

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;
- ▶ modifies the membership of certain existing behavioral health entities;
- ▶ amends the sunset date for the Education and Mental Health Coordinating Committee;
- ▶ repeals the Behavioral Health Delivery Working Group;
- ▶ repeals the Drug-related Offenses Reform Act; and
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **17-22-32**, as last amended by Laws of Utah 2023, Chapter 408

33 **26B-1-324**, as last amended by Laws of Utah 2023, Chapter 270 and renumbered and
34 amended by Laws of Utah 2023, Chapter 305

35 **26B-1-329**, as renumbered and amended by Laws of Utah 2023, Chapter 305

36 **26B-1-425**, as last amended by Laws of Utah 2023, Chapter 139 and renumbered and
37 amended by Laws of Utah 2023, Chapter 305

38 **26B-1-427**, as renumbered and amended by Laws of Utah 2023, Chapter 305

39 **26B-1-428**, as last amended by Laws of Utah 2023, Chapter 300 and renumbered and
40 amended by Laws of Utah 2023, Chapter 305

41 **26B-3-213**, as renumbered and amended by Laws of Utah 2023, Chapter 306

42 **26B-3-223**, as renumbered and amended by Laws of Utah 2023, Chapter 306

43 **26B-5-112**, as renumbered and amended by Laws of Utah 2023, Chapter 308

44 **26B-5-112.5**, as enacted by Laws of Utah 2023, Chapter 270

45 **26B-5-114**, as last amended by Laws of Utah 2023, Chapter 270 and renumbered and
46 amended by Laws of Utah 2023, Chapter 308

47 **26B-5-120**, as enacted by Laws of Utah 2023, Chapter 270

48 **26B-5-403**, as renumbered and amended by Laws of Utah 2023, Chapter 308

49 **26B-5-609**, as renumbered and amended by Laws of Utah 2023, Chapter 308

50 **26B-5-610**, as renumbered and amended by Laws of Utah 2023, Chapter 308

51 **26B-5-611**, as renumbered and amended by Laws of Utah 2023, Chapter 308

52 **32B-2-210**, as last amended by Laws of Utah 2022, Chapter 447

53 **32B-2-306**, as last amended by Laws of Utah 2021, Chapter 291

54 **32B-2-402**, as last amended by Laws of Utah 2022, Chapter 255

55 **32B-2-404**, as last amended by Laws of Utah 2014, Chapter 119

56 **32B-2-405**, as last amended by Laws of Utah 2016, Chapter 144

- 57 **32B-7-305**, as last amended by Laws of Utah 2022, Chapter 447
- 58 **53F-2-522**, as last amended by Laws of Utah 2023, Chapters 193, 328
- 59 **63C-18-102**, as last amended by Laws of Utah 2023, Chapter 329
- 60 **63C-18-202**, as last amended by Laws of Utah 2023, Chapters 270, 329
- 61 **63C-18-203**, as last amended by Laws of Utah 2023, Chapters 270, 329
- 62 **63C-23-102**, as last amended by Laws of Utah 2022, Chapter 274
- 63 **63C-23-201**, as enacted by Laws of Utah 2021, Chapter 171
- 64 **63C-23-202**, as enacted by Laws of Utah 2021, Chapter 171
- 65 **63I-1-226 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters
- 66 249, 269, 270, 275, 332, 335, 420, and 495 and repealed and reenacted by Laws of
- 67 Utah 2023, Chapter 329
- 68 **63I-1-226 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249,
- 69 269, 270, 275, 310, 332, 335, 420, and 495 and repealed and reenacted by Laws of
- 70 Utah 2023, Chapter 329 and last amended by Coordination Clause, Laws of Utah
- 71 2023, Chapters 329, 332
- 72 **63I-1-232**, as last amended by Laws of Utah 2022, Chapter 34
- 73 **63I-1-263**, as last amended by Laws of Utah 2023, Chapters 33, 47, 104, 109, 139, 155,
- 74 212, 218, 249, 270, 448, 489, and 534
- 75 **63M-7-202**, as last amended by Laws of Utah 2023, Chapter 150
- 76 **63M-7-301**, as last amended by Laws of Utah 2023, Chapters 150, 266 and 330
- 77 **63M-7-302**, as last amended by Laws of Utah 2019, Chapter 246
- 78 **63M-7-303**, as last amended by Laws of Utah 2023, Chapters 266, 330 and 534 and last
- 79 amended by Coordination Clause, Laws of Utah 2023, Chapter 330
- 80 **63M-7-304**, as last amended by Laws of Utah 2010, Chapters 39, 286
- 81 **63M-7-306**, as last amended by Laws of Utah 2010, Chapter 39
- 82 **64-13-45**, as last amended by Laws of Utah 2019, Chapters 311, 385
- 83 **77-18-102**, as last amended by Laws of Utah 2023, Chapter 330
- 84 **77-18-103**, as last amended by Laws of Utah 2023, Chapter 155
- 85 ENACTS:
- 86 **26B-5-701**, Utah Code Annotated 1953
- 87 **26B-5-702**, Utah Code Annotated 1953

- 88 [26B-5-703](#), Utah Code Annotated 1953
- 89 [26B-5-704](#), Utah Code Annotated 1953
- 90 [26B-5-705](#), Utah Code Annotated 1953
- 91 [26B-5-706](#), Utah Code Annotated 1953

92 REPEALS:

- 93 [26B-3-138](#), as renumbered and amended by Laws of Utah 2023, Chapter 306
- 94 [63C-18-101](#), as last amended by Laws of Utah 2020, Chapter 303
- 95 [63C-23-101](#), as enacted by Laws of Utah 2021, Chapter 171
- 96 [63M-7-305](#), as last amended by Laws of Utah 2021, Chapter 260
- 97 [77-18-104](#), as renumbered and amended by Laws of Utah 2021, Chapter 260



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

100 Section 1. Section **17-22-32** is amended to read:

101 **17-22-32. County jail reporting requirements.**

102 (1) As used in this section:

103 (a) "Commission" means the State Commission on Criminal and Juvenile Justice
104 created in Section [63M-7-201](#).

105 (b) (i) "In-custody death" means an inmate death that occurs while the inmate is in the
106 custody of a county jail.

107 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

108 (A) being transported for medical care; or

109 (B) receiving medical care outside of a county jail.

110 (c) "Inmate" means an individual who is processed or booked into custody or housed in
111 a county jail in the state.

112 (d) "Opiate" means the same as that term is defined in Section [58-37-2](#).

113 (2) Each county jail shall submit a report to the commission before June 15 of each
114 year that includes, for the preceding calendar year:

115 (a) the average daily inmate population each month;

116 (b) the number of inmates in the county jail on the last day of each month who identify
117 as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity
118 published by the United States Federal Bureau of Investigation;

- 119 (c) the number of inmates booked into the county jail;
- 120 (d) the number of inmates held in the county jail each month on behalf of each of the
- 121 following entities:
 - 122 (i) the Bureau of Indian Affairs;
 - 123 (ii) a state prison;
 - 124 (iii) a federal prison;
 - 125 (iv) the United States Immigration and Customs Enforcement;
 - 126 (v) any other entity with which a county jail has entered a contract to house inmates on
 - 127 the entity's behalf;
- 128 (e) the number of inmates that are denied pretrial release and held in the custody of the
- 129 county jail while the inmate awaited final disposition of the inmate's criminal charges;
- 130 (f) for each inmate booked into the county jail:
 - 131 (i) the name of the agency that arrested the inmate;
 - 132 (ii) the date and time the inmate was booked into and released from the custody of the
 - 133 county jail;
 - 134 (iii) if the inmate was released from the custody of the county jail, the reason the
 - 135 inmate was released from the custody of the county jail;
 - 136 (iv) if the inmate was released from the custody of the county jail on a financial
 - 137 condition, whether the financial condition was set by a county sheriff or a court;
 - 138 (v) the number of days the inmate was held in the custody of the county jail before
 - 139 disposition of the inmate's criminal charges;
 - 140 (vi) whether the inmate was released from the custody of the county jail before final
 - 141 disposition of the inmate's criminal charges; and
 - 142 (vii) the state identification number of the inmate;
- 143 (g) the number of in-custody deaths that occurred at the county jail;
- 144 (h) for each in-custody death[;]:
 - 145 (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or
 - 146 disability, if any, of the deceased;
 - 147 (ii) the date, time, and location of death;
 - 148 (iii) the law enforcement agency that detained, arrested, or was in the process of
 - 149 arresting the deceased; and

- 150 (iv) a brief description of the circumstances surrounding the death;
- 151 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
- 152 each of the in-custody deaths described in Subsection (2)(g);
- 153 (j) the county jail's policy for notifying an inmate's next of kin after the inmate's
- 154 in-custody death;
- 155 (k) the county jail policies, procedures, and protocols:
- 156 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
- 157 including use of opiates;
- 158 (ii) that relate to the county jail's provision, or lack of provision, of medications used to
- 159 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all
- 160 forms of buprenorphine and naltrexone; and
- 161 (iii) that relate to screening, assessment, and treatment of an inmate for a substance use
- 162 or mental health disorder; and
- 163 (l) any report the county jail provides or is required to provide under federal law or
- 164 regulation relating to inmate deaths.
- 165 (3) (a) Subsection (2) does not apply to a county jail if the county jail:
- 166 (i) collects and stores the data described in Subsection (2); and
- 167 (ii) enters into a memorandum of understanding with the commission that allows the
- 168 commission to access the data described in Subsection (2).
- 169 (b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include
- 170 a provision to protect any information related to an ongoing investigation and comply with all
- 171 applicable federal and state laws.
- 172 (c) If the commission accesses data from a county jail in accordance with Subsection
- 173 (3)(a), the commission may not release a report prepared from that data, unless:
- 174 (i) the commission provides the report for review to:
- 175 (A) the county jail; and
- 176 (B) any arresting agency that is named in the report; and
- 177 (ii) (A) the county jail approves the report for release;
- 178 (B) the county jail reviews the report and prepares a response to the report to be
- 179 published with the report; or
- 180 (C) the county jail fails to provide a response to the report within four weeks after the

181 day on which the commission provides the report to the county jail.

182 (4) The commission shall:

183 (a) compile the information from the reports described in Subsection (2);

184 (b) omit or redact any identifying information of an inmate in the compilation to the
185 extent omission or redaction is necessary to comply with state and federal law;

186 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
187 Committee and the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee
188 before November 1 of each year; and

189 (d) submit the compilation to the protection and advocacy agency designated by the
190 governor before November 1 of each year.

191 (5) The commission may not provide access to or use a county jail's policies,
192 procedures, or protocols submitted under this section in a manner or for a purpose not
193 described in this section.

194 (6) A report including only the names and causes of death of deceased inmates and the
195 facility in which they were being held in custody shall be made available to the public.

196 Section 2. Section **26B-1-324** is amended to read:

197 **26B-1-324. Statewide Behavioral Health Crisis Response Account -- Creation --**
198 **Administration -- Permitted uses -- Reporting.**

199 (1) There is created a restricted account within the General Fund known as the
200 "Statewide Behavioral Health Crisis Response Account," consisting of:

201 (a) money appropriated or otherwise made available by the Legislature; and

202 (b) contributions of money, property, or equipment from federal agencies, political
203 subdivisions of the state, or other persons.

204 (2) (a) Subject to appropriations by the Legislature and any contributions to the account
205 described in Subsection (1)(b), the division shall disburse funds in the account only for the
206 purpose of support or implementation of services or enhancements of those services in order to
207 rapidly, efficiently, and effectively deliver 988 services in the state.

208 (b) Funds distributed from the account to county local mental health and substance
209 abuse authorities for the provision of crisis services are not subject to the 20% county match
210 described in Sections [17-43-201](#) and [17-43-301](#).

211 (c) After consultation with the Behavioral Health Crisis Response [~~Commission~~]

212 Committee created in Section 63C-18-202, and local substance use authorities and local mental
213 health authorities described in Sections 17-43-201 and 17-43-301, the division shall expend
214 funds from the account on any of the following programs:

215 (i) the Statewide Mental Health Crisis Line, as defined in Section 26B-5-610, including
216 coordination with 911 emergency service, as defined in Section 69-2-102, and coordination
217 with local substance abuse authorities as described in Section 17-43-201, and local mental
218 health authorities, described in Section 17-43-301;

219 (ii) mobile crisis outreach teams as defined in Section 26B-5-609, distributed in
220 accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah
221 Administrative Rulemaking Act;

222 (iii) behavioral health receiving centers as defined in Section 26B-5-114;

223 (iv) stabilization services as described in Section [~~26B-1-102~~] 26B-5-101;

224 (v) mental health crisis services, as defined in Section 26B-5-101, provided by local
225 substance abuse authorities as described in Section 17-43-201 and local mental health
226 authorities described in Section 17-43-301 to provide prolonged mental health services for up
227 to 90 days after the day on which an individual experiences a mental health crisis as defined in
228 Section 26B-5-101;

229 (vi) crisis intervention training for first responders, as that term is defined in Section
230 78B-4-501;

231 (vii) crisis worker certification training for first responders, as that term is defined in
232 Section 78B-4-501;

233 (viii) frontline support for the SafeUT Crisis Line; or

234 (ix) suicide prevention gatekeeper training for first responders, as that term is defined
235 in Section 78B-4-501.

236 (d) If the Legislature appropriates money to the account for a purpose described in
237 Subsection (2)(c), the division shall use the appropriation for that purpose.

238 (3) Subject to appropriations by the Legislature and any contributions to the account
239 described in Subsection (1)(b), the division may expend funds in the account for administrative
240 costs that the division incurs related to administering the account.

241 (4) The division director shall submit and make available to the public a report before
242 December of each year to the Behavioral Health Crisis Response [~~Commission~~] Committee, as

243 defined in Section [63C-18-202](#), the Social Services Appropriations Subcommittee, and the
244 Legislative Management Committee that includes:

- 245 (a) the amount of each disbursement from the account;
- 246 (b) the recipient of each disbursement, the goods and services received, and a
247 description of the project funded by the disbursement;
- 248 (c) any conditions placed by the division on the disbursements from the account;
- 249 (d) the anticipated expenditures from the account for the next fiscal year;
- 250 (e) the amount of any unexpended funds carried forward;
- 251 (f) the number of Statewide Mental Health Crisis Line calls received;
- 252 (g) the progress towards accomplishing the goals of providing statewide mental health
253 crisis service; and
- 254 (h) other relevant justification for ongoing support from the account.

255 (5) Notwithstanding Subsection (2)(c), allocations made to local substance use
256 authorities and local mental health authorities for behavioral health receiving centers or mobile
257 crisis outreach teams before the end of fiscal year 2023 shall be maintained through fiscal year
258 2027, subject to appropriation.

259 (6) (a) As used in this Subsection (6):

- 260 (i) "Health benefit plan" means the same as that term is defined in Section [31A-1-301](#).
- 261 (ii) "Mental health service provider" means a behavioral health receiving center or
262 mobile crisis outreach team.

263 (b) The department shall coordinate with each mental health service provider that
264 receives state funds to determine which health benefit plans, if any, have not contracted or have
265 refused to contract with the mental health service provider at usual and customary rates for the
266 services provided by the mental health service provider.

267 (c) In each year that the department identifies a health benefit plan that meets the
268 description in Subsection (6)(b), the department shall provide a report on the information
269 gathered under Subsection (6)(b) to the Health and Human Services Interim Committee at or
270 before the committee's October meeting.

271 Section 3. Section **26B-1-329** is amended to read:

272 **26B-1-329. Mental Health Services Donation Fund.**

273 (1) As used in this section:

- 274 (a) "Mental health therapist" means the same as that term is defined in Section
275 58-60-102.
- 276 (b) "Mental health therapy" means treatment or prevention of a mental illness,
277 including:
- 278 (i) conducting a professional evaluation of an individual's condition of mental health,
279 mental illness, or emotional disorder consistent with standards generally recognized by mental
280 health therapists;
- 281 (ii) establishing a diagnosis in accordance with established written standards generally
282 recognized by mental health therapists;
- 283 (iii) prescribing a plan or medication for the prevention or treatment of a condition of a
284 mental illness or an emotional disorder; and
- 285 (iv) engaging in the conduct of professional intervention, including psychotherapy by
286 the application of established methods and procedures generally recognized by mental health
287 therapists.
- 288 (c) "Qualified individual" means an individual who:
- 289 (i) is experiencing a mental health crisis; and
- 290 (ii) calls a local mental health crisis line as defined in Section 26B-5-610 or the
291 statewide mental health crisis line as defined in Section 26B-5-610.
- 292 (2) There is created an expendable special revenue fund known as the "Mental Health
293 Services Donation Fund."
- 294 (3) (a) The fund shall consist of:
- 295 (i) gifts, grants, donations, or any other conveyance of money that may be made to the
296 fund from public or private individuals or entities; and
- 297 (ii) interest earned on money in the fund.
- 298 (b) The Office of Substance Use and Mental Health shall administer the fund in
299 accordance with this section.
- 300 (4) The Office of Substance Use and Mental Health shall award fund money to an
301 entity in the state that provides mental health and substance use treatment for the purpose of:
- 302 (a) providing through telehealth or in-person services, mental health therapy to
303 qualified individuals;
- 304 (b) providing access to evaluations and coordination of short-term care to assist a

305 qualified individual in identifying services or support needs, resources, or benefits for which
306 the qualified individual may be eligible; and

307 (c) developing a system for a qualified individual and a qualified individual's family to
308 access information and referrals for mental health therapy.

309 (5) Fund money may only be used for the purposes described in Subsection (4).

310 (6) The Office of Substance Use and Mental Health shall provide an annual report to
311 the Behavioral Health Crisis Response [~~Commission~~] Committee, created in Section
312 [63C-18-202](#), regarding:

313 (a) the entity that is awarded a grant under Subsection (4);

314 (b) the number of qualified individuals served by the entity with fund money; and

315 (c) any costs or benefits as a result of the award of the grant.

316 Section 4. Section **26B-1-425** is amended to read:

317 **26B-1-425. Utah Health Workforce Advisory Council -- Creation and**
318 **membership.**

319 (1) There is created within the department the Utah Health Workforce Advisory
320 Council.

321 (2) The council shall be comprised of at least 14 but not more than 19 members.

322 (3) The following are members of the council:

323 (a) the executive director or that individual's designee;

324 (b) the executive director of the Department of Workforce Services or that individual's
325 designee;

326 (c) the commissioner of higher education of the Utah System of Higher Education or
327 that individual's designee;

328 (d) the state superintendent of the State Board of Education or that individual's
329 designee;

330 (e) the executive director of the Department of Commerce or that individual's designee;

331 (f) the director of the Division of Multicultural Affairs or that individual's designee;

332 (g) the director of the Utah Substance Use and Mental Health Advisory [~~Council~~]
333 Committee or that individual's designee;

334 (h) the chair of the Utah Indian Health Advisory Board; and

335 (i) the chair of the Utah Medical Education Council created in Section [26B-4-706](#).

336 (4) The executive director shall appoint at least five but not more than ten additional
337 members that represent diverse perspectives regarding Utah's health workforce as defined in
338 Section [~~26B-4-701~~] [26B-4-705](#).

