

- 26 ▶ modifies the prescribed procedures for the Department of Health and Family
27 Services' review of an individual's appeal of the Compassionate Use Board's denial
28 of the individual's application for a medical cannabis card;
- 29 ▶ creates the Office of Licensing within the Division of Licensing and Background
30 Checks;
- 31 ▶ creates the Office of Background Processing within the Division of Licensing and
32 Background Checks;
- 33 ▶ removes education, experience, and knowledge requirements to serve as the director
34 of Division of Licensing and Background Checks;
- 35 ▶ modifies the definition of "applicant" for individual's seeking approval to have
36 direct access to children or vulnerable adults;
- 37 ▶ modifies the terms of background checks and ongoing fingerprint monitoring to
38 which an applicant must consent in connection with applying to the Office of
39 Background Processing for direct access to children or vulnerable adults;
- 40 ▶ requires the Office of Background Processing to search the Sex and Kidnap
41 Offender Registry as part of its duties in performing a background check;
- 42 ▶ prescribes other procedures for the Office of Background Processing to follow in
43 performing a background check;
- 44 ▶ modifies the parameters under which an applicant with a criminal history, or an
45 applicant who is listed on a child abuse and neglect registry of any state, is screened
46 by the Office of Background Processing or may qualify for direct access to children
47 and vulnerable adults;
- 48 ▶ modifies the numerical limit of foster children who may reside in a home, and
49 establishes when those limits may be exceeded;
- 50 ▶ reduces from two years to 180 days the length of time a certification for direct
51 patient access is valid before renewal is required;
- 52 ▶ modifies the definition of "rural county" to mean counties of the ~~first~~ **[second]** third ~~←~~ ~~first~~
52a through
53 sixth classes (i.e. classes with populations less than 175,000) and no longer to mean
54 counties with populations less than 50,000;
- 55 ▶ modifies the definition of "rural hospital" as a result of modifying the definition of
56 "rural county;"

739 regarding the transportation of medical cannabis.

740 (b) Notwithstanding Subsection [(15)(a)] (14)(a) and subject to Section 4-41a-109, a
741 licensed home delivery medical cannabis pharmacy or a licensed medical cannabis courier may
742 advertise:

743 (i) a green cross;

744 (ii) the pharmacy's or courier's name and logo; and

745 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

746 Section 5. Section 17-43-203 is amended to read:

747 **17-43-203. Definition of "public funds" -- Responsibility for oversight of public**
748 **funds -- Substance abuse programs and services.**

749 (1) As used in this section, "public funds":

750 (a) means:

751 (i) federal money received from the ~~H→~~ [department or the] ~~←H~~ [Department of Health]
752 Department of Health and Human Services; and

753 (ii) state money appropriated by the Legislature to the ~~H→~~ [department, the] ~~←H~~
753a [Department of
754 Health] Department of Health and Human Services, a county governing body, or a local
755 substance abuse authority for the purposes of providing substance abuse programs or services;
756 and

757 (b) includes that federal and state money:

758 (i) even after the money has been transferred by a local substance abuse authority to a
759 private provider under an annual or otherwise ongoing contract to provide comprehensive
760 substance abuse programs or services for the local substance abuse authority; and

761 (ii) while in the possession of the private provider.

762 (2) Each local substance abuse authority is responsible for oversight of all public funds
763 received by it, to determine that those public funds are utilized in accordance with federal and
764 state law, the rules and policies of the ~~H→~~ [department and the] ~~←H~~ [Department of Health]
764a Department
765 of Health and Human Services, and the provisions of any contract between the local substance
766 abuse authority and the ~~H→~~ [department, the] ~~←H~~ [Department of Health] Department of Health
766a and

767 Human Services ~~H→~~ [;] ~~←H~~ or a private provider. That oversight includes requiring that neither
767a the
768 contract provider, as described in Subsection (1), nor any of its employees:

769 (a) violate any applicable federal or state criminal law;

770 (b) knowingly violate any applicable rule or policy of the ~~H→~~ [department or] ~~←H~~

770a [~~Department~~

771 of Health] Department of Health and Human Services, or ~~H→~~ **knowingly violate** ~~←H~~ any

771a provision of contract between the

772 local substance abuse authority and the ~~H→~~ [~~department, the~~] ~~←H~~ [~~Department of Health~~

772a Department of

773 Health and Human Services ~~H→~~ [;] ~~←H~~ or the private provider;

774 (c) knowingly keep any false account or make any false entry or erasure in any account

775 of or relating to the public funds;

776 (d) fraudulently alter, falsify, conceal, destroy, or obliterate any account of or relating

777 to public funds;

778 (e) fail to ensure competent oversight for lawful disbursement of public funds;

779 (f) appropriate public funds for an unlawful use or for a use that is not in compliance

780 with contract provisions; or

781 (g) knowingly or intentionally use public funds unlawfully or in violation of a

782 governmental contract provision, or in violation of state policy.

783 (3) Each local substance abuse authority that knows or reasonably should know of any

784 of the circumstances described in Subsection (2), and that fails or refuses to take timely

785 corrective action in good faith shall, in addition to any other penalties provided by law, be

786 required to make full and complete repayment to the state of all public funds improperly used

787 or expended.

