

Senator Evan J. Vickers proposes the following substitute bill:

BEHAVIORAL HEALTH SYSTEM AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill creates the Utah Behavioral Health Commission.

Highlighted Provisions:

This bill:

- ▶ creates the Utah Behavioral Health Commission (commission) within the Department of Health and Human Services;
- ▶ describes the commission's purpose and duties;
- ▶ creates certain subcommittees under the commission, including moving certain existing behavioral health entities under the direction of the commission;
- ▶ creates the Legislative Policy Committee under the direction of the commission, and describes that committee's duties;
- ▶ provides a sunset date for the commission;
- ▶ renumbers and amends provisions relating to the Utah Substance Use and Mental Health Advisory Committee, **§→ moves that committee within the Department of Health and Human Services, ←§** and removes the State Commission on Criminal and Juvenile Justice as staff to that committee;
- ▶ modifies the membership of certain existing behavioral health entities;
- ▶ amends the sunset date for the Education and Mental Health Coordinating Committee;



1235 (b) Section 63A-3-107; and
 1236 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
 1237 (7) Consistent with the provisions of this part, the commission may adopt bylaws to
 1238 govern the commission's operation.

1239 Section 19. Section **26B-5-703** is enacted to read:

1240 **26B-5-703. Purpose -- Duties -- Reporting.**

1241 (1) The purpose of the commission is to be the central authority for coordinating
 1242 behavioral health initiatives between state and local governments, health systems, and other
 1243 interested persons, to ensure that Utah's behavioral health systems are comprehensive, aligned,
 1244 effective, and efficient.

1245 (2) To fulfill the commission's purpose, the commission shall:

1246 (a) establish a shared vision across public and private sectors for improving Utah's
 1247 behavioral health systems;

1248 (b) make recommendations, including policy recommendations, and advise the
 1249 governor, executive branch agencies, and the Legislature on matters pertaining to behavioral
 1250 health;

1251 (c) provide feedback on proposed bills, rules, policies, and budgets relating to
 1252 behavioral health;

1253 (d) encourage participation in the commission's work by individuals and populations
 1254 directly impacted by behavioral health issues, including family members of individuals with
 1255 behavioral health issues;

1256 (e) engage private sector payers, providers, and business and employer groups in the
 1257 commission's work;

1258 (f) continually review ~~§~~→ [implementation of the master plan] ←~~§~~ and revise the master
 1258a plan as
 1259 appropriate;

1260 (g) identify priorities ~~§~~→ [that align with the master plan] ←~~§~~ and lead efforts to
 1260a implement and
 1261 advance those priorities by coordinating and collaborating closely with public and private
 1262 persons throughout the state;

1263 (h) identify areas where innovation is necessary to improve behavioral health access
 1264 and care;

1265 (i) cooperate with the Utah System of Higher Education, the State Board of Education,

1297 law and program options regarding county-based behavioral health services; and

1298 (d) recommendations on key budget priorities and key legislative policies for the 2025
 1299 General Session and thereafter.

1300 (5) (a) Beginning in 2025, by no later than September 30 of each year, the commission
 1301 shall provide a report to the Health and Human Services Interim Committee that describes the
 1302 commission's work during the preceding year and includes, in accordance with Section
 1303 26B-5-705, any legislative recommendations from the commission.

1304 (b) Before the commission submits a legislative recommendation to the Health and
 1305 Human Services Interim Committee or the Legislature, the Legislative Policy Committee
 1306 created in Section 26B-5-705 shall review the recommendation.

1306a **§→ (6) Neither the commission nor a committee of the commission may obtain any individual's**
 1306b **health or medical information, whether identifiable or deidentified, without first obtaining the**
 1306c **consent of the individual or the individual's legal representative. ←§**

1307 Section 20. Section **26B-5-704** is enacted to read:

1308 **26B-5-704. Committees -- Creation -- Duties.**

1309 (1) Each committee created under this part or formed by the commission in accordance
 1310 with this section serves under the direction of the commission.

1311 (2) In addition to the committees created under this part or formed by the commission,
 1312 the following are committees of the commission and shall serve under the direction of the
 1313 commission to assist the commission in performing the commission's duties:

1314 (a) the Behavioral Health Crisis Response Committee created in Section 63C-18-202;

1315 (b) the Education and Mental Health Coordinating Committee created in Section
 1316 63C-23-201;

1317 (c) the Utah Substance Use and Mental Health Advisory Committee created in Section
 1318 26B-5-801; and

1319 (d) the Statewide Suicide Prevention Committee created under Section 26B-5-611.