339 (5) (a) A member appointed by the executive director under Subsection (4) shall serve
340 a four-year term.

341 (b) Notwithstanding Subsection (5)(a) for the initial appointments of members
342 described in Subsection (4) the executive director shall appoint at least three but not more than
343 five members to a two-year appointment to ensure that approximately half of the members
344 appointed by the executive director rotate every two years.

345 (6) The executive director or the executive director's designee shall chair the council.

346 (7) (a) As used in this Subsection (7), "health workforce" means the same as that term
347 is defined in Section [~~26B-4-706~~] [26B-4-705](#).

348 (b) The council shall:

349 (i) meet at least once each quarter;

350 (ii) study and provide recommendations to an entity described in Subsection (8)
351 regarding:

352 (A) health workforce supply;

353 (B) health workforce employment trends and demand;

354 (C) options for training and educating the health workforce;

355 (D) the implementation or improvement of strategies that entities in the state are using
356 or may use to address health workforce needs including shortages, recruitment, retention, and
357 other Utah health workforce priorities as determined by the council;

358 (iii) provide guidance to an entity described in Subsection (8) regarding health
359 workforce related matters;

360 (iv) review and comment on legislation relevant to Utah's health workforce; and

361 (v) advise the Utah Board of Higher Education and the Legislature on the status and
362 needs of the health workforce who are in training.

363 (8) The council shall provide information described in Subsections (7)(b)(ii) and (iii)
364 to:

365 (a) the Legislature;

366 (b) the department;

- 367 (c) the Department of Workforce Services;
- 368 (d) the Department of Commerce;
- 369 (e) the Utah Medical Education Council; and
- 370 (f) any other entity the council deems appropriate upon the entity's request.
- 371 (9) (a) The Utah Medical Education Council created in Section 26B-4-706 is a
- 372 subcommittee of the council.
- 373 (b) The council may establish subcommittees to support the work of the council.
- 374 (c) A member of the council shall chair a subcommittee created by the council.
- 375 (d) Except for the Utah Medical Education Council, the chair of the subcommittee may
- 376 appoint any individual to the subcommittee.
- 377 (10) For any report created by the council that pertains to any duty described in
- 378 Subsection (7), the council shall:
- 379 (a) provide the report to:
- 380 (i) the department; and
- 381 (ii) any appropriate legislative committee; and
- 382 (b) post the report on the council's website.
- 383 (11) The executive director shall:
- 384 (a) ensure the council has adequate staff to support the council and any subcommittee
- 385 created by the council; and
- 386 (b) provide any available information upon the council's request if:
- 387 (i) that information is necessary for the council to fulfill a duty described in Subsection
- 388 (7); and
- 389 (ii) the department has access to the information.
- 390 (12) A member of the council or a subcommittee created by the council may not
- 391 receive compensation or benefits for the member's service but may receive per diem and travel
- 392 expenses as allowed in:
- 393 (a) Section 63A-3-106;
- 394 (b) Section 63A-3-107; and
- 395 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
- 396 63A-3-107.
- 397 Section 5. Section 26B-1-427 is amended to read:

398 **26B-1-427. Alcohol Abuse Tracking Committee --Tracking effects of abuse of**
399 **alcoholic products.**

400 (1) There is created a committee within the department known as the Alcohol Abuse
401 Tracking Committee that consists of:

402 (a) the executive director or the executive director's designee;

403 (b) the commissioner of the Department of Public Safety or the commissioner's
404 designee;

405 (c) the director of the Department of Alcoholic Beverage Services or that director's
406 designee;

407 (d) the executive director of the Department of Workforce Services or that executive
408 director's designee;

409 (e) the chair of the Utah Substance Use and Mental Health Advisory [~~Council~~]
410 Committee or the chair's designee;

411 (f) the state court administrator or the state court administrator's designee; and

412 (g) the director of the Division of Technology Services or that director's designee.

413 (2) The executive director or the executive director's designee shall chair the
414 committee.

415 (3) (a) Four members of the committee constitute a quorum.

416 (b) A vote of the majority of the committee members present when a quorum is present
417 is an action of the committee.

418 (4) The committee shall meet at the call of the chair, except that the chair shall call a
419 meeting at least twice a year:

420 (a) with one meeting held each year to develop the report required under Subsection
421 (7); and

422 (b) with one meeting held to review and finalize the report before the report is issued.

423 (5) The committee may adopt additional procedures or requirements for:

424 (a) voting, when there is a tie of the committee members;

425 (b) how meetings are to be called; and

426 (c) the frequency of meetings.

427 (6) The committee shall establish a process to collect for each calendar year the
428 following information:

429 (a) the number of individuals statewide who are convicted of, plead guilty to, plead no
430 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a
431 violation related to underage drinking of alcohol;

432 (b) the number of individuals statewide who are convicted of, plead guilty to, plead no
433 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a
434 violation related to driving under the influence of alcohol;

435 (c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act,
436 related to over-serving or over-consumption of an alcoholic product;

437 (d) the cost of social services provided by the state related to abuse of alcohol,
438 including services provided by the Division of Child and Family Services;

439 (e) the location where the alcoholic products that result in the violations or costs
440 described in Subsections (6)(a) through (d) are obtained; and

441 (f) any information the committee determines can be collected and relates to the abuse
442 of alcoholic products.

443 (7) The committee shall report the information collected under Subsection (6) annually
444 to the governor and the Legislature by no later than the July 1 immediately following the
445 calendar year for which the information is collected.

446 Section 6. Section **26B-1-428** is amended to read:

447 **26B-1-428. Youth Electronic Cigarette, Marijuana, and Other Drug Prevention**
448 **Committee and Program -- Creation -- Membership -- Duties.**

449 (1) As used in this section:

450 (a) "Committee" means the Youth Electronic Cigarette, Marijuana, and Other Drug
451 Prevention Committee created in Section [26B-1-204](#).

452 (b) "Program" means the Youth Electronic Cigarette, Marijuana, and Other Drug
453 Prevention Program created in this section.

454 (2) (a) There is created within the department the Youth Electronic Cigarette,
455 Marijuana, and Other Drug Prevention Program.

456 (b) In consultation with the committee, the department shall:

457 (i) establish guidelines for the use of funds appropriated to the program;

458 (ii) ensure that guidelines developed under Subsection (2)(b)(i) are evidence-based and
459 appropriate for the population targeted by the program; and

460 (iii) subject to appropriations from the Legislature, fund statewide initiatives to prevent
461 use of electronic cigarettes, nicotine products, marijuana, and other drugs by youth.

462 (3) (a) The committee shall advise the department on:

463 (i) preventing use of electronic cigarettes, marijuana, and other drugs by youth in the
464 state;

465 (ii) developing the guidelines described in Subsection (2)(b)(i); and

466 (iii) implementing the provisions of the program.

467 (b) The executive director shall:

468 (i) appoint members of the committee; and

469 (ii) consult with the Utah Substance Use and Mental Health Advisory [~~Council~~

470 Committee created in Section [63M-7-301](#) when making the appointments under Subsection

471 (3)(b)(i).

472 (c) The committee shall include, at a minimum:

473 (i) the executive director of a local health department as defined in Section [26A-1-102](#),

474 or the local health department executive director's designee;

475 (ii) one designee from the department;

476 (iii) one representative from the Department of Public Safety;

477 (iv) one representative from the behavioral health community; and

478 (v) one representative from the education community.

479 (d) A member of the committee may not receive compensation or benefits for the

480 member's service on the committee, but may receive per diem and travel expenses in

481 accordance with:

482 (i) Section [63A-3-106](#);

483 (ii) Section [63A-3-107](#); and

484 (iii) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

485 (e) The department shall provide staff support to the committee.

486 (4) On or before October 31 of each year, the department shall report to:

487 (a) the Health and Human Services Interim Committee regarding:

488 (i) the use of funds appropriated to the program;

489 (ii) the impact and results of the program, including the effectiveness of each program

490 funded under Subsection (2)(b)(iii), during the previous fiscal year;

491 (iii) a summary of the impacts and results on reducing youth use of electronic cigarettes
492 and nicotine products by entities represented by members of the committee, including those
493 entities who receive funding through the Electronic Cigarette Substance and Nicotine Product
494 Proceeds Restricted Account created in Section 59-14-807; and

495 (iv) any recommendations for legislation; and

496 (b) the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee created
497 in Section 63M-7-301, regarding:

498 (i) the effectiveness of each program funded under Subsection (2)(b)(iii) in preventing
499 youth use of electronic cigarettes, nicotine products, marijuana, and other drugs; and

500 (ii) any collaborative efforts and partnerships established by the program with public
501 and private entities to prevent youth use of electronic cigarettes, marijuana, and other drugs.

502 Section 7. Section 26B-3-213 is amended to read:

503 **26B-3-213. Medicaid waiver for mental health crisis lines and mobile crisis**
504 **outreach teams.**

505 (1) As used in this section:

506 (a) "Local mental health crisis line" means the same as that term is defined in Section
507 26B-5-610.

508 (b) "Mental health crisis" means:

509 (i) a mental health condition that manifests itself in an individual by symptoms of
510 sufficient severity that a prudent layperson who possesses an average knowledge of mental
511 health issues could reasonably expect the absence of immediate attention or intervention to
512 result in:

513 (A) serious danger to the individual's health or well-being; or

514 (B) a danger to the health or well-being of others; or

515 (ii) a mental health condition that, in the opinion of a mental health therapist or the
516 therapist's designee, requires direct professional observation or the intervention of a mental
517 health therapist.

518 (c) (i) "Mental health crisis services" means direct mental health services and on-site
519 intervention that a mobile crisis outreach team provides to an individual suffering from a
520 mental health crisis, including the provision of safety and care plans, prolonged mental health
521 services for up to 90 days, and referrals to other community resources.

522 (ii) "Mental health crisis services" includes:

523 (A) local mental health crisis lines; and

524 (B) the statewide mental health crisis line.

525 (d) "Mental health therapist" means the same as that term is defined in Section

526 [58-60-102](#).

527 (e) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
528 mental health professionals that, in coordination with local law enforcement and emergency
529 medical service personnel, provides mental health crisis services.

530 (f) "Statewide mental health crisis line" means the same as that term is defined in
531 Section [26B-5-610](#).

532 (2) In consultation with the Behavioral Health Crisis Response [~~Commission~~]
533 Committee created in Section [63C-18-202](#), the department shall develop a proposal to amend
534 the state Medicaid plan to include mental health crisis services, including the statewide mental
535 health crisis line, local mental health crisis lines, and mobile crisis outreach teams.

536 (3) By January 1, 2019, the department shall apply for a Medicaid waiver with CMS, if
537 necessary to implement, within the state Medicaid program, the mental health crisis services
538 described in Subsection (2).

539 Section 8. Section **26B-3-223** is amended to read:

540 **26B-3-223. Delivery system adjustments for the targeted adult Medicaid**
541 **program.**

542 (1) As used in this section, "targeted adult Medicaid program" means the same as that
543 term is defined in Section [26B-3-207](#).

544 (2) The department may implement the delivery system adjustments authorized under
545 Subsection (3) only on the later of:

546 (a) July 1, 2023; and

547 (b) the department determining that the Medicaid program, including providers and
548 managed care organizations, are satisfying the metrics established in collaboration with the
549 [~~working group convened under Subsection [26B-3-138\(2\)](#)] Behavioral Health Delivery
550 Working Group.~~

551 (3) The department may, for individuals who are enrolled in the targeted adult
552 Medicaid program:

553 (a) integrate the delivery of behavioral and physical health in certain counties; and
554 (b) deliver behavioral health services through an accountable care organization where
555 implemented.

556 (4) Before implementing the delivery system adjustments described in Subsection (3)
557 in a county, the department shall, at a minimum, seek input from:

558 (a) individuals who qualify for the targeted adult Medicaid program who reside in the
559 county;

560 (b) the county's executive officer, legislative body, and other county officials who are
561 involved in the delivery of behavioral health services;

562 (c) the local mental health authority and local substance abuse authority that serves the
563 county;

564 (d) Medicaid managed care organizations operating in the state, including Medicaid
565 accountable care organizations;

566 (e) providers of physical or behavioral health services in the county who provide
567 services to enrollees in the targeted adult Medicaid program in the county; and

568 (f) other individuals that the department deems necessary.

569 (5) If the department provides Medicaid coverage through a managed care delivery
570 system under this section, the department shall include language in the department's managed
571 care contracts that require the managed care plan to:

572 (a) be in compliance with federal Medicaid managed care requirements;

573 (b) timely and accurately process authorizations and claims in accordance with
574 Medicaid policy and contract requirements;

575 (c) adequately reimburse providers to maintain adequacy of access to care;

576 (d) provide care management services sufficient to meet the needs of Medicaid eligible
577 individuals enrolled in the managed care plan's plan; and

578 (e) timely resolve any disputes between a provider or enrollee with the managed care
579 plan.

580 (6) The department may take corrective action if the managed care organization fails to
581 comply with the terms of the managed care organization's contract.

582 Section 9. Section **26B-5-112** is amended to read:

583 **26B-5-112. Mobile crisis outreach team expansion.**

584 (1) In consultation with the Behavioral Health Crisis Response [~~Commission~~
585 Committee, established in Section 63C-18-202, the division shall award grants for the
586 development of:

587 (a) five mobile crisis outreach teams:

588 (i) in counties of the second, third, fourth, fifth, or sixth class; or

589 (ii) in counties of the first class, if no more than two mobile crisis outreach teams are
590 operating or have been awarded a grant to operate in the county; and

591 (b) at least three mobile crisis outreach teams in counties of the third, fourth, fifth, or
592 sixth class.

593 (2) A mobile crisis outreach team awarded a grant under Subsection (1) shall provide
594 mental health crisis services 24 hours per day, 7 days per week, and every day of the year.

595 (3) The division shall prioritize the award of a grant described in Subsection (1) to
596 entities, based on:

597 (a) the number of individuals the proposed mobile crisis outreach team will serve; and

598 (b) the percentage of matching funds the entity will provide to develop the proposed
599 mobile crisis outreach team.

600 (4) An entity does not need to have resources already in place to be awarded a grant
601 described in Subsection (1).

602 (5) In consultation with the Behavioral Health Crisis Response [~~Commission~~
603 Committee, established in Section 63C-18-202, the division shall make rules, in accordance
604 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the application and award
605 of the grants described in Subsection (1).

606 Section 10. Section 26B-5-112.5 is amended to read:

607 **26B-5-112.5. Mobile Crisis Outreach Team Grant Program.**

608 (1) As used in this section, [~~"commission"~~] "committee" means the Behavioral Health
609 Crisis Response [~~Commission~~] Committee established in Section 63C-18-202.

610 (2) The [~~commission~~] committee shall provide recommendations and the division shall
611 award grants for the development of up to five mobile crisis outreach teams.

612 (3) A mobile crisis outreach team that is awarded a grant under Subsection (2) shall
613 provide mental health crisis services 24 hours per day, seven days per week, and every day of
614 the year.

615 (4) The division shall prioritize the award of a grant described in Subsection (2) to
616 entities based on:

617 (a) the outstanding need for crisis outreach services within the area the proposed
618 mobile crisis outreach team will serve; and

619 (b) the capacity for implementation of the proposed mobile crisis outreach team in
620 accordance with the division's established standards and requirements for mobile crisis
621 outreach teams.

622 (5) (a) In consultation with the [~~commission~~] committee, the division shall make rules,
623 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the
624 application and award of the grants described in Subsection (2).

625 (b) (i) The rules created under Subsection (5)(a) shall implement a funding structure
626 for a mobile crisis outreach team developed using a grant awarded under this section.

627 (ii) The funding structure described in Subsection (5)(b)(i) shall provide for tiers and
628 phases of shared funding coverage between the state and counties.

629 Section 11. Section **26B-5-114** is amended to read:

630 **26B-5-114. Behavioral Health Receiving Center Grant Program.**

631 (1) As used in this section:

632 (a) "Behavioral health receiving center" means a 23-hour nonsecure program or facility
633 that is responsible for, and provides mental health crisis services to, an individual experiencing
634 a mental health crisis.

635 (b) [~~"Commission"~~] "Committee" means the Behavioral Health Crisis Response
636 [~~Commission~~] Committee established in Section [63C-18-202](#).

637 (c) "Project" means a behavioral health receiving center project described in
638 Subsection (2) or (3)(a).

639 (2) Before July 1, 2020, the division shall issue a request for proposals in accordance
640 with this section to award a grant to one or more counties of the first or second class, as
641 classified in Section [17-50-501](#), to develop and implement a behavioral health receiving center.

642 (3) (a) Before July 1, 2023, the division shall issue a request for proposals in
643 accordance with this section to award a grant to one county of the third class, as classified in
644 Section [17-50-501](#), to develop and implement a behavioral health receiving center.

645 (b) Subject to appropriations by the Legislature, the division shall award grants under

646 this Subsection (3) before December 31, 2023.

647 (c) The [~~commission~~] committee shall provide recommendations to the division
648 regarding the development and implementation of a behavioral health receiving center.

649 (4) The purpose of a project is to:

650 (a) increase access to mental health crisis services for individuals in the state who are
651 experiencing a mental health crisis; and

652 (b) reduce the number of individuals in the state who are incarcerated or in a hospital
653 emergency room while experiencing a mental health crisis.

654 (5) An application for a grant under this section shall:

655 (a) identify the population to which the behavioral health receiving center will provide
656 mental health crisis services;

657 (b) identify the type of mental health crisis services the behavioral health receiving
658 center will provide;

659 (c) explain how the population described in Subsection (5)(a) will benefit from the
660 provision of mental health crisis services;

661 (d) provide details regarding:

662 (i) how the proposed project plans to provide mental health crisis services;

663 (ii) how the proposed project will ensure that consideration is given to the capacity of
664 the behavioral health receiving center;

665 (iii) how the proposed project will ensure timely and effective provision of mental
666 health crisis services;

667 (iv) the cost of the proposed project;

668 (v) any existing or planned contracts or partnerships between the applicant and other
669 individuals or entities to develop and implement the proposed project;

670 (vi) any plan to use funding sources in addition to a grant under this section for the
671 proposed project;

672 (vii) the sustainability of the proposed project; and

673 (viii) the methods the proposed project will use to:

674 (A) protect the privacy of each individual who receives mental health crisis services
675 from the behavioral health receiving center;

676 (B) collect nonidentifying data relating to the proposed project; and

677 (C) provide transparency on the costs and operation of the proposed project; and

678 (e) provide other information requested by the division to ensure that the proposed
679 project satisfies the criteria described in Subsection (7).

680 (6) A recipient of a grant under this section shall enroll as a Medicaid provider and
681 meet minimum standards of care for behavioral health receiving centers established by the
682 division.

683 (7) In evaluating an application for the grant, the division shall consider:

684 (a) the extent to which the proposed project will fulfill the purposes described in
685 Subsection (4);

686 (b) the extent to which the population described in Subsection (5)(a) is likely to benefit
687 from the proposed project;

688 (c) the cost of the proposed project;

689 (d) the extent to which any existing or planned contracts or partnerships between the
690 applicant and other individuals or entities to develop and implement the project, or additional
691 funding sources available to the applicant for the proposed project, are likely to benefit the
692 proposed project; and

693 (e) the viability and innovation of the proposed project.