788 (4) Any public funds required to be repaid to the state by a local substance abuse

789 authority under Subsection (3), based upon the actions or failure of the contract provider, may

790 be recovered by the local substance abuse authority from its contract provider, in addition to

791 the local substance abuse authority's costs and attorney's fees.

792 Section 6. Section **17-43-301** is amended to read:

793 **17-43-301. Local mental health authorities -- Responsibilities.**

794 (1) As used in this section:

795 (a) "Assisted outpatient treatment" means the same as that term is defined in Section

796 26B-5-301.

797 (b) "Crisis worker" means the same as that term is defined in Section 26B-5-610.

798 (c) "Local mental health crisis line" means the same as that term is defined in Section

799 26B-5-610.

2289 program.

2290 (b) "Application" means a background [~~screening~~] check application to the office.

2291 (c) "Bureau" means the Bureau of Criminal Identification within the Department of
2292 Public Safety, created in Section 53-10-201.

2293 [~~(d) "Certified peer support specialist" means the same as that term is defined in~~
2294 ~~Section 26B-5-610;~~]

2295 [~~(e)~~] (d) "Criminal finding" means a record of:

2296 (i) an arrest [~~or~~] for a criminal offense;

2297 (ii) a warrant for [~~an~~] a criminal arrest;

2298 [~~(ii)~~] (iii) charges for a criminal offense; or

2299 [~~(iii)~~] (iv) a criminal conviction.

2300 [(f)] (e) "Direct access" means that an individual has, or likely will have:

2301 (i) contact with or access to a child or vulnerable adult by which the individual will
2302 have the opportunity for personal communication or touch with the child or vulnerable adult; or

2303 (ii) an opportunity to view medical, financial, or other confidential personal identifying
2304 information of the child, the child's parent or legal guardian, or the vulnerable adult.

2305 (f) (i) "Direct access qualified" means that the applicant has an eligible determination
2306 by the office within the license and renewal time period; and

2307 (ii) no more than 180 days have passed since the date on which the applicant's
2308 association with a certification, contract, or licensee with the department ~~H→~~ **[ends]** ~~←H~~ .

2309 (g) "Incidental care" means occasional care, not in excess of five hours per week and
2310 never overnight, for a foster child.

2311 (h) "Licensee" means an individual or a human services program licensed by the
2312 division.

2313 [~~(g) "Mental health professional" means an individual who:]~~

2314 [~~(i) is licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;~~
2315 ~~and]~~

2316 [~~(ii) engaged in the practice of mental health therapy:]~~

2317 [(h)] (i) "Non-criminal finding" means a record maintained in:

2318 (i) the Division of Child and Family Services' Management Information System
2319 described in Section 80-2-1001;

2816 (iii) has a listing in the Division of Aging and Adult Services' vulnerable adult, neglect,
 2817 or exploitation database described in Section 26B-6-210;

2818 (iv) has a substantiated finding of severe child abuse or neglect under Section 80-3-404
 2819 or 80-3-504; or

2820 (v) has a listing on the registry check described in Subsection (13)(b) as having a
 2821 substantiated or supported finding of a severe type of child abuse or neglect, as defined in
 2822 Section 80-1-102.

2823 ~~H~~→ [f] (14) [~~H(g)~~] ←~~H~~ In accordance with Title 63G, Chapter 3, Utah
 2823a Administrative Rulemaking

2824 Act, the office may make rules, consistent with this part, to:

2825 ~~H~~→ [f] (a) [~~H(i)~~] ←~~H~~ establish procedures for, and information to be examined in, the
 2826 comprehensive review described in Subsections [~~(6) and (7)~~] (6), (7), and (13); and

2827 ~~H~~→ [f] (b) [~~H(ii)~~] ←~~H~~ determine whether to consider an offense or incident that occurred
 2827a while an

2828 individual was in the custody of the Division of Child and Family Services or the [~~Division of~~
 2829 ~~Juvenile Justice Services~~] Division of Juvenile Justice and Youth Services for purposes of
 2830 [~~approval or denial of an application for a prospective foster or adoptive parent~~] granting or
 2831 denying direct access qualified status to an applicant.

2832 Section 26. Section **26B-2-122** is amended to read:

2833 **26B-2-122. Access to vulnerable adult abuse and neglect information.**

2834 (1) For purposes of this section:

2835 (a) "Direct service worker" means the same as that term is defined in Section
 2836 26B-6-401.

2837 (b) "Personal care attendant" means the same as that term is defined in Section
 2838 26B-6-401.

2839 (2) With respect to a licensee, a direct service worker, or a personal care attendant, the
 2840 department may access the database created by Section 26B-6-210 for the purpose of:

2841 (a) (i) determining whether a person associated with a licensee, with direct access to
 2842 vulnerable adults, has a supported or substantiated finding of:

2843 (A) abuse;

2844 (B) neglect; or

2845 (C) exploitation; and

2846 (ii) informing a licensee that a person associated with the licensee has a supported or