "Fund" means the [~~Traumatic~~] Brain Injury Fund created in Section **26-50-201**.

35 Section 2. Section **26-50-201** is amended to read:

36 **26-50-201. Brain Injury Fund.**

37 (1) There is created an expendable special revenue fund [~~entitled the Traumatic~~]
38 known as the Brain Injury Fund.

39 (2) The fund shall consist of:

40 (a) gifts, grants, donations, or any other conveyance of money that may be made to the
41 fund from private sources; and

42 (b) additional amounts as appropriated by the Legislature.

43 (3) The fund shall be administered by the executive director.

44 (4) Fund money may be used to:

45 (a) educate the general public and professionals regarding understanding, treatment,
46 and prevention of [~~traumatic~~] brain injury;

47 (b) provide access to evaluations and coordinate short-term care to assist an individual
48 in identifying services or support needs, resources, and benefits for which the individual may
49 be eligible;

50 (c) develop and support an information and referral system for persons with a
51 [~~traumatic~~] brain injury and their families; and

52 (d) provide grants to persons or organizations to provide the services described in
53 Subsections (4)(a), (b), and (c).

54 (5) Not less than 50% of the fund shall be used each fiscal year to directly assist
55 individuals who meet the qualifications described in Subsection (6).

56 (6) An individual who receives services either paid for from the fund, or through an
57 organization under contract with the fund, shall:

58 (a) be a resident of Utah;

59 (b) have been diagnosed by a qualified professional as having a [traumatic] brain injury
60 which results in impairment of cognitive or physical function; and

61 (c) have a need that can be met within the requirements of this chapter.

62 (7) The fund may not duplicate any services or support mechanisms being provided to
63 an individual by any other government or private agency.

64 (8) All actual and necessary operating expenses for the committee and staff shall be
65 paid by the fund.

66 (9) The fund may not be used for medical treatment, long-term care, or acute care.

67 Section 3. Section **26-50-202** is amended to read:

68 **26-50-202. Brain Injury Advisory Committee -- Membership -- Time limit.**

69 (1) On or after July 1 of each year, the executive director may create a [Traumatic]
70 Brain Injury Advisory Committee of not more than nine members.

71 (2) The committee shall be composed of members of the community who are familiar
72 with [traumatic] brain injury, its causes, diagnosis, treatment, rehabilitation, and support
73 services, including:

74 (a) persons with a [traumatic] brain injury;

75 (b) family members of a person with a [traumatic] brain injury;

76 (c) representatives of an association which advocates for persons with [traumatic] brain
77 injuries;

78 (d) specialists in a profession that works with brain injury patients; and

79 (e) department representatives.

80 (3) The department shall provide staff support to the committee.

81 (4) (a) If a vacancy occurs in the committee membership for any reason, a replacement
82 may be appointed for the unexpired term.

83 (b) The committee shall elect a chairperson from the membership.

84 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum
85 exists, the action of the majority of members present shall be the action of the committee.

86 (d) The committee may adopt bylaws governing the committee's activities.

87 (e) A committee member may be removed by the executive director:

88 (i) if the member is unable or unwilling to carry out the member's assigned
89 responsibilities; or

90 (ii) for good cause.

91 (5) The committee shall comply with the procedures and requirements of:

92 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

93 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

94 (6) A member may not receive compensation or benefits for the member's service, but,
95 at the executive director's discretion, may receive per diem and travel expenses in accordance
96 with:

97 (a) Section 63A-3-106;

98 (b) Section 63A-3-107; and

99 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
100 63A-3-107.

101 (7) Not later than November 30 of each year the committee shall provide a written
102 report summarizing the activities of the committee to the executive director of the department.

103 (8) The committee shall cease to exist on December 31 of each year, unless the
104 executive director determines it necessary to continue.

105 Section 4. Section 63I-1-226 is amended to read:

106 **63I-1-226. Repeal dates: Titles 26 through 26B.**

107 (1) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July
108 1, 2025.

109 [~~2~~] Section 26-1-40 is repealed July 1, 2022.]

110 [~~3~~] (2) Section 26-1-41 is repealed July 1, 2026.

111 [~~4~~] (3) Section 26-1-43 is repealed December 31, 2025.

112 [~~5~~] (4) Section 26-7-10 is repealed July 1, 2025.

113 [~~6~~] (5) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
114 2028.

115 [~~7~~] (6) Section 26-7-14 is repealed December 31, 2027.

116 [~~8~~] (7) Section 26-8a-603 is repealed July 1, 2027.

117 [~~9~~] (8) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
118 July 1, 2025.

119 [~~10~~] (9) Subsection 26-10-6(5), which creates the Newborn Hearing Screening
120 Committee, is repealed July 1, 2026.

121 ~~[(11)]~~ (10) Section 26-10b-106, which creates the Primary Care Grant Committee, is
122 repealed July 1, 2025.

123 ~~[(12)]~~ Subsection 26-15c-104(3), relating to a limitation on the number of
124 microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.]

125 ~~[(13)]~~ (11) Subsection 26-18-2.6(9), which addresses reimbursement for dental
126 hygienists, is repealed July 1, 2028.

127 ~~[(14)]~~ (12) Section 26-18-27 is repealed July 1, 2025.

128 ~~[(15)]~~ (13) Section 26-18-28 is repealed June 30, 2027.

129 ~~[(16)]~~ (14) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed
130 July 1, 2027.

131 ~~[(17)]~~ (15) Subsection 26-18-418(2), the language that states "and the Behavioral
132 Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.

133 ~~[(18)]~~ (16) Section 26-33a-117 is repealed December 31, 2023.

134 ~~[(19)]~~ (17) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
135 2024.

136 ~~[(20)]~~ (18) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July
137 1, 2024.

138 ~~[(21)]~~ (19) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is
139 repealed July 1, 2024.

140 ~~[(22)]~~ (20) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July
141 1, 2024.

142 ~~[(23)]~~ (21) Section 26-39-201, which creates the Residential Child Care Licensing
143 Advisory Committee, is repealed July 1, 2024.

144 ~~[(24)]~~ (22) Section 26-39-405, Drinking water quality in child care centers, is repealed
145 July 1, 2027.

146 ~~[(25)]~~ (23) Section 26-40-104, which creates the Utah Children's Health Insurance
147 Program Advisory Council, is repealed July 1, 2025.

148 ~~[(26)]~~ (24) Section 26-50-202, which creates the ~~[Traumatic]~~ Brain Injury Advisory
149 Committee, is repealed July 1, 2025.

150 ~~[(27)]~~ (25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
151 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

152 [~~(28)~~] (26) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
153 July 1, 2026.

154 [~~(29)~~] (27) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July
155 1, 2024.

156 [~~(30)~~] (28) Section [26-69-406](#) is repealed July 1, 2025.

157 [~~(31)~~] (29) Subsection [26B-1-204](#)(2)(i), related to the Residential Child Care Licensing
158 Advisory Committee, is repealed July 1, 2024.

159 [~~(32)~~] (30) Subsection [26B-1-204](#)(2)(k), related to the Primary Care Grant Committee,
160 is repealed July 1, 2025.

161 Section 5. **Repealer.**

162 This bill repeals:

163 Section [26-50-101](#), **Title.**