694 (8) Before June 30, 2023, the division shall report to the Health and Human Services
695 Interim Committee regarding:

696 (a) data gathered in relation to each project described in Subsection (2);

697 (b) knowledge gained relating to the provision of mental health crisis services in a
698 behavioral health receiving center;

699 (c) recommendations for the future use of mental health crisis services in behavioral
700 health receiving centers;

701 (d) obstacles encountered in the provision of mental health crisis services in a
702 behavioral health receiving center; and

703 (e) recommendations for appropriate Medicaid reimbursement for rural behavioral
704 health receiving centers.

705 (9) (a) In consultation with the [commission] committee, the division shall make rules,
706 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the
707 application and award of a grant under this section.

708 (b) (i) The rules created under Subsection (9)(a) shall:
709 (A) implement a funding structure for a behavioral health receiving center developed
710 using a grant awarded under this section;
711 (B) include implementation standards and minimum program requirements for a
712 behavioral health receiving center developed using a grant awarded under this section,
713 including minimum guidelines and standards of care, and minimum staffing requirements; and
714 (C) require a behavioral health receiving center developed using a grant awarded under
715 this section to operate 24 hours per day, seven days per week, and every day of the year.
716 (ii) The funding structure described in Subsection (9)(b)(i)(A) shall provide for tiers
717 and phases of shared funding coverage between the state and counties.
718 (10) Before June 30, 2024, the division shall report to the Health and Human Services
719 Interim Committee regarding:
720 (a) grants awarded under Subsection (3)(a); and
721 (b) the details of each project described in Subsection (3)(a).
722 (11) Before June 30, 2026, the division shall provide a report to the Health and Human
723 Services Interim Committee that includes:
724 (a) data gathered in relation to each project described in Subsection (3)(a); and
725 (b) an update on the items described in Subsections (8)(b) through (d).
726 Section 12. Section **26B-5-120** is amended to read:
727 **26B-5-120. Virtual crisis outreach team grant program.**
728 (1) As used in this section:
729 (a) "Certified peer support specialist" means the same as that term is defined in Section
730 [26B-5-610](#).
731 (b) [~~"Commission"~~] "Committee" means the Behavioral Health Crisis Response
732 [~~Commission~~] Committee established in Section [63C-18-202](#).
733 [~~(c) "Committee" means the Health and Human Services Interim Committee.~~]
734 [~~(d)~~] (c) "Mobile crisis outreach team" means the same as that term is defined in
735 Section [26B-5-609](#).
736 [~~(e)~~] (d) "Virtual crisis outreach program" means a program that provides the following
737 real-time services 24 hours per day, seven days per week, and every day of the year:
738 (i) crisis support, by a qualified mental or behavioral health professional, to law

739 enforcement officers; and

740 (ii) peer support services, by a certified peer support specialist, to individuals
741 experiencing behavioral health crises.

742 (2) In consultation with the [~~commission~~] committee and in accordance with the
743 requirements of this section, the division shall award a grant for the development of a virtual
744 crisis outreach program that primarily serves counties of the third, fourth, fifth, or sixth class.

745 (3) The division shall prioritize the award of the grant described in Subsection (2)
746 based on the extent to which providing the grant to the applicant will increase the provision of
747 crisis support and peer support services in areas:

748 (a) with frequent mental or behavioral health provider shortages; and

749 (b) where only one mobile crisis outreach team is available to serve multiple counties
750 of the third, fourth, fifth, or sixth class.

751 (4) When not providing crisis support or peer support services to law enforcement or
752 individuals in a county of the third, fourth, fifth, or sixth class, the virtual crisis outreach
753 program developed using a grant under this section shall provide support services as needed to
754 mobile crisis outreach teams in counties of the first or second class.

755 (5) In consultation with the [~~commission~~] committee, the division may make rules, in
756 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the
757 application and award of the grant described in Subsection (2).

758 (6) Before June 30, 2024, the division shall submit a written report to the [~~committee~~]
759 Health and Human Services Interim Committee regarding the virtual crisis outreach program
760 developed using the grant awarded under this section.

761 (7) Before June 30, 2026, the division shall submit a written report to the [~~committee~~]
762 Health and Human Services Interim Committee regarding:

763 (a) data gathered in relation to the rural virtual crisis outreach team developed using the
764 grant awarded under this section;

765 (b) knowledge gained relating to the provision of virtual crisis outreach services;

766 (c) recommendations for the future use of virtual crisis outreach services; and

767 (d) obstacles encountered in the provision of virtual crisis outreach services.

768 Section 13. Section **26B-5-403** is amended to read:

769 **26B-5-403. Residential and inpatient settings -- Commitment proceeding -- Child**

770 **in physical custody of local mental health authority.**

771 (1) A child may receive services from a local mental health authority in an inpatient or
772 residential setting only after a commitment proceeding, for the purpose of transferring physical
773 custody, has been conducted in accordance with the requirements of this section.

774 (2) That commitment proceeding shall be initiated by a petition for commitment, and
775 shall be a careful, diagnostic inquiry, conducted by a neutral and detached fact finder, pursuant
776 to the procedures and requirements of this section. If the findings described in Subsection (4)
777 exist, the proceeding shall result in the transfer of physical custody to the appropriate local
778 mental health authority, and the child may be placed in an inpatient or residential setting.

779 (3) The neutral and detached fact finder who conducts the inquiry:

780 (a) shall be a designated examiner; and

781 (b) may not profit, financially or otherwise, from the commitment or physical
782 placement of the child in that setting.

783 (4) Upon determination by a fact finder that the following circumstances clearly exist,
784 the fact finder may order that the child be committed to the physical custody of a local mental
785 health authority:

786 (a) the child has a mental illness;

787 (b) the child demonstrates a reasonable fear of the risk of substantial danger to self or
788 others;

789 (c) the child will benefit from care and treatment by the local mental health authority;
790 and

791 (d) there is no appropriate less-restrictive alternative.

792 (5) (a) The commitment proceeding before the neutral and detached fact finder shall be
793 conducted in as informal manner as possible and in a physical setting that is not likely to have a
794 harmful effect on the child.

795 (b) The child, the child's parent or legal guardian, the petitioner, and a representative of
796 the appropriate local mental health authority:

797 (i) shall receive informal notice of the date and time of the proceeding; and

798 (ii) may appear and address the petition for commitment.

799 (c) The neutral and detached fact finder may, in the fact finder's discretion, receive the
800 testimony of any other person.

801 (d) The fact finder may allow a child to waive the child's right to be present at the
802 commitment proceeding, for good cause shown. If that right is waived, the purpose of the
803 waiver shall be made a matter of record at the proceeding.

804 (e) At the time of the commitment proceeding, the appropriate local mental health
805 authority, its designee, or the psychiatrist who has been in charge of the child's care prior to the
806 commitment proceeding, shall provide the neutral and detached fact finder with the following
807 information, as it relates to the period of current admission:

808 (i) the petition for commitment;

809 (ii) the admission notes;

810 (iii) the child's diagnosis;

811 (iv) physicians' orders;

812 (v) progress notes;

813 (vi) nursing notes; and

814 (vii) medication records.

815 (f) The information described in Subsection (5)(e) shall also be provided to the child's
816 parent or legal guardian upon written request.

817 (g) (i) The neutral and detached fact finder's decision of commitment shall state the
818 duration of the commitment. Any commitment to the physical custody of a local mental health
819 authority may not exceed 180 days. Prior to expiration of the commitment, and if further
820 commitment is sought, a hearing shall be conducted in the same manner as the initial
821 commitment proceeding, in accordance with the requirements of this section.

822 (ii) At the conclusion of the hearing and subsequently in writing, when a decision for
823 commitment is made, the neutral and detached fact finder shall inform the child and the child's
824 parent or legal guardian of that decision and of the reasons for ordering commitment.

825 (iii) The neutral and detached fact finder shall state in writing the basis of the decision,
826 with specific reference to each of the criteria described in Subsection (4), as a matter of record.

827 (6) A child may be temporarily committed for a maximum of 72 hours, excluding
828 Saturdays, Sundays, and legal holidays, to the physical custody of a local mental health
829 authority in accordance with the procedures described in Section [26B-5-331](#) and upon
830 satisfaction of the risk factors described in Subsection (4). A child who is temporarily
831 committed shall be released at the expiration of the 72 hours unless the procedures and findings

832 required by this section for the commitment of a child are satisfied.

833 (7) A local mental health authority shall have physical custody of each child committed
834 to it under this section. The parent or legal guardian of a child committed to the physical
835 custody of a local mental health authority under this section, retains legal custody of the child,
836 unless legal custody has been otherwise modified by a court of competent jurisdiction. In cases
837 when the Division of Child and Family Services or the Division of Juvenile Justice and Youth
838 Services has legal custody of a child, that division shall retain legal custody for purposes of this
839 part.

840 (8) The cost of caring for and maintaining a child in the physical custody of a local
841 mental health authority shall be assessed to and paid by the child's parents, according to their
842 ability to pay. For purposes of this section, the Division of Child and Family Services or the
843 Division of Juvenile Justice and Youth Services shall be financially responsible, in addition to
844 the child's parents, if the child is in the legal custody of either of those divisions at the time the
845 child is committed to the physical custody of a local mental health authority under this section,
846 unless Medicaid regulation or contract provisions specify otherwise. The Office of Recovery
847 Services shall assist those divisions in collecting the costs assessed pursuant to this section.

848 (9) Whenever application is made for commitment of a minor to a local mental health
849 authority under any provision of this section by a person other than the child's parent or
850 guardian, the local mental health authority or its designee shall notify the child's parent or
851 guardian. The parents shall be provided sufficient time to prepare and appear at any scheduled
852 proceeding.

853 (10) (a) Each child committed pursuant to this section is entitled to an appeal within 30
854 days after any order for commitment. The appeal may be brought on the child's own petition or
855 on petition of the child's parent or legal guardian, to the juvenile court in the district where the
856 child resides or is currently physically located. With regard to a child in the custody of the
857 Division of Child and Family Services or the Division of Juvenile Justice and Youth Services,
858 the attorney general's office shall handle the appeal, otherwise the appropriate county attorney's
859 office is responsible for appeals brought pursuant to this Subsection (10)(a).

860 (b) Upon receipt of the petition for appeal, the court shall appoint a designated
861 examiner previously unrelated to the case, to conduct an examination of the child in accordance
862 with the criteria described in Subsection (4), and file a written report with the court. The court

863 shall then conduct an appeal hearing to determine whether the findings described in Subsection
864 (4) exist by clear and convincing evidence.

865 (c) Prior to the time of the appeal hearing, the appropriate local mental health authority,
866 its designee, or the mental health professional who has been in charge of the child's care prior
867 to commitment, shall provide the court and the designated examiner for the appeal hearing with
868 the following information, as it relates to the period of current admission:

869 (i) the original petition for commitment;

870 (ii) admission notes;

871 (iii) diagnosis;

872 (iv) physicians' orders;

873 (v) progress notes;

874 (vi) nursing notes; and

875 (vii) medication records.

876 (d) Both the neutral and detached fact finder and the designated examiner appointed for
877 the appeal hearing shall be provided with an opportunity to review the most current
878 information described in Subsection (10)(c) prior to the appeal hearing.

879 (e) The child, the child's parent or legal guardian, the person who submitted the
880 original petition for commitment, and a representative of the appropriate local mental health
881 authority shall be notified by the court of the date and time of the appeal hearing. Those
882 persons shall be afforded an opportunity to appear at the hearing. In reaching its decision, the
883 court shall review the record and findings of the neutral and detached fact finder, the report of
884 the designated examiner appointed pursuant to Subsection (10)(b), and may, in its discretion,
885 allow or require the testimony of the neutral and detached fact finder, the designated examiner,
886 the child, the child's parent or legal guardian, the person who brought the initial petition for
887 commitment, or any other person whose testimony the court deems relevant. The court may
888 allow the child to waive the right to appear at the appeal hearing, for good cause shown. If that
889 waiver is granted, the purpose shall be made a part of the court's record.

890 (11) Each local mental health authority has an affirmative duty to conduct periodic
891 evaluations of the mental health and treatment progress of every child committed to its physical
892 custody under this section, and to release any child who has sufficiently improved so that the
893 criteria justifying commitment no longer exist.

894 (12) (a) A local mental health authority or its designee, in conjunction with the child's
895 current treating mental health professional may release an improved child to a less restrictive
896 environment, as they determine appropriate. Whenever the local mental health authority or its
897 designee, and the child's current treating mental health professional, determine that the
898 conditions justifying commitment no longer exist, the child shall be discharged and released to
899 the child's parent or legal guardian. With regard to a child who is in the physical custody of the
900 State Hospital, the treating psychiatrist or clinical director of the State Hospital shall be the
901 child's current treating mental health professional.

902 (b) A local mental health authority or its designee, in conjunction with the child's
903 current treating mental health professional, is authorized to issue a written order for the
904 immediate placement of a child not previously released from an order of commitment into a
905 more restrictive environment, if the local authority or its designee and the child's current
906 treating mental health professional has reason to believe that the less restrictive environment in
907 which the child has been placed is exacerbating the child's mental illness, or increasing the risk
908 of harm to self or others.

909 (c) The written order described in Subsection (12)(b) shall include the reasons for
910 placement in a more restrictive environment and shall authorize any peace officer to take the
911 child into physical custody and transport the child to a facility designated by the appropriate
912 local mental health authority in conjunction with the child's current treating mental health
913 professional. Prior to admission to the more restrictive environment, copies of the order shall
914 be personally delivered to the child, the child's parent or legal guardian, the administrator of the
915 more restrictive environment, or the administrator's designee, and the child's former treatment
916 provider or facility.

917 (d) If the child has been in a less restrictive environment for more than 30 days and is
918 aggrieved by the change to a more restrictive environment, the child or the child's
919 representative may request a review within 30 days of the change, by a neutral and detached
920 fact finder as described in Subsection (3). The fact finder shall determine whether:

921 (i) the less restrictive environment in which the child has been placed is exacerbating
922 the child's mental illness or increasing the risk of harm to self or others; or

923 (ii) the less restrictive environment in which the child has been placed is not
924 exacerbating the child's mental illness or increasing the risk of harm to self or others, in which

925 case the fact finder shall designate that the child remain in the less restrictive environment.

926 (e) Nothing in this section prevents a local mental health authority or its designee, in
927 conjunction with the child's current mental health professional, from discharging a child from
928 commitment or from placing a child in an environment that is less restrictive than that
929 designated by the neutral and detached fact finder.

930 (13) Each local mental health authority or its designee, in conjunction with the child's
931 current treating mental health professional shall discharge any child who, in the opinion of that
932 local authority, or its designee, and the child's current treating mental health professional, no
933 longer meets the criteria specified in Subsection (4), except as provided by Section [26B-5-405](#).
934 The local authority and the mental health professional shall assure that any further supportive
935 services required to meet the child's needs upon release will be provided.

936 (14) Even though a child has been committed to the physical custody of a local mental
937 health authority under this section, the child is still entitled to additional due process
938 proceedings, in accordance with Section ~~[[26B-5-704](#)]~~ [26B-5-404](#), before any treatment that
939 may affect a constitutionally protected liberty or privacy interest is administered. Those
940 treatments include, but are not limited to, antipsychotic medication, electroshock therapy, and
941 psychosurgery.

942 Section 14. Section **26B-5-609** is amended to read:

943 **26B-5-609. Department and division duties -- MCOT license creation.**

944 (1) As used in this section:

945 (a) [~~"Commission"~~] "Committee" means the Behavioral Health Crisis Response
946 [~~Commission~~] Committee created in Section [63C-18-202](#).

947 (b) "Emergency medical service personnel" means the same as that term is defined in
948 Section [26B-4-101](#).

949 (c) "Emergency medical services" means the same as that term is defined in Section
950 [26B-4-101](#).

951 (d) "MCOT certification" means the certification created in this part for MCOT
952 personnel and mental health crisis outreach services.

953 (e) "MCOT personnel" means a licensed mental health therapist or other mental health
954 professional, as determined by the division, who is a part of a mobile crisis outreach team.

955 (f) "Mental health crisis" means a mental health condition that manifests itself by

956 symptoms of sufficient severity that a prudent layperson who possesses an average knowledge
957 of mental health issues could reasonably expect the absence of immediate attention or
958 intervention to result in:

959 (i) serious jeopardy to the individual's health or well-being; or

960 (ii) a danger to others.

961 (g) (i) "Mental health crisis services" means mental health services and on-site
962 intervention that a person renders to an individual suffering from a mental health crisis.

963 (ii) "Mental health crisis services" includes the provision of safety and care plans,
964 stabilization services offered for a minimum of 60 days, and referrals to other community
965 resources.

966 (h) "Mental health therapist" means the same as that term is defined in Section
967 [58-60-102](#).

968 (i) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
969 mental health professionals that provides mental health crisis services and, based on the
970 individual circumstances of each case, coordinates with local law enforcement, emergency
971 medical service personnel, and other appropriate state or local resources.

972 (2) To promote the availability of comprehensive mental health crisis services
973 throughout the state, the division shall make rules, in accordance with Title 63G, Chapter 3,
974 Utah Administrative Rulemaking Act, that create a certificate for MCOT personnel and
975 MCOTs, including:

976 (a) the standards the division establishes under Subsection (3); and

977 (b) guidelines for:

978 (i) credit for training and experience; and

979 (ii) the coordination of:

980 (A) emergency medical services and mental health crisis services;

981 (B) law enforcement, emergency medical service personnel, and mobile crisis outreach
982 teams; and

983 (C) temporary commitment in accordance with Section [26B-5-331](#).

984 (3) (a) With recommendations from the [~~commission~~] committee, the division shall:

985 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
986 make rules that establish standards that an applicant is required to meet to qualify for the

987 MCOT certification described in Subsection (2); and

988 (ii) create a statewide MCOT plan that:

989 (A) identifies statewide mental health crisis services needs, objectives, and priorities;

990 and

991 (B) identifies the equipment, facilities, personnel training, and other resources

992 necessary to provide mental health crisis services.

993 (b) The division may delegate the MCOT plan requirement described in Subsection

994 (3)(a)(ii) to a contractor with which the division contracts to provide mental health crisis

995 services.

996 Section 15. Section **26B-5-610** is amended to read:

997 **26B-5-610. Contracts for statewide mental health crisis line and statewide warm**

998 **line -- Crisis worker and certified peer support specialist qualification or certification --**

999 **Operational standards.**

1000 (1) As used in this section:

1001 (a) "Certified peer support specialist" means an individual who:

1002 (i) meets the standards of qualification or certification that the division sets, in

1003 accordance with Subsection (3); and

1004 (ii) staffs the statewide warm line under the supervision of at least one mental health

1005 therapist.

1006 (b) [~~"Commission"~~] "Committee" means the Behavioral Health Crisis Response

1007 [~~Commission~~] Committee created in Section [63C-18-202](#).

1008 (c) "Crisis worker" means an individual who:

1009 (i) meets the standards of qualification or certification that the division sets, in

1010 accordance with Subsection (3); and

1011 (ii) staffs the statewide mental health crisis line, the statewide warm line, or a local

1012 mental health crisis line under the supervision of at least one mental health therapist.