1320 (3) (a) In addition to the committees described in Subsection (2) or created under this
 1321 part, the commission may form committees to support the commission in fulfilling the
 1322 commission's duties.

1323 (b) When forming a committee, the commission shall:

1324 (i) appoint members to the committee who represent a range of views and expertise;

1325 and

1326 (ii) adopt procedures and directives for the committee.

1327 (c) Unless otherwise provided for in statute, a member of a committee may not receive

1359 each designate one of their appointees as a co-chair of the committee.

1360 (5) The individual who appoints a member of the committee may change the
1361 appointment at any time.

1362 (6) The committee shall:

1363 (a) assist the commission and any of the commission's other committees with
1364 developing policy and legislative recommendations; and

1365 (b) review any legislative recommendation proposed by the commission before the
1366 legislative recommendation is provided to the Health and Human Services Interim Committee
1367 or the Legislature.

1368 (7) The committee may:

1369 (a) submit its own proposed legislation to the commission for consideration; and

1370 (b) provide other services as requested by the commission.

1371 (8) (a) A majority of the members of the committee constitutes a quorum.

1372 (b) The action of a majority of a quorum constitutes the action of the committee.

1373 (9) The Office of Legislative Research and General Counsel shall provide staff support
1374 to the committee.

1375 Section 22. Section **26B-5-706** is enacted to read:

1376 **26B-5-706. Staff.**

1377 (1) The Office of Substance Use and Mental Health within the Department of Health
1378 and Human Services shall provide staff support to the commission and, unless otherwise
1379 specified by statute, to each of the commission's committees.

1380 (2) The Office of Legislative Research and General Counsel may provide additional
1381 staff support to the commission.

1382 Section 23. Section **26B-5-801**, which is renumbered from Section 63M-7-301 is
1383 renumbered and amended to read:

1384 **Part 8. Utah Substance Use and Mental Health Advisory Committee**

1385 **[63M-7-301]. 26B-5-801. Definitions -- Creation of committee --**

1386 **Membership -- Terms.**

1387 (1) (a) As used in this part, [~~"council"~~] "committee" means the Utah Substance Use and
1388 Mental Health Advisory [~~Council~~] Committee created in this section.

1389 (b) There is created within the ~~Š~~→ [~~governor's office~~] department ←~~Š~~ the Utah Substance
1389a Use and Mental

1390 Health Advisory [~~Council~~] Committee ~~§~~→ , which serves under the direction of the Utah
 1390a Behavioral Health Commission created in Section 26B-5-702 ←~~§~~ .

1391 (2) The [~~council~~] committee shall be comprised of the following voting members:

1392 (a) the attorney general or the attorney general's designee;

1393 (b) one elected county official appointed by the Utah Association of Counties;

1394 (c) the commissioner of public safety or the commissioner's designee;

1395 (d) the director of the Division of Integrated Healthcare or the director's designee;

1396 (e) the state superintendent of public instruction or the superintendent's designee;

1397 (f) the executive director of the Department of Health and Human Services or the
 1398 executive director's designee;

1399 (g) the executive director of the State Commission on Criminal and Juvenile Justice or
 1400 the executive director's designee;

1401 (h) the executive director of the Department of Corrections or the executive director's
 1402 designee;

1403 (i) the director of the Division of Juvenile Justice and Youth Services or the director's
 1404 designee;

1405 (j) the director of the Division of Child and Family Services or the director's designee;

1406 (k) the chair of the Board of Pardons and Parole or the chair's designee;

1407 (l) the director of the Office of Multicultural Affairs or the director's designee;

1408 (m) the director of the Division of Indian Affairs or the director's designee;

1409 (n) the state court administrator or the state court administrator's designee;

1410 (o) one district court judge who presides over a drug court and who is appointed by the
 1411 chief justice of the Utah Supreme Court;

1412 (p) one district court judge who presides over a mental health court and who is
 1413 appointed by the chief justice of the Utah Supreme Court;

1414 (q) one juvenile court judge who presides over a drug court and who is appointed by
 1415 the chief justice of the Utah Supreme Court;

1416 (r) one prosecutor appointed by the Statewide Association of Prosecutors;

1417 (s) the chair or co-chair of each [~~committee~~] subcommittee established by the [~~council~~]
 1418 committee;

1419 (t) the chair or co-chair of the Statewide Suicide Prevention [~~Coalition~~] Committee
 1420 created under Subsection 26B-5-611(3);