1013 (d) "Local mental health crisis line" means a phone number or other response system

1014 that is:

1015 (i) accessible within a particular geographic area of the state; and

1016 (ii) intended to allow an individual to contact and interact with a qualified mental or

1017 behavioral health professional.

1018 (e) "Mental health crisis" means the same as that term is defined in Section 26B-5-609.

1019 (f) "Mental health therapist" means the same as that term is defined in Section

1020 58-60-102.

1021 (g) "Statewide mental health crisis line" means a statewide phone number or other
1022 response system that allows an individual to contact and interact with a qualified mental or
1023 behavioral health professional 24 hours per day, 365 days per year.

1024 (h) "Statewide warm line" means a statewide phone number or other response system
1025 that allows an individual to contact and interact with a qualified mental or behavioral health
1026 professional or a certified peer support specialist.

1027 (2) (a) The division shall enter into a new contract or modify an existing contract to
1028 manage and operate, in accordance with this part, the statewide mental health crisis line and the
1029 statewide warm line.

1030 (b) Through the contracts described in Subsection (2)(a) and in consultation with the
1031 [~~commission~~] committee, the division shall set standards of care and practice for:

1032 (i) the mental health therapists and crisis workers who staff the statewide mental health
1033 crisis line; and

1034 (ii) the mental health therapists, crisis workers, and certified peer support specialists
1035 who staff the statewide warm line.

1036 (3) (a) The division shall establish training and minimum standards for the
1037 qualification or certification of:

1038 (i) crisis workers who staff the statewide mental health crisis line, the statewide warm
1039 line, and local mental health crisis lines; and

1040 (ii) certified peer support specialists who staff the statewide warm line.

1041 (b) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
1042 Administrative Rulemaking Act, necessary to establish the training and minimum standards
1043 described in Subsection (3)(a).

1044 (4) In consultation with the [~~commission~~] committee, the division shall ensure that:

1045 (a) the following individuals are available to staff and answer calls to the statewide
1046 mental health crisis line 24 hours per day, 365 days per calendar year:

1047 (i) mental health therapists; or

1048 (ii) crisis workers;

1049 (b) a sufficient amount of staff is available to ensure that when an individual calls the
1050 statewide mental health crisis line, regardless of the time, date, or number of individuals trying
1051 to simultaneously access the statewide mental health crisis line, an individual described in
1052 Subsection (4)(a) answers the call without the caller first:

1053 (i) waiting on hold; or

1054 (ii) being screened by an individual other than a mental health therapist or crisis
1055 worker;

1056 (c) the statewide mental health crisis line has capacity to accept all calls that local
1057 mental health crisis lines route to the statewide mental health crisis line;

1058 (d) the following individuals are available to staff and answer calls to the statewide
1059 warm line during the hours and days of operation set by the division under Subsection (5):

1060 (i) mental health therapists;

1061 (ii) crisis workers; or

1062 (iii) certified peer support specialists;

1063 (e) when an individual calls the statewide mental health crisis line, the individual's call
1064 may be transferred to the statewide warm line if the individual is not experiencing a mental
1065 health crisis; and

1066 (f) when an individual calls the statewide warm line, the individual's call may be
1067 transferred to the statewide mental health crisis line if the individual is experiencing a mental
1068 health crisis.

1069 (5) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
1070 Administrative Rulemaking Act, to establish the hours and days of operation for the statewide
1071 warm line.

1072 Section 16. Section **26B-5-611** is amended to read:

1073 **26B-5-611. Suicide prevention -- Reporting requirements.**

1074 (1) As used in this section:

1075 [~~(a) "Advisory Council" means the Utah Substance Use and Mental Health Advisory~~
1076 ~~Council created in Section [63M-7-301](#).]~~

1077 [~~(b)~~] (a) "Bureau" means the Bureau of Criminal Identification created in Section
1078 [53-10-201](#) within the Department of Public Safety.

1079 [~~(c)~~] (b) "Coalition" means the Statewide Suicide Prevention Coalition created under

1080 Subsection (3).

1081 (c) "Commission" means the Utah Behavioral Health Commission created in Section
1082 [26B-5-702](#).

1083 (d) "Coordinator" means the state suicide prevention coordinator appointed under
1084 Subsection (2).

1085 (e) "Fund" means the Governor's Suicide Prevention Fund created in Section
1086 [26B-1-325](#).

1087 (f) "Intervention" means an effort to prevent a person from attempting suicide.

1088 (g) "Legal intervention" means an incident in which an individual is shot by another
1089 individual who has legal authority to use deadly force.

1090 (h) "Postvention" means intervention after a suicide attempt or a suicide death to
1091 reduce risk and promote healing.

1092 (i) "Shooter" means an individual who uses a gun in an act that results in the death of
1093 the actor or another individual, whether the act was a suicide, homicide, legal intervention, act
1094 of self-defense, or accident.

1095 (2) The division shall appoint a state suicide prevention coordinator to, under the
1096 direction of the commission, administer a state suicide prevention program composed of
1097 suicide prevention, intervention, and postvention programs, services, and efforts.

1098 (3) The coordinator shall:

1099 (a) establish a Statewide Suicide Prevention [~~Coalition~~] Committee with membership
1100 from public and private organizations and Utah citizens; and

1101 (b) appoint a chair and co-chair from among the membership of the coalition to lead
1102 the coalition.

1103 (4) The state suicide prevention program may include the following components:

1104 (a) delivery of resources, tools, and training to community-based coalitions;

1105 (b) evidence-based suicide risk assessment tools and training;

1106 (c) town hall meetings for building community-based suicide prevention strategies;

1107 (d) suicide prevention gatekeeper training;

1108 (e) training to identify warning signs and to manage an at-risk individual's crisis;

1109 (f) evidence-based intervention training;

1110 (g) intervention skills training;

- 1111 (h) postvention training; or
- 1112 (i) a public education campaign to improve public awareness about warning signs of
- 1113 suicide and suicide prevention resources.
- 1114 (5) The coordinator shall coordinate with the following to gather statistics, among
- 1115 other duties:
- 1116 (a) local mental health and substance abuse authorities;
- 1117 (b) the State Board of Education, including the public education suicide prevention
- 1118 coordinator described in Section [53G-9-702](#);
- 1119 (c) applicable divisions and offices within the department;
- 1120 (d) health care providers, including emergency rooms;
- 1121 (e) federal agencies, including the Federal Bureau of Investigation;
- 1122 (f) other unbiased sources; and
- 1123 (g) other public health suicide prevention efforts.
- 1124 (6) The coordinator shall provide ~~[a] an annual~~ written report to the ~~[Health and~~
- 1125 ~~Human Services Interim Committee, at or before the October meeting every year,]~~ commission
- 1126 on:
- 1127 (a) implementation of the state suicide prevention program, as described in Subsections
- 1128 (2) and (4);
- 1129 (b) data measuring the effectiveness of each component of the state suicide prevention
- 1130 program;
- 1131 (c) funds appropriated for each component of the state suicide prevention program;
- 1132 ~~[and]~~
- 1133 (d) five-year trends of suicides in Utah, including subgroups of youths and adults and
- 1134 other subgroups identified by the state suicide prevention coordinator~~[-]; and~~
- 1135 (e) the previous fiscal year's activities to fund, implement, and evaluate suicide
- 1136 prevention activities described in this section.
- 1137 (7) The coordinator shall, in consultation with the bureau, implement and manage the
- 1138 operation of the firearm safety program described in Subsection [26B-5-102\(3\)](#).
- 1139 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1140 division shall make rules:
- 1141 (a) governing the implementation of the state suicide prevention program, consistent

1142 with this section; and

1143 (b) in conjunction with the bureau, defining the criteria for employers to apply for
1144 grants under the Suicide Prevention Education Program described in Section [26B-5-110](#), which
1145 shall include:

1146 (i) attendance at the suicide prevention education course described in Subsection
1147 [26B-5-102](#)(3); and

1148 (ii) distribution of the firearm safety brochures or packets created in Subsection
1149 [26B-5-102](#)(3), but does not require the distribution of a cable-style gun lock with a firearm if
1150 the firearm already has a trigger lock or comparable safety mechanism.

1151 (9) As funding by the Legislature allows, the coordinator shall award grants, not to
1152 exceed a total of \$100,000 per fiscal year, to suicide prevention programs that focus on the
1153 needs of children who have been served by the Division of Juvenile Justice and Youth
1154 Services.

1155 ~~[(10) The coordinator and the coalition shall submit to the advisory council, no later
1156 than October 1 each year, a written report detailing the previous fiscal year's activities to fund,
1157 implement, and evaluate suicide prevention activities described in this section.]~~

1158 Section 17. Section **26B-5-701** is enacted to read:

1159 **Part 7. Utah Behavioral Health Commission**

1160 **26B-5-701. Definitions.**

1161 As used in this part:

1162 (1) "Commission" means the Utah Behavioral Health Commission created in Section
1163 [26B-5-702](#).

1164 (2) "Master plan" means the Utah Behavioral Health Assessment and Master Plan.

1165 (3) "Mental disorder" means the same as that term is defined in the current edition of
1166 the Diagnostic and Statistical Manual of Mental Disorders published by the American
1167 Psychiatric Association.

1168 (4) "Substance use disorder" means the same as that term is defined in the current
1169 edition of the Diagnostic and Statistical Manual of Mental Disorders published by the
1170 American Psychiatric Association.

1171 Section 18. Section **26B-5-702** is enacted to read:

1172 **26B-5-702. Utah Behavioral Health Commission -- Creation -- Members -- Chair.**

- 1173 (1) There is created within the department the Utah Behavioral Health Commission.
- 1174 (2) The commission is composed of the following 11 members:
- 1175 (a) one individual who has lived experience with a substance use disorder, appointed
- 1176 by the governor with the advice and consent of the Senate;
- 1177 (b) one individual who has lived experience with a mental disorder, appointed by the
- 1178 governor with the advice and consent of the Senate;
- 1179 (c) one individual who represents families of individuals with behavioral health issues,
- 1180 appointed by the governor with the advice and consent of the Senate;
- 1181 (d) one individual who represents state behavioral health agencies, appointed by the
- 1182 governor with the advice and consent of the Senate;
- 1183 (e) one individual who represents major healthcare systems, appointed by the governor
- 1184 with the advice and consent of the Senate;
- 1185 (f) one individual who represents private acute care providers, appointed by the
- 1186 governor with the advice and consent of the Senate;
- 1187 (g) one individual who represents private outpatient providers, appointed by the
- 1188 governor with the advice and consent of the Senate;
- 1189 (h) one individual who represents county behavioral health authorities, appointed by
- 1190 the chair of the Utah Behavioral Healthcare Committee with the advice and consent of the
- 1191 Senate;
- 1192 (i) one individual who represents rural communities, appointed by the speaker of the
- 1193 House of Representatives;
- 1194 (j) one individual who represents large employers, appointed by the president of the
- 1195 Senate; and
- 1196 (k) one individual who represents historically underrepresented populations, appointed
- 1197 by the joint minority caucus leaders.
- 1198 (3) (a) After all 11 members of the commission have been appointed, the governor
- 1199 shall appoint the chair of the commission from among the membership of the commission to
- 1200 serve a two-year term.
- 1201 (b) A commission member may not serve as chair of the commission for more than two
- 1202 consecutive terms.
- 1203 (4) (a) A member appointed by the governor shall serve a four-year term, except as

1204 provided in Subsection (4)(b).

1205 (b) The governor shall stagger the initial terms of appointees so that approximately half
1206 of the members appointed by the governor are appointed every two years.

1207 (c) The terms of members appointed under Subsections (2)(h) through (k) shall be
1208 staggered so that:

1209 (i) members appointed under Subsections (2)(h) and (i) shall serve four-year terms;

1210 (ii) the initial members appointed under Subsections (2)(j) and (k) shall serve an initial
1211 two-year term; and

1212 (iii) after the initial members appointed under Subsections (2)(j) and (k) serve an initial
1213 two-year term, members appointed under Subsections (2)(j) and (k) shall serve four-year terms.

1214 (d) (i) The commission may remove a member of the commission for cause by a
1215 majority vote of the commission.

1216 (ii) The person who appointed a member of the commission may remove that member
1217 for cause.

1218 (e) If a vacancy occurs in the membership of the commission for any reason, a
1219 replacement shall be appointed for the unexpired term in the same manner as the original
1220 appointment.

1221 (5) (a) A majority of the members of the commission constitutes a quorum.

1222 (b) The action of a majority of a quorum of the commission constitutes the action of
1223 the commission.

1224 (6) A member of the commission may not receive compensation or benefits for the
1225 member's service, but may receive per diem and travel expenses in accordance with:

1226 (a) Section [63A-3-106](#);

1227 (b) Section [63A-3-107](#); and

1228 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

1229 (7) Consistent with the provisions of this part, the commission may adopt bylaws to
1230 govern the commission's operation.

1231 Section 19. Section **26B-5-703** is enacted to read:

1232 **26B-5-703. Purpose -- Duties -- Reporting.**

1233 (1) The purpose of the commission is to be the central authority for coordinating
1234 behavioral health initiatives between state and local governments, health systems, and other

1235 interested persons, to ensure that Utah's behavioral health systems are comprehensive, aligned,
1236 effective, and efficient.

1237 (2) To fulfill the commission's purpose, the commission shall:

1238 (a) establish a shared vision across public and private sectors for improving Utah's
1239 behavioral health systems;

1240 (b) make recommendations, including policy recommendations, and advise the
1241 governor, executive branch agencies, and the Legislature on matters pertaining to behavioral
1242 health;

1243 (c) provide feedback on proposed bills, rules, policies, and budgets relating to
1244 behavioral health;

1245 (d) encourage participation in the commission's work by individuals and populations
1246 directly impacted by behavioral health issues, including family members of individuals with
1247 behavioral health issues;

1248 (e) engage private sector payers, providers, and business and employer groups in the
1249 commission's work;

1250 (f) continually review implementation of the master plan and revise the master plan as
1251 appropriate;

1252 (g) identify priorities that align with the master plan and lead efforts to implement and
1253 advance those priorities by coordinating and collaborating closely with public and private
1254 persons throughout the state;

1255 (h) identify areas where innovation is necessary to improve behavioral health access
1256 and care;

1257 (i) cooperate with the Utah System of Higher Education, the State Board of Education,
1258 the Division of Professional Licensing, the Utah Health Workforce Advisory Council, and the
1259 department to oversee the creation and implementation of behavioral health workforce
1260 initiatives for the state;

1261 (j) collaborate with the Utah State Hospital, the Department of Corrections, county
1262 jails, and the department;

1263 (k) oversee coordination for the funding, implementation, and evaluation of suicide
1264 prevention efforts described in Section [26B-5-611](#);

1265 (l) develop methods or models for implementing and coherently communicating

1266 cross-sector strategies;

1267 (m) hold the state's behavioral health systems accountable for clear, measurable
1268 outcomes; and

1269 (n) maintain independence from the department and the governor such that the
1270 commission is able to provide independent advice and recommendations, especially regarding
1271 proposed bills and policy considerations.

1272 (3) (a) The commission shall meet at least quarterly, but may meet at other times as
1273 scheduled by the chair.

1274 (b) The chair of the commission shall set the agenda for each commission meeting with
1275 input from commission members and staff.

1276 (c) Notice of the time and place of a commission meeting shall be given to each
1277 member and to the public in compliance with Title 52, Chapter 4, Open and Public Meetings
1278 Act.

1279 (d) A commission meeting is open to the public unless the meeting or a portion of a
1280 meeting is closed by the commission pursuant to Section [52-4-204](#) or Section [52-4-205](#).

1281 (4) On or before December 31, 2024, the commission shall provide a report to the
1282 Legislature that includes:

1283 (a) recommendations for behavioral health measures and targets to be included in the
1284 next update to the master plan;

1285 (b) recommendations for consolidating into the commission other commissions,
1286 committees, subcommittees, task forces, working groups, or other bodies pertaining to
1287 behavioral health;

1288 (c) recommendations on the next steps for reviewing and potentially redefining state
1289 law and program options regarding county-based behavioral health services; and

1290 (d) recommendations on key budget priorities and key legislative policies for the 2025
1291 General Session and thereafter.

1292 (5) (a) Beginning in 2025, by no later than September 30 of each year, the commission
1293 shall provide a report to the Health and Human Services Interim Committee that describes the
1294 commission's work during the preceding year and includes, in accordance with Section
1295 [26B-5-705](#), any legislative recommendations from the commission.

1296 (b) Before the commission submits a legislative recommendation to the Health and

1297 Human Services Interim Committee or the Legislature, the Legislative Policy Committee
1298 created in Section 26B-5-705 shall review the recommendation.

1299 Section 20. Section **26B-5-704** is enacted to read:

1300 **26B-5-704. Committees -- Creation -- Duties.**

1301 (1) Each committee created under this part or formed by the commission in accordance
1302 with this section serves under the direction of the commission.

1303 (2) In addition to the committees created under this part or formed by the commission,
1304 the following are committees of the commission and shall serve under the direction of the
1305 commission to assist the commission in performing the commission's duties:

1306 (a) the Behavioral Health Crisis Response Committee created in Section 63C-18-202;

1307 (b) the Education and Mental Health Coordinating Committee created in Section
1308 63C-23-201;

1309 (c) the Utah Substance Use and Mental Health Advisory Committee created in Section
1310 63M-7-301; and

1311 (d) the Statewide Suicide Prevention Committee created under Section 26B-5-611.

1312 (3) (a) In addition to the committees described in Subsection (2) or created under this
1313 part, the commission may form committees to support the commission in fulfilling the
1314 commission's duties.

1315 (b) When forming a committee, the commission shall:

1316 (i) appoint members to the committee who represent a range of views and expertise;

1317 and

1318 (ii) adopt procedures and directives for the committee.

1319 (c) Unless otherwise provided for in statute, a member of a committee may not receive
1320 compensation or benefits for the member's service on the committee, but may receive per diem
1321 and travel expenses in accordance with:

1322 (i) Section 63A-3-106;

1323 (ii) Section 63A-3-107; and

1324 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1325 (d) Compensation and expenses of a committee member who is a legislator are

1326 governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and
1327 Expenses.

1328 Section 21. Section **26B-5-705** is enacted to read:

1329 **26B-5-705. Legislative Policy Committee -- Creation -- Duties -- Staff.**

1330 (1) As used in this section, "committee" means the Legislative Policy Committee
1331 created in Subsection (2).

1332 (2) Under the commission, there is created the Legislative Policy Committee.

1333 (3) (a) The committee is composed of five legislators, appointed as follows:

1334 (i) the speaker of the House of Representatives shall appoint one member of the House
1335 of Representatives;

1336 (ii) the minority leader of the House of Representatives shall appoint one member of
1337 the House of Representatives;

1338 (iii) the president of the Senate shall appoint one member of the Senate;

1339 (iv) the minority leader of the Senate shall appoint one member of the Senate; and

1340 (v) the speaker of the House of Representatives and the president of the Senate shall
1341 jointly appoint one legislator.

1342 (b) The speaker, president, and minority leaders:

1343 (i) shall make the appointments described in Subsection (3)(a) after consulting with the
1344 chairs of the Health and Human Services Interim Committee and the chairs of the Social
1345 Services Appropriations Committee; and

1346 (ii) are encouraged but not required to appoint to the committee legislators who are
1347 members of one or more of the following:

1348 (A) the Health and Human Services Interim Committee;

1349 (B) the Social Services Appropriations Subcommittee;

1350 (C) the Behavioral Health Crisis Response Committee; or

1351 (D) the Education and Mental Health Coordinating Committee.

1352 (4) The speaker of the House and Representatives and the president of the Senate shall
1353 each designate one of their appointees as a co-chair of the committee.

1354 (5) The individual who appoints a member of the committee may change the
1355 appointment at any time.

1356 (6) The committee shall:

1357 (a) assist the commission and any of the commission's other committees with
1358 developing policy and legislative recommendations; and

1359 (b) review any legislative recommendation proposed by the commission before the
1360 legislative recommendation is provided to the Health and Human Services Interim Committee
1361 or the Legislature.

1362 (7) The committee may:

1363 (a) submit its own proposed legislation to the commission for consideration; and

1364 (b) provide other services as requested by the commission.

1365 (8) (a) A majority of the members of the committee constitutes a quorum.

1366 (b) The action of a majority of a quorum constitutes the action of the committee.

1367 (9) The Office of Legislative Research and General Counsel shall provide staff support
1368 to the committee.

1369 Section 22. Section **26B-5-706** is enacted to read:

1370 **26B-5-706. Staff.**

1371 (1) The Office of Substance Use and Mental Health within the Department of Health
1372 and Human Services shall provide staff support to the commission and, unless otherwise
1373 specified by statute, to each of the commission's committees.

1374 (2) The Office of Legislative Research and General Counsel may provide additional
1375 staff support to the commission.

1376 Section 23. Section **32B-2-210** is amended to read:

1377 **32B-2-210. Alcoholic Beverage Services Advisory Board.**

1378 (1) There is created within the department an advisory board known as the "Alcoholic
1379 Beverage Services Advisory Board."

1380 (2) The advisory board shall consist of eight voting members and one nonvoting
1381 member as follows:

1382 (a) four voting members appointed by the commission:

1383 (i) one of whom represents the retail alcohol industry;

1384 (ii) one of whom represents the wholesale alcohol industry;

1385 (iii) one of whom represents the alcohol manufacturing industry; and

1386 (iv) one of whom represents the restaurant industry;

1387 (b) two voting members appointed by the commission, each of whom represents an
1388 organization that addresses alcohol or drug abuse prevention, alcohol or drug related
1389 enforcement, or alcohol or drug related education;

1390 (c) the director of the Division of Substance Abuse and Mental Health or the director's
1391 designee who serves as a voting member;

1392 (d) the chair of the Utah Substance Use and Mental Health Advisory [~~Council~~]
1393 Committee, or the chair's designee, who serves as a voting member; and

1394 (e) the chair of the commission or the chair's designee from the members of the
1395 commission, who serves as a nonvoting member.

1396 (3) (a) Except as required by Subsection (3)(b), as terms of current voting members of
1397 the advisory board expire, the commission shall appoint each new member or reappointed
1398 member to a four-year term beginning July 1 and ending June 30.

1399 (b) Notwithstanding the requirements of Subsection (3)(a), the commission shall, at the
1400 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1401 voting advisory board members are staggered so that approximately half of the advisory board
1402 is appointed every two years.

1403 (c) No two members of the board may be employed by the same company or nonprofit
1404 organization.

1405 (4) (a) When a vacancy occurs in the membership for any reason, the commission shall
1406 appoint a replacement for the unexpired term.

1407 (b) The commission shall terminate the term of a voting advisory board member who
1408 ceases to be representative as designated by the member's original appointment.

1409 (5) The advisory board shall meet as called by the chair for the purpose of advising the
1410 commission and the department, with discussion limited to administrative rules made under
1411 this title.

1412 (6) The chair of the commission or the chair's designee shall serve as the chair of the
1413 advisory board and call the necessary meetings.

1414 (7) (a) Five members of the board constitute a quorum of the board.

1415 (b) An action of the majority when a quorum is present is the action of the board.

1416 (8) The department shall provide staff support to the advisory board.

1417 (9) A member may not receive compensation or benefits for the member's service, but
1418 may receive per diem and travel expenses in accordance with:

1419 (a) Section [63A-3-106](#);

1420 (b) Section [63A-3-107](#); and

- 1421 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1422 63A-3-107.
- 1423 Section 24. Section 32B-2-306 is amended to read:
- 1424 **32B-2-306. Underage drinking prevention media and education campaign.**
- 1425 (1) As used in this section:
- 1426 (a) "Advisory [~~council~~] committee" means the Utah Substance Use and Mental Health
1427 Advisory [~~Council~~] Committee created in Section 63M-7-301.
- 1428 (b) "Restricted account" means the Underage Drinking Prevention Media and
1429 Education Campaign Restricted Account created in this section.
- 1430 (2) (a) There is created a restricted account within the General Fund known as the
1431 "Underage Drinking Prevention Media and Education Campaign Restricted Account."
- 1432 (b) The restricted account consists of:
- 1433 (i) deposits made under Subsection (3); and
- 1434 (ii) interest earned on the restricted account.
- 1435 (3) The department shall deposit 0.6% of the total gross revenue from sales of liquor
1436 with the state treasurer, as determined by the total gross revenue collected for the fiscal year
1437 two years preceding the fiscal year for which the deposit is made, to be credited to the
1438 restricted account and to be used by the department as provided in Subsection (5).
- 1439 (4) The advisory [~~council~~] committee shall:
- 1440 (a) provide ongoing oversight of a media and education campaign funded under this
1441 section;
- 1442 (b) create an underage drinking prevention workgroup consistent with guidelines
1443 proposed by the advisory [~~council~~] committee related to the membership and duties of the
1444 underage drinking prevention workgroup;
- 1445 (c) create guidelines for how money appropriated for a media and education campaign
1446 can be used;
- 1447 (d) include in the guidelines established pursuant to this Subsection (4) that a media
1448 and education campaign funded under this section is carefully researched and developed, and
1449 appropriate for target groups; and
- 1450 (e) approve plans submitted by the department in accordance with Subsection (5).
- 1451 (5) (a) Subject to appropriation from the Legislature, the department shall expend

1452 money from the restricted account to direct and fund one or more media and education
1453 campaigns designed to reduce underage drinking in cooperation with the advisory [council]
1454 committee.

1455 (b) The department shall:

1456 (i) in cooperation with the underage drinking prevention workgroup created under
1457 Subsection (4), prepare and submit a plan to the advisory [council] committee detailing the
1458 intended use of the money appropriated under this section;

1459 (ii) upon approval of the plan by the advisory [council] committee, conduct the media
1460 and education campaign in accordance with the guidelines made by the advisory [council]
1461 committee; and

1462 (iii) submit to the advisory [council] committee annually by no later than October 1, a
1463 written report detailing the use of the money for the media and education campaigns conducted
1464 under this Subsection (5) and the impact and results of the use of the money during the prior
1465 fiscal year ending June 30.

1466 Section 25. Section **32B-2-402** is amended to read:

1467 **32B-2-402. Definitions -- Calculations.**

1468 (1) As used in this part:

1469 (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and
1470 Treatment Restricted Account created in Section [32B-2-403](#).

1471 (b) "Advisory [council] committee" means the Utah Substance Use and Mental Health
1472 Advisory [Council] Committee created in Section [63M-7-301](#).

1473 (c) "Alcohol-related offense" means:

1474 (i) a violation of:

1475 (A) Section [41-6a-502](#); or

1476 (B) an ordinance that complies with the requirements of:

1477 (I) Subsection [41-6a-510](#)(1); or

1478 (II) Section [76-5-207](#); or

1479 (ii) an offense involving the illegal:

1480 (A) sale of an alcoholic product;

1481 (B) consumption of an alcoholic product;

1482 (C) distribution of an alcoholic product;

- 1483 (D) transportation of an alcoholic product; or
1484 (E) possession of an alcoholic product.
1485 (d) "Annual conviction time period" means the time period that:
1486 (i) begins on July 1 and ends on June 30; and
1487 (ii) immediately precedes the fiscal year for which an appropriation under this part is
1488 made.
1489 (e) "Municipality" means:
1490 (i) a city;
1491 (ii) a town; or
1492 (iii) a metro township.
1493 (f) (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah
1494 Administrative Rulemaking Act, by the Division of Integrated Healthcare within the
1495 Department of Health and Human Services.
1496 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental
1497 Health shall:
1498 (A) include only evidence-based or evidence-informed programs; and
1499 (B) provide for coordination with local substance abuse authorities designated to
1500 provide substance abuse services in accordance with Section [17-43-201](#).
1501 (2) For purposes of Subsection [32B-2-404\(1\)\(b\)\(iii\)](#), the number of premises located
1502 within the limits of a municipality or county:
1503 (a) is the number determined by the department to be so located;
1504 (b) includes the aggregate number of premises of the following:
1505 (i) a state store;
1506 (ii) a package agency; and
1507 (iii) a retail licensee; and
1508 (c) for a county, consists only of the number located within an unincorporated area of
1509 the county.
1510 (3) The department shall determine:
1511 (a) a population figure according to the most current population estimate prepared by
1512 the Utah Population Committee;
1513 (b) a county's population for the 25% distribution to municipalities and counties under

1514 Subsection 32B-2-404(1)(b)(i) only with reference to the population in the unincorporated
1515 areas of the county; and

1516 (c) a county's population for the 25% distribution to counties under Subsection
1517 32B-2-404(1)(b)(iv) only with reference to the total population in the county, including that of
1518 a municipality.

1519 (4) (a) A conviction occurs in the municipality or county that actually prosecutes the
1520 offense to judgment.

1521 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in
1522 the municipality or county that, except for the guilty plea, would have prosecuted the offense.

1523 Section 26. Section 32B-2-404 is amended to read:

1524 **32B-2-404. Alcoholic Beverage and Substance Abuse Enforcement and**
1525 **Treatment Restricted Account distribution.**

1526 (1) (a) The money deposited into the account under Section 32B-2-403 shall be
1527 distributed to municipalities and counties:

1528 (i) to the extent appropriated by the Legislature, except that the Legislature shall
1529 appropriate each fiscal year an amount equal to at least the amount deposited in the account in
1530 accordance with Section 59-15-109; and

1531 (ii) as provided in this Subsection (1).

1532 (b) The amount appropriated from the account shall be distributed as follows:

1533 (i) 25% to municipalities and counties on the basis of the percentage of the state
1534 population residing in each municipality and county;

1535 (ii) 30% to municipalities and counties on the basis of each municipality's and county's
1536 percentage of the statewide convictions for all alcohol-related offenses;

1537 (iii) 20% to municipalities and counties on the basis of the percentage of the following
1538 in the state that are located in each municipality and county:

1539 (A) state stores;

1540 (B) package agencies;

1541 (C) retail licensees; and

1542 (D) off-premise beer retailers; and

1543 (iv) 25% to the counties for confinement and treatment purposes authorized by this part
1544 on the basis of the percentage of the state population located in each county.

1545 (c) (i) Except as provided in Subsection (1)(c)(ii), if a municipality does not have a law
1546 enforcement agency:

1547 (A) the municipality may not receive money under this part; and

1548 (B) the State Tax Commission:

1549 (I) may not distribute the money the municipality would receive but for the
1550 municipality not having a law enforcement agency to that municipality; and

1551 (II) shall distribute the money that the municipality would have received but for it not
1552 having a law enforcement agency to the county in which the municipality is located for use by
1553 the county in accordance with this part.

1554 (ii) If the advisory [~~council~~] committee finds that a municipality described in
1555 Subsection (1)(c)(i) demonstrates that the municipality can use the money that the municipality
1556 is otherwise eligible to receive in accordance with this part, the advisory [~~council~~] committee
1557 may direct the State Tax Commission to distribute the money to the municipality.

1558 (2) To determine the distribution required by Subsection (1)(b)(ii), the State Tax
1559 Commission shall annually:

1560 (a) for an annual conviction time period:

1561 (i) multiply by two the total number of convictions in the state obtained during the
1562 annual conviction time period for violation of:

1563 (A) Section 41-6a-502; or

1564 (B) an ordinance that complies with the requirements of Subsection 41-6a-510(1) or
1565 Section 76-5-207; and

1566 (ii) add to the number calculated under Subsection (2)(a)(i) the number of convictions
1567 obtained during the annual conviction time period for the alcohol-related offenses other than
1568 the alcohol-related offenses described in Subsection (2)(a)(i);

1569 (b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum
1570 obtained in Subsection (2)(a); and

1571 (c) multiply the amount calculated under Subsection (2)(b), by the number of
1572 convictions obtained in each municipality and county during the annual conviction time period
1573 for alcohol-related offenses.

1574 (3) By not later than September 1 each year:

1575 (a) the state court administrator shall certify to the State Tax Commission the number

1576 of convictions obtained for alcohol-related offenses in each municipality or county in the state
1577 during the annual conviction time period; and

1578 (b) the advisory [~~council~~] committee shall notify the State Tax Commission of any
1579 municipality that does not have a law enforcement agency.

1580 (4) By not later than December 1 of each year, the advisory [~~council~~] committee shall
1581 notify the State Tax Commission for the fiscal year of appropriation of:

1582 (a) a municipality that may receive a distribution under Subsection (1)(c)(ii);

1583 (b) a county that may receive a distribution allocated to a municipality described in
1584 Subsection (1)(c)(i);

1585 (c) a municipality or county that may not receive a distribution because the advisory
1586 [~~council~~] committee has suspended the payment under Subsection 32B-2-405(2)(a); and

1587 (d) a municipality or county that receives a distribution because the suspension of
1588 payment has been cancelled under Subsection 32B-2-405(2).

1589 (5) (a) By not later than January 1 of the fiscal year of appropriation, the State Tax
1590 Commission shall annually distribute to each municipality and county the portion of the
1591 appropriation that the municipality or county is eligible to receive under this part, except for
1592 any municipality or county that the advisory [~~council~~] committee notifies the State Tax
1593 Commission in accordance with Subsection (4) may not receive a distribution in that fiscal
1594 year.

1595 (b) (i) The advisory [~~council~~] committee shall prepare forms for use by a municipality
1596 or county in applying for a distribution under this part.

1597 (ii) A form described in this Subsection (5) may require the submission of information
1598 the advisory [~~council~~] committee considers necessary to enable the State Tax Commission to
1599 comply with this part.

1600 Section 27. Section 32B-2-405 is amended to read:

1601 **32B-2-405. Reporting by municipalities and counties -- Grants.**

1602 (1) A municipality or county that receives money under this part during a fiscal year
1603 shall by no later than October 1 following the fiscal year:

1604 (a) report to the advisory [~~council~~] committee:

1605 (i) the programs or projects of the municipality or county that receive money under this
1606 part;

- 1607 (ii) if the money for programs or projects were exclusively used as required by
1608 Subsection [32B-2-403\(2\)](#);
- 1609 (iii) indicators of whether the programs or projects that receive money under this part
1610 are effective; and
- 1611 (iv) if money received under this part was not expended by the municipality or county;
1612 and
- 1613 (b) provide the advisory [~~council~~] committee a statement signed by the chief executive
1614 officer of the county or municipality attesting that the money received under this part was used
1615 in addition to money appropriated or otherwise available for the county's or municipality's law
1616 enforcement and was not used to supplant that money.
- 1617 (2) The advisory [~~council~~] committee may, by a majority vote:
- 1618 (a) suspend future payments under Subsection [32B-2-404\(4\)](#) to a municipality or
1619 county that:
- 1620 (i) does not file a report that meets the requirements of Subsection (1); or
1621 (ii) the advisory [~~council~~] committee finds does not use the money as required by
1622 Subsection [32B-2-403\(2\)](#) on the basis of the report filed by the municipality or county under
1623 Subsection (1); and
- 1624 (b) cancel a suspension under Subsection (2)(a).
- 1625 (3) The State Tax Commission shall notify the advisory [~~council~~] committee of the
1626 balance of any undistributed money after the annual distribution under Subsection
1627 [32B-2-404\(5\)](#).
- 1628 (4) (a) Subject to the requirements of this Subsection (4), the advisory [~~council~~]
1629 committee shall award the balance of undistributed money under Subsection (3):
- 1630 (i) as prioritized by majority vote of the advisory [~~council~~] committee; and
1631 (ii) as grants to:
- 1632 (A) a county;
1633 (B) a municipality;
1634 (C) the department;
1635 (D) the Department of Human Services;
1636 (E) the Department of Public Safety; or
1637 (F) the State Board of Education.

1638 (b) By not later than May 30 of the fiscal year of the appropriation, the advisory
1639 [~~council~~] committee shall notify the State Tax Commission of grants awarded under this
1640 Subsection (4).

1641 (c) The State Tax Commission shall make payments of a grant:

1642 (i) upon receiving notice as provided under Subsection (4)(b); and

1643 (ii) by not later than June 30 of the fiscal year of the appropriation.

1644 (d) An entity that receives a grant under this Subsection (4) shall use the grant money
1645 exclusively for programs or projects described in Subsection 32B-2-403(2).

1646 Section 28. Section 32B-7-305 is amended to read:

1647 **32B-7-305. Tracking of enforcement actions -- Costs of enforcement actions.**

1648 (1) The Department of Public Safety shall administer a program to reimburse a
1649 municipal or county law enforcement agency:

1650 (a) for the actual costs of an alcohol-related compliance check investigation conducted
1651 pursuant to Section 77-39-101 on the premises of an off-premise beer retailer;

1652 (b) for administrative costs associated with reporting the compliance check
1653 investigation described in Subsection (1)(a);

1654 (c) if the municipal or county law enforcement agency completes and submits to the
1655 Department of Public Safety a report within 90 days after the day on which the compliance
1656 check investigation described in Subsection (1)(a) occurs in a format required by the
1657 Department of Public Safety; and

1658 (d) in the order that the municipal or county law enforcement agency submits the report
1659 required by Subsection (1)(c) until the amount allocated by the Department of Public Safety to
1660 reimburse a municipal or county law enforcement agency is spent.

1661 (2) By no later than October 1 of each year, the Department of Public Safety shall
1662 report to the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee on the
1663 compliance check investigations:

1664 (a) funded during the previous fiscal year; and

1665 (b) reimbursed under Subsection (1).

1666 Section 29. Section 53F-2-522 is amended to read:

1667 **53F-2-522. Public education mental health screening.**

1668 (1) As used in this section:

1669 (a) "Division" means the Division of Integrated Healthcare within the Department of
1670 Health and Human Services.

1671 (b) "Non-participating LEA" means an LEA that does not administer an approved
1672 mental health screening program described in this section.

1673 (c) "Participating LEA" means an LEA that has an approved screening program
1674 described in this section.

1675 (d) "Participating student" means a student in a participating LEA who participates in a
1676 mental health screening program.

1677 (e) "Qualifying parent" means a parent:

1678 (i) of a participating student who, based on the results of a screening program, would
1679 benefit from resources that cannot be provided to the participating student in the school setting;
1680 and

1681 (ii) who qualifies for financial assistance to pay for the resources under rules made by
1682 the state board.

1683 (f) "Screening program" means a student mental health screening program selected by
1684 a participating LEA and approved by the state board in consultation with the division.

1685 (2) (a) On or before July 1, 2023, an LEA governing board shall determine whether the
1686 LEA will be a participating LEA or a non-participating LEA for the 2023-24 school year.

1687 (b) (i) During the 2023-24 school year, and each year after, a participating LEA may
1688 change the LEA's participation status and become a non-participating LEA for the next school
1689 year by reporting the status change to the state board by the end of the current school year.

1690 (ii) An LEA that changed the LEA's status from participating to non-participating in
1691 Subsection (2)(b)(i) is subject to the requirements of a non-participating LEA described in
1692 Subsection (2)(c).

1693 (c) (i) During the 2023-24 school year, and each year after, a non-participating LEA's
1694 governing board shall submit a record of determination to the state board by the end of the
1695 school year, which record shall state whether the non-participating LEA will:

1696 (A) maintain the LEA's non-participating status; or

1697 (B) change the LEA's status to be a participating LEA.

1698 (ii) If the non-participating LEA determines the LEA will change participation status
1699 and become a participating LEA, the LEA's status of participation will change at the end of the

1700 current school year.

1701 (3) The state board shall:

1702 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

1703 Rulemaking Act, to:

1704 (i) establish a process for a participating LEA to submit a selected screening program

1705 to the state board for approval;

1706 (ii) in accordance with Title 53E, Chapter 9, Student Privacy and Data Protection, and

1707 the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, establish who may access

1708 and use a participating student's screening data;

1709 (iii) establish a requirement and a process for appropriate LEA or school personnel to

1710 attend annual training related to administering the screening program;

1711 (iv) determine whether a parent is eligible to receive the financial support described in

1712 Subsection (5)(a) as a qualifying parent; and

1713 (v) apply for and distribute the financial support described in Subsection (5)(a);

1714 (b) in consultation with the division, approve an evidence-based student mental health

1715 screening program selected by a participating LEA that:

1716 (i) is age appropriate for each grade in which the screening program is administered;

1717 (ii) screens for the mental health conditions determined by the state board and division;

1718 and

1719 (iii) is an effective tool for identifying whether a student has a mental health condition

1720 that requires intervention; and

1721 (c) on or before November 30 of each year, submit a report on the screening programs

1722 to

1723 the State Suicide Prevention [~~Coalition~~] Committee created under [~~Subsection~~

1724 ~~26B-5-611(2)~~] Section 26B-5-611 and

1725 the Education Interim Committee in accordance with Section 53E-1-201 that contains

1726 the following:

1727 (i) the approximate number of participating students that were screened in each

1728 participating LEA the previous school year;

1729 (ii) the names and number of:

1730 (A) participating LEAs; and

- 1731 (B) non-participating LEAs;
- 1732 (iii) an overview of how participating LEAs utilized distributed funds; and
- 1733 (iv) whether the amount of distributed funds to each participating LEA was sufficient
- 1734 for the participating LEA's needs.
- 1735 (4) A participating LEA shall:
- 1736 (a) in accordance with rules made by the state board under Subsection (3)(a), submit a
- 1737 selected evidence-based screening program to the state board for approval;
- 1738 (b) implement and administer a state board-approved mental health screening program
- 1739 to participating students in the participating LEA by:
- 1740 (i) annually notifying each parent with a student in the participating LEA that the
- 1741 parent may have the student screened for mental health conditions;
- 1742 (ii) obtaining prior written consent from a student's parent, that complies with Section
- 1743 [53E-9-203](#), and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, before
- 1744 the participating LEA screens a participating student;
- 1745 (iii) screening the student for mental health conditions; and
- 1746 (iv) if results of a participating student's screening indicate a potential mental health
- 1747 condition, notifying the parent of the participating student of:
- 1748 (A) the participating student's results; and
- 1749 (B) resources available to the participating student, including any services that can be
- 1750 provided by the school mental health provider or by a partnering entity;
- 1751 (c) use state board-distributed funds for the purposes described in Subsection (5)(a);
- 1752 and
- 1753 (d) provide the state board with necessary information and data for the state board to
- 1754 complete the report described in Subsection (3)(c).
- 1755 (5) (a) Within appropriations made by the Legislature for this purpose, the state board
- 1756 may distribute funds to a participating LEA to use to:
- 1757 (i) implement and administer a mental health screening for participating students as
- 1758 described in Subsection (4)(b); and
- 1759 (ii) assist a qualifying parent to pay for resources described in Subsection (4)(b)(iv)(B)
- 1760 that cannot be provided by a school mental health professional in the school setting.
- 1761 (b) The state board may not distribute funds described in Subsection (5)(a) to a

1762 non-participating LEA.

1763 (6) A school employee trained in accordance with rules made by the state board under
1764 Subsection (3)(a)(iii), who administers an approved mental health screening in accordance with
1765 this section in good faith, is not liable in a civil action for an act taken or not taken under this
1766 section.

1767 Section 30. Section **63C-18-102** is amended to read:

1768 **CHAPTER 18. BEHAVIORAL HEALTH CRISIS RESPONSE COMMITTEE**
1769 **63C-18-102. Definitions.**

1770 As used in this chapter:

1771 (1) [~~Commission~~] "Committee" means the Behavioral Health Crisis Response
1772 [~~Commission~~] Committee created in Section [63C-18-202](#).

1773 (2) "Local mental health crisis line" means the same as that term is defined in Section
1774 [26B-5-610](#).

1775 (3) "Statewide mental health crisis line" means the same as that term is defined in
1776 Section [26B-5-610](#).

1777 (4) "Statewide warm line" means the same as that term is defined in Section
1778 [26B-5-610](#).

1779 Section 31. Section **63C-18-202** is amended to read:

1780 **Part 2. Committee Creation**
1781 **63C-18-202. Committee established -- Members.**

1782 (1) [~~There~~] Under the Utah Behavioral Health Commission created in Section
1783 [26B-5-702](#), there is created the Behavioral Health Crisis Response [~~Commission~~] Committee,
1784 composed of the following members:

- 1785 (a) the executive director of the Huntsman Mental Health Institute;
- 1786 (b) the governor or the governor's designee;
- 1787 (c) the director of the Office of Substance Use and Mental Health;
- 1788 (d) one representative of the Office of the Attorney General, appointed by the attorney
1789 general;
- 1790 (e) the executive director of the Department of Health and Human Services or the
1791 executive director's designee;
- 1792 (f) one member of the public, appointed by the chair of the [~~commission~~] committee

1793 and approved by the [~~commission~~] committee;

1794 (g) two individuals who are mental or behavioral health clinicians licensed to practice
1795 in the state, appointed by the chair of the [~~commission~~] committee and approved by the
1796 [~~commission~~] committee, at least one of whom is an individual who:

1797 (i) is licensed as a physician under:

1798 (A) Title 58, Chapter 67, Utah Medical Practice Act;

1799 (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or

1800 (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

1801 (ii) is board eligible for a psychiatry specialization recognized by the American Board
1802 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
1803 Specialists;

1804 (h) one individual who represents a county of the first or second class, appointed by the
1805 Utah Association of Counties;

1806 (i) one individual who represents a county of the third, fourth, or fifth class, appointed
1807 by the Utah Association of Counties;

1808 (j) one individual who represents the Utah Hospital Association, appointed by the chair
1809 of the [~~commission~~] committee;

1810 (k) one individual who represents law enforcement, appointed by the chair of the
1811 [~~commission~~] committee;

1812 (l) one individual who has lived with a mental health disorder, appointed by the chair
1813 of the [~~commission~~] committee;

1814 (m) one individual who represents an integrated health care system that:

1815 (i) is not affiliated with the chair of the [~~commission~~] committee; and

1816 (ii) provides inpatient behavioral health services and emergency room services to
1817 individuals in the state;

1818 (n) one individual who represents an accountable care organization, as defined in
1819 Section [26B-3-219](#), with a statewide membership base;

1820 (o) one individual who represents 911 call centers and public safety answering points,
1821 appointed by the chair of the [~~commission~~] committee;

1822 (p) one individual who represents Emergency Medical Services, appointed by the chair
1823 of the [~~commission~~] committee;

1824 (q) one individual who represents the mobile wireless service provider industry,
1825 appointed by the chair of the [~~commission~~] committee;

1826 (r) one individual who represents rural telecommunications providers, appointed by the
1827 chair of the [~~commission~~] committee;

1828 (s) one individual who represents voice over internet protocol and land line providers,
1829 appointed by the chair of the [~~commission;~~] committee; and

1830 (t) one individual who represents the Utah League of Cities and Towns, appointed by
1831 the Utah League of Cities and Towns[~~;and~~].

1832 [~~(u) three or six legislative members, the number of which shall be decided jointly by
1833 the speaker of the House of Representatives and the president of the Senate, appointed as
1834 follows:]~~

1835 [~~(i) if the speaker of the House of Representatives and the president of the Senate
1836 jointly decide to appoint three legislative members to the commission, the speaker shall appoint
1837 one member of the House of Representatives, the president shall appoint one member of the
1838 Senate, and the speaker and the president shall jointly appoint one legislator from the minority
1839 party; or]~~

1840 [~~(ii) if the speaker of the House of Representatives and the president of the Senate
1841 jointly decide to appoint six legislative members to the commission:]~~

1842 [~~(A) the speaker of the House of Representatives shall appoint three members of the
1843 House of Representatives, no more than two of whom may be from the same political party;
1844 and]~~

1845 [~~(B) the president of the Senate shall appoint three members of the Senate, no more
1846 than two of whom may be from the same political party.]~~

1847 (2) (a) Except as provided in Subsection (2)(d), the executive director of the Huntsman
1848 Mental Health Institute is the chair of the [~~commission~~] committee.

1849 (b) The chair of the [~~commission~~] committee shall appoint a member of the
1850 [~~commission~~] committee to serve as the vice chair of the [~~commission~~] committee, with the
1851 approval of the [~~commission~~] committee.

1852 (c) The chair of the [~~commission~~] committee shall set the agenda for each
1853 [~~commission~~] committee meeting.

1854 (d) If the executive director of the Huntsman Mental Health Institute is not available to

1855 serve as the chair of the ~~[commission]~~ committee, the ~~[commission]~~ committee shall elect a
1856 chair from among the ~~[commission's]~~ committee's members.

1857 (3) (a) A majority of the members of the ~~[commission]~~ committee constitutes a
1858 quorum.

1859 (b) The action of a majority of a quorum constitutes the action of the ~~[commission]~~
1860 committee.

1861 (4) ~~[(a) Except as provided in Subsection (4)(b), a]~~ A member may not receive
1862 compensation, benefits, per diem, or travel expenses for the member's service on the
1863 ~~[commission]~~ committee.

1864 ~~[(b) Compensation and expenses of a member who is a legislator are governed by~~
1865 ~~Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.]~~

1866 (5) The Office of the Attorney General shall provide staff support to the ~~[commission]~~
1867 committee.

1868 Section 32. Section **63C-18-203** is amended to read:

1869 **63C-18-203. Committee duties -- Reporting requirements.**

1870 (1) ~~[The commission]~~ Under the direction of the Utah Behavioral Health Commission
1871 created in Section 26B-5-702, the committee shall:

1872 (a) identify a method to integrate existing local mental health crisis lines to ensure each
1873 individual who accesses a local mental health crisis line is connected to a qualified mental or
1874 behavioral health professional, regardless of the time, date, or number of individuals trying to
1875 simultaneously access the local mental health crisis line;

1876 (b) study how to establish and implement a statewide mental health crisis line and a
1877 statewide warm line, including identifying:

1878 (i) a statewide phone number or other means for an individual to easily access the
1879 statewide mental health crisis line, including a short code for text messaging and a three-digit
1880 number for calls;

1881 (ii) a statewide phone number or other means for an individual to easily access the
1882 statewide warm line, including a short code for text messaging and a three-digit number for
1883 calls;

1884 (iii) a supply of:

1885 (A) qualified mental or behavioral health professionals to staff the statewide mental

1886 health crisis line; and
1887 (B) qualified mental or behavioral health professionals or certified peer support
1888 specialists to staff the statewide warm line; and
1889 (iv) a funding mechanism to operate and maintain the statewide mental health crisis
1890 line and the statewide warm line;
1891 (c) coordinate with local mental health authorities in fulfilling the [~~commission's~~
1892 committee's duties described in Subsections (1)(a) and (b);
1893 (d) recommend standards for the certifications described in Section 26B-5-610; and
1894 (e) coordinate services provided by local mental health crisis lines and mobile crisis
1895 outreach teams, as defined in Section 62A-15-1401.
1896 (2) The [~~commission~~] committee shall study and make recommendations regarding:
1897 (a) crisis line practices and needs, including:
1898 (i) quality and timeliness of service;
1899 (ii) service volume projections;
1900 (iii) a statewide assessment of crisis line staffing needs, including required
1901 certifications; and
1902 (iv) a statewide assessment of technology needs;
1903 (b) primary duties performed by crisis line workers;
1904 (c) coordination or redistribution of secondary duties performed by crisis line workers,
1905 including responding to non-emergency calls;
1906 (d) operating the statewide 988 hotline:
1907 (i) in accordance with federal law;
1908 (ii) to ensure the efficient and effective routing of calls to an appropriate crisis center;
1909 and
1910 (iii) to directly respond to calls with trained personnel and the provision of acute
1911 mental health, crisis outreach, and stabilization services;
1912 (e) opportunities to increase operational and technological efficiencies and
1913 effectiveness between 988 and 911, utilizing current technology;
1914 (f) needs for interoperability partnerships and policies related to 911 call transfers and
1915 public safety responses;
1916 (g) standards for statewide mobile crisis outreach teams, including:

- 1917 (i) current models and projected needs;
- 1918 (ii) quality and timeliness of service;
- 1919 (iii) hospital and jail diversions; and
- 1920 (iv) staffing and certification;
- 1921 (h) resource centers, including:
- 1922 (i) current models and projected needs; and
- 1923 (ii) quality and timeliness of service;
- 1924 (i) policy considerations related to whether the state should:
- 1925 (i) manage, operate, and pay for a complete behavioral health system; or
- 1926 (ii) create partnerships with private industry; and
- 1927 (j) sustainable funding source alternatives, including:
- 1928 (i) charging a 988 fee, including a recommendation on the fee amount;
- 1929 (ii) General Fund appropriations;
- 1930 (iii) other government funding options;
- 1931 (iv) private funding sources;
- 1932 (v) grants;
- 1933 (vi) insurance partnerships, including coverage for support and treatment after initial
- 1934 call and triage; and
- 1935 (vii) other funding resources.
- 1936 (3) The ~~[commission]~~ committee may conduct other business related to the
- 1937 ~~[commission's]~~ committee's duties described in this section.
- 1938 (4) The ~~[commission]~~ committee shall consult with the Office of Substance Use and
- 1939 Mental Health regarding:
- 1940 (a) the standards and operation of the statewide mental health crisis line and the
- 1941 statewide warm line, in accordance with Section [26B-5-610](#); and
- 1942 (b) the incorporation of the statewide mental health crisis line and the statewide warm
- 1943 line into behavioral health systems throughout the state.
- 1944 (5) ~~[Beginning in 2023, by no later than the last interim meeting of the Health and~~
- 1945 ~~Human Services Interim Committee each year, the commission]~~ The committee shall report to
- 1946 the ~~[Health and Human Services Interim Committee]~~ Utah Behavioral Health Commission on
- 1947 the matters described in Subsections (1) and (2), including any recommendations, legislation

1948 proposals, and opportunities for behavioral health crisis response system improvement.

1949 Section 33. Section **63C-23-102** is amended to read:

1950 **CHAPTER 23. EDUCATION AND MENTAL HEALTH COORDINATING**
1951 **COMMITTEE**

1952 **63C-23-102. Definitions.**

1953 As used in this chapter:

1954 (1) [~~Council~~] "Committee" means the Education and Mental Health Coordinating
1955 [~~Council~~] Committee created in Section **63C-23-201**.

1956 (2) "Local education agency" or "LEA" means the same as that term is defined in
1957 Section **53E-1-102**.

1958 (3) "Local mental health authority" means a local mental health authority described in
1959 Section **17-43-301**.

1960 (4) "Local substance abuse authority" means a local substance abuse authority
1961 described in Section **17-43-201**.

1962 Section 34. Section **63C-23-201** is amended to read:

1963 **Part 2. Education and Mental Health Coordinating Committee**

1964 **63C-23-201. Education and Mental Health Coordinating Committee --**

1965 **Membership -- Quorum and voting requirements -- Compensation -- Staff support.**

1966 (1) [~~There~~] Under the direction of the Utah Behavioral Health Commission created in
1967 Section **26B-5-702**, there is created the Education and Mental Health Coordinating [~~Council~~]
1968 Committee to:

1969 (a) provide action-oriented guidance to legislative and other state leaders on how to
1970 meet the behavioral health needs, including mental health and substance use issues, facing
1971 youth and families within the state; and

1972 (b) ensure close collaboration and alignment with existing statewide behavioral health
1973 efforts and groups, including:

1974 (i) the Behavioral Health Crisis Response [~~Commission~~] Committee created in Section
1975 **63C-18-202**; and

1976 (ii) the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee created
1977 in Section **63M-7-301**.

1978 (2) The [~~council~~] committee consists of the following members:

- 1979 (a) a member of the House of Representatives whom the speaker of the House of
1980 Representatives appoints;
- 1981 (b) a member of the Senate whom the president of the Senate appoints;
- 1982 (c) an individual with expertise in behavioral health whom the governor appoints;
- 1983 (d) the state superintendent of public instruction appointed under Section 53E-3-301 or
1984 the state superintendent's designee;
- 1985 (e) the chief executive officer of the Huntsman Mental Health Institute at the
1986 University of Utah or the chief executive officer's designee;
- 1987 (f) the director of the Division of Substance Abuse and Mental Health or the director's
1988 designee;
- 1989 (g) the commissioner of higher education appointed under Section 53B-1-408 or the
1990 commissioner's designee; and
- 1991 (h) the following individuals whom the president of the Senate and the speaker of the
1992 House of Representatives jointly appoint:
- 1993 (i) a community-oriented behavioral health leader from the private sector;
- 1994 (ii) the president or chief executive officer of an association that represents hospitals
1995 within the state;
- 1996 (iii) a community health executive from an academic medical system;
- 1997 (iv) a community health executive from an integrated healthcare system;
- 1998 (v) the president or chief executive officer of a nonprofit organization that provides
1999 comprehensive mental health care to children and families across the socioeconomic spectrum;
2000 and
- 2001 (vi) a mental health research expert.
- 2002 (3) (a) The members described in Subsections (2)(a) and (2)(h)(i) shall serve as
2003 co-chairs of the ~~[council]~~ committee.
- 2004 (b) A ~~[council]~~ committee member whom the speaker of the House of Representatives
2005 and the president of the Senate jointly appoint under Subsection (2)(h), and the ~~[council]~~
2006 committee member whom the governor appoints under Subsection (2)(c), shall serve a term of
2007 two years.
- 2008 (c) The speaker of the House of Representatives, the president of the Senate, and the
2009 governor shall:

2010 (i) make the initial appointments described in Subsection (2) before July 1, 2021; and

2011 (ii) make appointments for subsequent terms for the [council] committee positions

2012 described in Subsection (2)(b) before July 1 of each odd-numbered year, by:

2013 (A) reappointing the [council] committee member whose term expires under

2014 Subsection (3)(b); or

2015 (B) appointing a new [council] committee member.

2016 (d) The speaker of the House of Representatives and the president of the Senate may
2017 change the appointment described in Subsections (2)(a) and (b) at any time.

2018 (4) (a) The salary and expenses of a [council] committee member who is a legislator
2019 shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,
2020 Legislator Compensation.

2021 (b) A [council] committee member who is not a legislator:

2022 (i) may not receive compensation or benefits for the member's service on the [council]
2023 committee; and

2024 (ii) may receive per diem and reimbursement for travel expenses that the [council]
2025 committee member incurs as a [council] committee member at the rates that the Division of
2026 Finance establishes under:

2027 (A) Sections 63A-3-106 and 63A-3-107; and

2028 (B) rules that the Division of Finance makes under Sections 63A-3-106 and
2029 63A-3-107.

2030 (5) (a) A majority of the [council] committee members constitutes a quorum.

2031 (b) The action of a majority of a quorum constitutes an action of the [council]
2032 committee.

2033 (6) The Office of Legislative Research and General Counsel shall provide staff support
2034 to the [council] committee.

2035 Section 35. Section 63C-23-202 is amended to read:

2036 **63C-23-202. Committee duties -- Reporting requirements.**

2037 (1) The [council] committee shall:

2038 (a) meet at least twice per quarter; and

2039 (b) make findings and recommendations to:

2040 (i) generate a common framework for preventing and addressing mild, moderate, and

2041 serious behavioral health concerns that youth within the state face;

2042 (ii) clarify roles among LEAs, local mental health authorities, local substance abuse
2043 authorities, and other behavioral health partners regarding the practical and legal obligations of
2044 screening, assessment, and the provision of care; and

2045 (iii) facilitate joint development of state and local plans among LEAs, local mental
2046 health authorities, local substance abuse authorities, and other behavioral health partners that:

2047 (A) describe how the entities will collaborate to meet the behavioral health needs of
2048 youth within the state; and

2049 (B) provide clarity and consistency in the standardization, collection, analysis, and
2050 application of behavioral health-related data to drive improvement.

2051 (2) At least once per quarter, the ~~[council]~~ committee co-chairs shall report to the
2052 speaker of the House of Representatives and the president of the Senate regarding the findings
2053 and recommendations described in Subsection (1)(b).

2054 (3) ~~[At or before the November interim meeting, the council]~~ On or before July 31 of
2055 each year, the committee shall report the ~~[council's]~~ committee's findings and recommendations
2056 described in Subsection (1)(b) to the ~~[Education Interim Committee and the Health and Human~~
2057 ~~Services Interim Committee]~~ Utah Behavioral Health Commission.

2058 Section 36. Section **63I-1-226 (Superseded 07/01/24)** is amended to read:

2059 **63I-1-226 (Superseded 07/01/24). Repeal dates: Titles 26A through 26B.**

2060 (1) Subsection **26B-1-204(2)(i)**, related to the Primary Care Grant Committee, is
2061 repealed July 1, 2025.

2062 (2) Section **26B-1-315**, which creates the Medicaid Expansion Fund, is repealed July 1,
2063 2024.

2064 (3) Section **26B-1-319**, which creates the Neuro-Rehabilitation Fund, is repealed
2065 January 1, 2025.

2066 (4) Section **26B-1-320**, which creates the Pediatric Neuro-Rehabilitation Fund, is
2067 repealed January 1, 2025.

2068 (5) Subsection **26B-1-324(4)**, the language that states "the Behavioral Health Crisis
2069 Response [~~Commission~~] Committee, as defined in Section **63C-18-202**," is repealed December
2070 31, 2026.

2071 (6) Subsection **26B-1-329(6)**, related to the Behavioral Health Crisis Response

2072 [~~Commission~~] Committee, is repealed December 31, 2026.

2073 (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is
2074 repealed July 1, 2026.

2075 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is
2076 repealed July 1, 2025.

2077 (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed
2078 July 1, 2025.

2079 (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program
2080 Advisory Council, is repealed July 1, 2025.

2081 (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is
2082 repealed July 1, 2025.

2083 (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric
2084 Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.

2085 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
2086 repealed July 1, 2029.

2087 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
2088 Other Drug Prevention Program, is repealed July 1, 2025.

2089 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with
2090 Disabilities, is repealed July 1, 2027.

2091 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating
2092 Council, is repealed July 1, 2023.

2093 (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is
2094 repealed July 1, 2026.

2095 (18) Section 26B-1-434, regarding the Correctional Postnatal and Early Childhood
2096 Advisory Board, is repealed July 1, 2026.

2097 (19) Section 26B-2-407, related to drinking water quality in child care centers, is
2098 repealed July 1, 2027.

2099 (20) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is
2100 repealed July 1, 2028.

2101 (21) Section 26B-3-136, which creates the Children's Health Care Coverage Program,
2102 is repealed July 1, 2025.

2103 (22) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention
2104 Program, is repealed June 30, 2027.

2105 (23) Subsection 26B-3-213(2), the language that states "[and] In consultation with the
2106 Behavioral Health Crisis Response [~~Commission~~] Committee created in Section 63C-18-202"
2107 is repealed December 31, 2026.

2108 (24) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review
2109 Board, are repealed July 1, 2027.

2110 (25) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,
2111 2024.

2112 (26) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
2113 repealed July 1, 2024.

2114 (27) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,
2115 2028.

2116 (28) Section 26B-3-910, regarding alternative eligibility, is repealed July 1, 2028.

2117 (29) Section 26B-4-136, related to the Volunteer Emergency Medical Service
2118 Personnel Health Insurance Program, is repealed July 1, 2027.

2119 (30) Section 26B-4-710, related to rural residency training programs, is repealed July 1,
2120 2025.

2121 (31) Subsections 26B-5-112(1) and (5), the language that states "In consultation with
2122 the Behavioral Health Crisis Response [~~Commission~~] Committee, established in Section
2123 63C-18-202," is repealed December 31, 2026.

2124 (32) Section 26B-5-112.5 is repealed December 31, 2026.

2125 (33) Section 26B-5-114, related to the Behavioral Health Receiving Center Grant
2126 Program, is repealed December 31, 2026.

2127 (34) Section 26B-5-118, related to collaborative care grant programs, is repealed
2128 December 31, 2024.

2129 (35) Section 26B-5-120 is repealed December 31, 2026.

2130 (36) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:

2131 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and

2132 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are
2133 repealed.

2134 (37) In relation to the Behavioral Health Crisis Response [~~Commission~~] Committee, on
2135 December 31, 2026:

2136 (a) Subsection [26B-5-609\(1\)\(a\)](#) is repealed;

2137 (b) Subsection [26B-5-609\(3\)\(a\)](#), the language that states "With recommendations from
2138 the [~~commission~~] committee," is repealed;

2139 (c) Subsection [26B-5-610\(1\)\(b\)](#) is repealed;

2140 (d) Subsection [26B-5-610\(2\)\(b\)](#), the language that states "and in consultation with the
2141 [~~commission~~] committee," is repealed; [~~and~~]

2142 (e) Subsection [26B-5-610\(4\)](#), the language that states "In consultation with the
2143 [~~commission~~] committee," is repealed[~~;~~]; and

2144 (f) Subsection [26B-5-704\(2\)\(a\)](#) is repealed.

2145 [~~(38)~~] Subsections [26B-5-611\(1\)\(a\)](#) and (10), in relation to the Utah Substance Use and
2146 Mental Health Advisory Council, are repealed January 1, 2033.]

2147 [~~(39)~~] (38) Section [26B-5-612](#), related to integrated behavioral health care grant
2148 programs, is repealed December 31, 2025.

2149 (39) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July
2150 1, 2029.

2151 (40) Subsection [26B-5-704\(2\)\(b\)](#), related to the Education and Mental Health
2152 Coordinating Committee, is repealed December 31, 2024.

2153 [~~(40)~~] (41) Subsection [26B-7-119\(5\)](#), related to reports to the Legislature on the
2154 outcomes of the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

2155 [~~(41)~~] (42) Section [26B-7-224](#), related to reports to the Legislature on violent incidents
2156 and fatalities involving substance abuse, is repealed December 31, 2027.

2157 [~~(42)~~] (43) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
2158 2024.

2159 [~~(43)~~] (44) Section [26B-8-513](#), related to identifying overuse of non-evidence-based
2160 health care, is repealed December 31, 2023.

2161 Section 37. Section **63I-1-226 (Effective 07/01/24)** is amended to read:

2162 **63I-1-226 (Effective 07/01/24). Repeal dates: Titles 26A through 26B.**

2163 (1) Subsection [26B-1-204\(2\)\(i\)](#), related to the Primary Care Grant Committee, is
2164 repealed July 1, 2025.

2165 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
2166 2024.

2167 (3) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed
2168 January 1, 2025.

2169 (4) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is
2170 repealed January 1, 2025.

2171 (5) Subsection 26B-1-324(4), the language that states "the Behavioral Health Crisis
2172 Response [~~Commission~~] Committee, as defined in Section 63C-18-202," is repealed December
2173 31, 2026.

2174 (6) Subsection 26B-1-329(6), related to the Behavioral Health Crisis Response
2175 [~~Commission~~] Committee, is repealed December 31, 2026.

2176 (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is
2177 repealed July 1, 2026.

2178 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is
2179 repealed July 1, 2025.

2180 (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed
2181 July 1, 2025.

2182 (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program
2183 Advisory Council, is repealed July 1, 2025.

2184 (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is
2185 repealed July 1, 2025.

2186 (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric
2187 Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.

2188 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
2189 repealed July 1, 2029.

2190 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
2191 Other Drug Prevention Program, is repealed July 1, 2025.

2192 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with
2193 Disabilities, is repealed July 1, 2027.

2194 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating
2195 Council, is repealed July 1, 2023.

2196 (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is
2197 repealed July 1, 2026.

2198 (18) Section 26B-1-434, regarding the Correctional Postnatal and Early Childhood
2199 Advisory Board, is repealed July 1, 2026.

2200 (19) Section 26B-2-407, related to drinking water quality in child care centers, is
2201 repealed July 1, 2027.

2202 (20) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is
2203 repealed July 1, 2028.

2204 (21) Section 26B-3-136, which creates the Children's Health Care Coverage Program,
2205 is repealed July 1, 2025.

2206 (22) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention
2207 Program, is repealed June 30, 2027.

2208 (23) Subsection 26B-3-213(2), the language that states "[and] In consultation with the
2209 Behavioral Health Crisis Response [~~Commission~~] Committee created in Section 63C-18-202"
2210 is repealed December 31, 2026.

2211 (24) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review
2212 Board, are repealed July 1, 2027.

2213 (25) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,
2214 2024.

2215 (26) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
2216 repealed July 1, 2024.

2217 (27) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,
2218 2028.

2219 (28) Section 26B-3-910, regarding alternative eligibility, is repealed July 1, 2028.

2220 (29) Section 26B-4-710, related to rural residency training programs, is repealed July 1,
2221 2025.

2222 (30) Subsections 26B-5-112(1) and (5), the language that states "In consultation with
2223 the Behavioral Health Crisis Response [~~Commission~~] Committee, established in Section
2224 63C-18-202," is repealed December 31, 2026.

2225 (31) Section 26B-5-112.5 is repealed December 31, 2026.

2226 (32) Section 26B-5-114, related to the Behavioral Health Receiving Center Grant

2227 Program, is repealed December 31, 2026.

2228 (33) Section [26B-5-118](#), related to collaborative care grant programs, is repealed
2229 December 31, 2024.

2230 (34) Section [26B-5-120](#) is repealed December 31, 2026.

2231 (35) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:

2232 (a) Subsection [26B-5-606\(2\)\(a\)\(i\)](#), the language that states "and" is repealed; and

2233 (b) Subsections [26B-5-606\(2\)\(a\)\(ii\)](#), [26B-5-606\(2\)\(b\)](#), and [26B-5-606\(2\)\(c\)](#) are
2234 repealed.

2235 (36) In relation to the Behavioral Health Crisis Response [~~Commission~~] Committee, on
2236 December 31, 2026:

2237 (a) Subsection [26B-5-609\(1\)\(a\)](#) is repealed;

2238 (b) Subsection [26B-5-609\(3\)\(a\)](#), the language that states "With recommendations from
2239 the [~~commission~~] committee," is repealed;

2240 (c) Subsection [26B-5-610\(1\)\(b\)](#) is repealed;

2241 (d) Subsection [26B-5-610\(2\)\(b\)](#), the language that states "and in consultation with the
2242 [~~commission~~] committee," is repealed; [~~and~~]

2243 (e) Subsection [26B-5-610\(4\)](#), the language that states "In consultation with the
2244 [~~commission~~] committee," is repealed[~~;~~]; and

2245 (f) Subsection [26B-5-704\(2\)\(a\)](#) is repealed.

2246 [~~(37) Subsections [26B-5-611\(1\)\(a\)](#) and (10), in relation to the Utah Substance Use and
2247 Mental Health Advisory Council, are repealed January 1, 2033.~~]

2248 [~~(38)~~] (37) Section [26B-5-612](#), related to integrated behavioral health care grant
2249 programs, is repealed December 31, 2025.

2250 (38) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July
2251 1, 2029.

2252 (39) Subsection [26B-5-704\(2\)\(b\)](#), related to the Education and Mental Health
2253 Coordinating Committee, is repealed December 31, 2024.

2254 [~~(39)~~] (40) Subsection [26B-7-119\(5\)](#), related to reports to the Legislature on the
2255 outcomes of the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

2256 [~~(40)~~] (41) Section [26B-7-224](#), related to reports to the Legislature on violent incidents
2257 and fatalities involving substance abuse, is repealed December 31, 2027.

2258 [(41)] (42) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
2259 2024.

2260 [(42)] (43) Section 26B-8-513, related to identifying overuse of non-evidence-based
2261 health care, is repealed December 31, 2023.

2262 Section 38. Section 63I-1-232 is amended to read:

2263 **63I-1-232. Repeal dates: Title 32A through 32B.**

2264 In relation to the Utah Substance Use and Mental Health Advisory [~~Council~~]
2265 Committee, on January 1, 2033:

2266 (1) Subsection 32B-2-306(1)(a) is repealed;

2267 (2) Subsection 32B-2-306(4), the language that states "advisory [~~council~~] committee"
2268 is repealed and replaced with "department";

2269 (3) Subsections 32B-2-306(4)(b) and (e) are repealed;

2270 (4) Subsection 32B-2-306(5)(a), the language that states "in cooperation with the
2271 advisory [~~council~~] committee" is repealed;

2272 (5) Subsection 32B-2-306(5)(b) is amended to read:

2273 "(b) The department shall:

2274 (i) prepare a plan detailing the intended use of the money appropriated under this
2275 section; and

2276 (ii) conduct the media and education campaign in accordance with the guidelines
2277 created by the department under Subsection (4)(c).";

2278 (6) Subsection 32B-2-402(1)(b) is repealed;

2279 (7) Sections 32B-2-404 and 32B-2-405, the language that states "advisory [~~council~~]
2280 committee" is repealed and replaced with "department";

2281 (8) Subsection 32B-2-405(2), the language that states "by a majority vote" is repealed;
2282 and

2283 (9) Subsection 32B-2-405(4)(a)(i), the language that states "majority vote of" is
2284 repealed.

2285 Section 39. Section 63I-1-263 is amended to read:

2286 **63I-1-263. Repeal dates: Titles 63A to 63N.**

2287 (1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
2288 improvement funding, is repealed July 1, 2024.

- 2289 (2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
2290 2023.
- 2291 (3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
2292 Committee, are repealed July 1, 2023.
- 2293 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
2294 1, 2028.
- 2295 (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
2296 2025.
- 2297 (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
2298 2024.
- 2299 (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
2300 repealed July 1, 2023.
- 2301 (8) [~~Title 63C, Chapter 18, Behavioral Health Crisis Response Commission~~] [Title 63C,](#)
2302 [Chapter 18, Behavioral Health Crisis Response Committee](#), is repealed December 31, 2026.
- 2303 (9) [~~Title 63C, Chapter 23, Education and Mental Health Coordinating Council~~] [Title](#)
2304 [63C, Chapter 23, Education and Mental Health Coordinating Committee](#), is repealed [~~July 1,~~
2305 ~~2026~~] [December 31, 2024](#).
- 2306 (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 2307 (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 2308 (12) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December
2309 31, 2024.
- 2310 (13) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is
2311 repealed on July 1, 2028.
- 2312 (14) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
2313 Advisory Board, is repealed July 1, 2026.
- 2314 (15) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
2315 2028.
- 2316 (16) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
2317 2024.
- 2318 (17) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 2319 (18) Subsection [63J-1-602.2\(25\)](#), related to the Utah Seismic Safety Commission, is

2320 repealed January 1, 2025.

2321 (19) Section [63L-11-204](#), creating a canyon resource management plan to Provo
2322 Canyon, is repealed July 1, 2025.

2323 (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is
2324 repealed July 1, 2027.

2325 (21) In relation to the Utah Substance Use and Mental Health Advisory [~~Council~~]
2326 Committee, on January 1, 2033[~~-(a)~~], Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#),
2327 [63M-7-304](#), and [63M-7-306](#) are repealed[;].

2328 [~~(b) Section [63M-7-305](#), the language that states "council" is replaced with~~
2329 "commission";]

2330 [~~(c) Subsection [63M-7-305](#)(1)(a) is repealed and replaced with:~~]

2331 [~~"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and]~~

2332 [~~(d) Subsection [63M-7-305](#)(2) is repealed and replaced with:~~]

2333 [~~"(2) The commission shall:~~

2334 [~~(a) provide ongoing oversight of the implementation, functions, and evaluation of the~~
2335 ~~Drug-Related Offenses Reform Act; and]~~

2336 [~~(b) coordinate the implementation of Section [77-18-104](#) and related provisions in~~
2337 ~~Subsections [77-18-103](#)(2)(c) and (d)."~~]

2338 (22) The Crime Victim Reparations and Assistance Board, created in Section
2339 [63M-7-504](#), is repealed July 1, 2027.

2340 (23) Title 63M, Chapter 7, Part 8, Sex Offense Management Board, is repealed July 1,
2341 2026.

2342 (24) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

2343 (25) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is repealed
2344 January 1, 2025.

2345 (26) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

2346 (27) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed July
2347 1, 2028.

2348 (28) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is repealed
2349 July 1, 2027.

2350 (29) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is

2351 repealed July 1, 2025.

2352 (30) In relation to the Rural Employment Expansion Program, on July 1, 2028:

2353 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;

2354 and

2355 (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion
2356 Program, is repealed.

2357 (31) In relation to the Board of Tourism Development, on July 1, 2025:

2358 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;

2359 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is
2360 repealed and replaced with "Utah Office of Tourism";

2361 (c) Subsection 63N-7-101(1), which defines "board," is repealed;

2362 (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive
2363 approval from the Board of Tourism Development, is repealed; and

2364 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

2365 (32) Subsection 63N-8-103(3)(c), which allows the Governor's Office of Economic
2366 Opportunity to issue an amount of tax credit certificates only for rural productions, is repealed
2367 on July 1, 2024.

2368 Section 40. Section 63M-7-202 is amended to read:

2369 **63M-7-202. Composition -- Appointments -- Ex officio members -- Terms --**
2370 **United States Attorney as nonvoting member.**

2371 (1) The State Commission on Criminal and Juvenile Justice is composed of 26 voting
2372 members as follows:

2373 (a) the chief justice of the supreme court, as the presiding officer of the judicial
2374 council, or a judge designated by the chief justice;

2375 (b) the state court administrator or the state court administrator's designee;

2376 (c) the executive director of the Department of Corrections or the executive director's
2377 designee;

2378 (d) the executive director of the Department of Health and Human Services or the
2379 executive director's designee;

2380 (e) the commissioner of the Department of Public Safety or the commissioner's
2381 designee;

- 2382 (f) the attorney general or an attorney designated by the attorney general;
- 2383 (g) the president of the chiefs of police association or a chief of police designated by
- 2384 the association's president;
- 2385 (h) the president of the sheriffs' association or a sheriff designated by the association's
- 2386 president;
- 2387 (i) the chair of the Board of Pardons and Parole or a member of the Board of Pardons
- 2388 and Parole designated by the chair;
- 2389 (j) the chair of the Utah Sentencing Commission or a member of the Utah Sentencing
- 2390 Commission designated by the chair;
- 2391 (k) the chair of the Utah Substance Use and Mental Health Advisory [~~Council~~]
- 2392 Committee or a member of the Utah Substance Use and Mental Health Advisory [~~Council~~]
- 2393 Committee designated by the chair;
- 2394 (l) the chair of the Utah Board of Juvenile Justice or a member of the Utah Board of
- 2395 Juvenile Justice designated by the chair;
- 2396 (m) the chair of the Utah Victim Services Commission or a member of the Utah Victim
- 2397 Services Commission designated by the chair;
- 2398 (n) the chair of the Utah Council on Victims of Crime or a member of the Utah
- 2399 Council on Victims of Crime designated by the chair;
- 2400 (o) the executive director of the Salt Lake Legal Defender Association or an attorney
- 2401 designated by the executive director;
- 2402 (p) the chair of the Utah Indigent Defense Commission or a member of the Indigent
- 2403 Defense Commission designated by the chair;
- 2404 (q) the Salt Lake County District Attorney or an attorney designated by the district
- 2405 attorney; and
- 2406 (r) the following members designated to serve four-year terms:
- 2407 (i) a juvenile court judge, appointed by the chief justice, as presiding officer of the
- 2408 Judicial Council;
- 2409 (ii) a representative of the statewide association of public attorneys designated by the
- 2410 association's officers;
- 2411 (iii) one member of the House of Representatives who is appointed by the speaker of
- 2412 the House of Representatives; and

2413 (iv) one member of the Senate who is appointed by the president of the Senate.

2414 (2) The governor shall appoint the remaining five members to four-year staggered
2415 terms as follows:

2416 (a) one criminal defense attorney appointed from a list of three nominees submitted by
2417 the Utah State Bar Association;

2418 (b) one attorney who primarily represents juveniles in delinquency matters appointed
2419 from a list of three nominees submitted by the Utah Bar Association;

2420 (c) one representative of public education;

2421 (d) one citizen representative; and

2422 (e) a representative from a local faith who has experience with the criminal justice
2423 system.

2424 (3) In addition to the members designated under Subsections (1) and (2), the United
2425 States Attorney for the district of Utah or an attorney designated by the United States Attorney
2426 may serve as a nonvoting member.

2427 (4) In appointing the members under Subsection (2), the governor shall take into
2428 account the geographical makeup of the commission.

2429 Section 41. Section **63M-7-301** is amended to read:

2430 **Part 3. Utah Substance Use and Mental Health Advisory Committee**

2431 **63M-7-301. Definitions -- Creation of committee -- Membership -- Terms.**

2432 (1) (a) As used in this part, [~~“council”~~] “committee” means the Utah Substance Use and
2433 Mental Health Advisory [~~Council~~] Committee created in this section.

2434 (b) There is created within the governor's office the Utah Substance Use and Mental
2435 Health Advisory [~~Council~~] Committee.

2436 (2) The [~~council~~] committee shall be comprised of the following voting members:

2437 (a) the attorney general or the attorney general's designee;

2438 (b) one elected county official appointed by the Utah Association of Counties;

2439 (c) the commissioner of public safety or the commissioner's designee;

2440 (d) the director of the Division of Integrated Healthcare or the director's designee;

2441 (e) the state superintendent of public instruction or the superintendent's designee;

2442 (f) the executive director of the Department of Health and Human Services or the
2443 executive director's designee;

- 2444 (g) the executive director of the State Commission on Criminal and Juvenile Justice or
2445 the executive director's designee;
- 2446 (h) the executive director of the Department of Corrections or the executive director's
2447 designee;
- 2448 (i) the director of the Division of Juvenile Justice and Youth Services or the director's
2449 designee;
- 2450 (j) the director of the Division of Child and Family Services or the director's designee;
- 2451 (k) the chair of the Board of Pardons and Parole or the chair's designee;
- 2452 (l) the director of the Office of Multicultural Affairs or the director's designee;
- 2453 (m) the director of the Division of Indian Affairs or the director's designee;
- 2454 (n) the state court administrator or the state court administrator's designee;
- 2455 (o) one district court judge who presides over a drug court and who is appointed by the
2456 chief justice of the Utah Supreme Court;
- 2457 (p) one district court judge who presides over a mental health court and who is
2458 appointed by the chief justice of the Utah Supreme Court;
- 2459 (q) one juvenile court judge who presides over a drug court and who is appointed by
2460 the chief justice of the Utah Supreme Court;
- 2461 (r) one prosecutor appointed by the Statewide Association of Prosecutors;
- 2462 (s) the chair or co-chair of each [~~committee~~] subcommittee established by the [~~council~~]
2463 committee;
- 2464 (t) the chair or co-chair of the Statewide Suicide Prevention [~~Coalition~~] Committee
2465 created under Subsection [26B-5-611\(3\)](#);
- 2466 (u) one representative appointed by the Utah League of Cities and Towns to serve a
2467 four-year term;
- 2468 (v) the chair of the Utah Victim Services Commission or the chair's designee;
- 2469 (w) the superintendent of the Utah State Hospital or the superintendent's designee;
- 2470 (x) the following members appointed by the governor to serve four-year terms:
- 2471 (i) one resident of the state who has been personally affected by a substance use or
2472 mental health disorder; and
- 2473 (ii) one citizen representative; and
- 2474 (y) in addition to the voting members described in Subsections (2)(a) through (x), the

2475 following voting members appointed by a majority of the members described in Subsections
2476 (2)(a) through (x) to serve four-year terms:

2477 (i) one resident of the state who represents a statewide advocacy organization for
2478 recovery from substance use disorders;

2479 (ii) one resident of the state who represents a statewide advocacy organization for
2480 recovery from mental illness;

2481 (iii) one resident of the state who represents a statewide advocacy organization for
2482 protection of rights of individuals with a disability;

2483 (iv) one resident of the state who represents prevention professionals;

2484 (v) one resident of the state who represents treatment professionals;

2485 (vi) one resident of the state who represents the physical health care field;

2486 (vii) one resident of the state who is a criminal defense attorney;

2487 (viii) one resident of the state who is a military servicemember or military veteran
2488 under Section [53B-8-102](#);

2489 (ix) one resident of the state who represents local law enforcement agencies;

2490 (x) one representative of private service providers that serve youth with substance use
2491 disorders or mental health disorders; and

2492 (xi) one resident of the state who is certified by the Division of Integrated Healthcare
2493 as a peer support specialist as described in Subsection [26B-5-102\(2\)\(h\)](#).

2494 (3) An individual other than an individual described in Subsection (2) may not be
2495 appointed as a voting member of the [~~council~~] committee.

2496 Section 42. Section **63M-7-302** is amended to read:

2497 **63M-7-302. Chair -- Vacancies -- Quorum -- Expenses.**

2498 (1) The Utah Substance Use and Mental Health Advisory [~~Council~~] Committee shall
2499 annually select one of its members to serve as chair and one of its members to serve as vice
2500 chair.

2501 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
2502 appointed for the unexpired term in the same manner as the position was originally filled.

2503 (3) A majority of the members of the [~~council~~] committee constitutes a quorum.

2504 (4) A member may not receive compensation or benefits for the member's service, but
2505 may receive per diem and travel expenses as allowed in:

- 2506 (a) Section [63A-3-106](#);
- 2507 (b) Section [63A-3-107](#); and
- 2508 (c) rules made by the Division of Finance according to Sections [63A-3-106](#) and
- 2509 [63A-3-107](#).
- 2510 (5) The ~~[council]~~ committee may establish ~~[committees]~~ subcommittees as needed to
- 2511 assist in accomplishing its duties under Section [63M-7-303](#).
- 2512 Section 43. Section **63M-7-303** is amended to read:
- 2513 **63M-7-303. Duties of committee.**
- 2514 (1) ~~[The]~~ Under the direction of the Utah Behavioral Health Commission created in
- 2515 Section [26B-5-702](#), the Utah Substance Use and Mental Health Advisory [Council] Committee
- 2516 shall:
- 2517 (a) provide leadership and generate unity for Utah's ongoing efforts to reduce and
- 2518 eliminate the impact of substance use and mental health disorders in Utah through a
- 2519 comprehensive and evidence-based prevention, treatment, and justice strategy;
- 2520 (b) recommend and coordinate the creation, dissemination, and implementation of
- 2521 statewide policies to address substance use and mental health disorders;
- 2522 (c) facilitate planning for a balanced continuum of substance use and mental health
- 2523 disorder prevention, treatment, and justice services;
- 2524 (d) promote collaboration and mutually beneficial public and private partnerships;
- 2525 (e) coordinate recommendations made by any ~~[committee]~~ subcommittee created under
- 2526 Section [63M-7-302](#);
- 2527 (f) analyze and provide an objective assessment of all proposed legislation concerning
- 2528 substance use, mental health, forensic mental health, and related issues;
- 2529 ~~[(g) coordinate the implementation of Section [77-18-104](#) and related provisions in~~
- 2530 ~~Subsections [77-18-103](#)(2)(c) and (d), as provided in Section [63M-7-305](#)];~~
- 2531 ~~[(h)]~~ (g) comply with Section [32B-2-306](#);
- 2532 ~~[(i) oversee coordination for the funding, implementation, and evaluation of suicide~~
- 2533 ~~prevention efforts described in Section [26B-5-611](#)];~~
- 2534 ~~[(j)]~~ (h) advise the Department of Health and Human Services regarding the state
- 2535 hospital admissions policy for individuals in the custody of the Department of Corrections;
- 2536 ~~[(k)]~~ (i) regarding the interaction between an individual with a mental illness or an

2537 intellectual disability and the civil commitment system, criminal justice system, or juvenile
 2538 justice system:

2539 (i) promote communication between and coordination among all agencies interacting
 2540 with the individual;

2541 (ii) study, evaluate, and recommend changes to laws and procedures;

2542 (iii) identify and promote the implementation of specific policies and programs to deal
 2543 fairly and efficiently with the individual; and

2544 (iv) promote judicial education;

2545 ~~(+)~~ (j) study the long-term need for adult patient staffed beds at the state hospital,
 2546 including:

2547 (i) the total number of staffed beds currently in use at the state hospital;

2548 (ii) the current staffed bed capacity at the state hospital;

2549 (iii) the projected total number of staffed beds needed in the adult general psychiatric
 2550 unit of the state hospital over the next three, five, and 10 years based on:

2551 (A) the state's current and projected population growth;

2552 (B) current access to mental health resources in the community; and

2553 (C) any other factors the ~~council~~ committee finds relevant to projecting the total
 2554 number of staffed beds; and

2555 (iv) the cost associated with the projected total number of staffed beds described in
 2556 Subsection ~~(+)(+)(iii)~~ (1)(j)(iii); and

2557 ~~(m)~~ (k) each year report on whether the pay of the state hospital's employees is
 2558 adequate based on market conditions.

2559 (2) The ~~council~~ committee shall meet quarterly or more frequently as determined
 2560 necessary by the chair.

2561 (3) The ~~council~~ committee shall report:

2562 (a) with the assistance and staff support from the state hospital, regarding the items
 2563 described in Subsections ~~(+)(+)~~ (1)(j) and ~~(m)~~ (k), including any recommendations, to the
 2564 ~~[Health and Human Services Interim Committee before October 1 of each year]~~ Utah
 2565 Behavioral Health Commission on or before July 31 of each year; and

2566 (b) any other recommendations annually to the commission, the governor, the
 2567 Legislature, and the Judicial Council.

2568 Section 44. Section **63M-7-304** is amended to read:

2569 **63M-7-304. Chair -- Vacancies -- Quorum -- Expenses.**

2570 (1) The members of each [~~committee~~] subcommittee established by the [~~council~~]

2571 committee shall annually select a chair or co-chairs from among the members of the

2572 [~~committee~~] subcommittee.

2573 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
2574 appointed for the unexpired term in the same manner as the position was originally filled.

2575 (3) A majority of the members of a [~~committee~~] subcommittee constitutes a quorum for
2576 the transaction of business by the [~~committee~~] subcommittee.

2577 (4) A member may not receive compensation or benefits for the member's service, but
2578 may receive per diem and travel expenses in accordance with:

2579 (a) Section [63A-3-106](#);

2580 (b) Section [63A-3-107](#); and

2581 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

2582 [63A-3-107](#).

2583 Section 45. Section **63M-7-306** is amended to read:

2584 **63M-7-306. Staffing.**

2585 The Commission on Criminal and Juvenile Justice shall provide staff to the [~~council~~]

2586 committee and any [~~committee~~] subcommittee established by the [~~council~~] committee.

2587 Section 46. Section **64-13-45** is amended to read:

2588 **64-13-45. Department reporting requirements.**

2589 (1) As used in this section:

2590 (a) (i) "In-custody death" means an inmate death that occurs while the inmate is in the
2591 custody of the department.

2592 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

2593 (A) being transported for medical care; or

2594 (B) receiving medical care outside of a correctional facility, other than a county jail.

2595 (b) "Inmate" means an individual who is processed or booked into custody or housed in
2596 the department or a correctional facility other than a county jail.

2597 (c) "Opiate" means the same as that term is defined in Section [58-37-2](#).

2598 (2) The department shall submit a report to the Commission on Criminal and Juvenile

2599 Justice, created in Section 63M-7-201, before June 15 of each year that includes:

2600 (a) the number of in-custody deaths that occurred during the preceding calendar year,
2601 including:

2602 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
2603 each of the in-custody deaths described in Subsection (2)(a); and

2604 (ii) the department's policy for notifying an inmate's next of kin after the inmate's
2605 in-custody death;

2606 (b) the department policies, procedures, and protocols:

2607 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
2608 including use of opiates;

2609 (ii) that relate to the department's provision, or lack of provision, of medications used
2610 to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all
2611 forms of buprenorphine and naltrexone; and

2612 (iii) that relate to screening, assessment, and treatment of an inmate for a substance use
2613 disorder or mental health disorder;

2614 (c) the number of inmates who gave birth and were restrained in accordance with
2615 Section 64-13-46, including:

2616 (i) the types of restraints used; and

2617 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the
2618 inmate, medical or corrections staff, or the public; and

2619 (d) any report the department provides or is required to provide under federal law or
2620 regulation relating to inmate deaths.

2621 (3) The Commission on Criminal and Juvenile Justice shall:

2622 (a) compile the information from the reports described in Subsection (2);

2623 (b) omit or redact any identifying information of an inmate in the compilation to the
2624 extent omission or redaction is necessary to comply with state and federal law; and

2625 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
2626 Committee and the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee
2627 before November 1 of each year.

2628 (4) The Commission on Criminal and Juvenile Justice may not provide access to or use
2629 the department's policies, procedures, or protocols submitted under this section in a manner or

2630 for a purpose not described in this section.

2631 Section 47. Section **77-18-102** is amended to read:

2632 **77-18-102. Definitions.**

2633 As used in this chapter:

2634 (1) "Assessment" means~~[, except as provided in Section 77-18-104,]~~ the same as the
2635 term "risk and needs assessment" in Section 77-1-3.

2636 (2) "Board" means the Board of Pardons and Parole.

2637 (3) "Civil accounts receivable" means the same as that term is defined in Section
2638 77-32b-102.

2639 (4) "Civil judgment of restitution" means the same as that term is defined in Section
2640 77-32b-102.

2641 (5) "Convicted" means the same as that term is defined in Section 76-3-201.

2642 (6) "Criminal accounts receivable" means the same as that term is defined in Section
2643 77-32b-102.

2644 (7) "Default" means the same as that term is defined in Section 77-32b-102.

2645 (8) "Delinquent" means the same as that term is defined in Section 77-32b-102.

2646 (9) "Department" means the Department of Corrections created in Section 64-13-2.

2647 (10) "Payment schedule" means the same as that term is defined in Section
2648 77-32b-102.

2649 (11) "Restitution" means the same as that term is defined in Section 77-38b-102.

2650 (12) "Screening" means~~[, except as provided in Section 77-18-104,]~~ a tool or
2651 questionnaire that is designed to determine whether an individual needs further assessment or
2652 any additional resource or referral for treatment.

2653 (13) "Substance use disorder treatment" means treatment obtained through a substance
2654 use disorder program that is licensed by the Office of Licensing within the Department of
2655 Health and Human Services.

2656 Section 48. Section **77-18-103** is amended to read:

2657 **77-18-103. Presentence investigation report -- Classification of presentence**
2658 **investigation report -- Evidence or other information at sentencing.**

2659 (1) Before the imposition of a sentence, the court may:

2660 (a) upon agreement of the defendant, continue the date for the imposition of the

2661 sentence for a reasonable period of time for the purpose of obtaining a presentence
2662 investigation report from the department or a law enforcement agency, or information from any
2663 other source about the defendant; and

2664 (b) if the defendant is convicted of a felony or a class A misdemeanor, request that the
2665 department or a law enforcement agency prepare a presentence investigation report for the
2666 defendant.

2667 (2) If a presentence investigation report is required under the standards established by
2668 the department described in Section 77-18-109, the presentence investigation report under
2669 Subsection (1) shall include:

2670 (a) any impact statement provided by a victim as described in Subsection
2671 77-38b-203(3)(c);

2672 (b) information on restitution as described in Subsections 77-38b-203(3)(a) and (b);

2673 ~~[(c) findings from any screening and any assessment of the defendant conducted under~~
2674 ~~Section 77-18-104;]~~

2675 ~~[(d)]~~ (c) recommendations for treatment for the defendant; and

2676 ~~[(e)]~~ (d) the number of days since the commission of the offense that the defendant has
2677 spent in the custody of the jail and the number of days, if any, the defendant was released to a
2678 supervised release program or an alternative incarceration program under Section 17-22-5.5.

2679 (3) The department or law enforcement agency shall provide the presentence
2680 investigation report to the defendant's attorney, or the defendant if the defendant is not
2681 represented by counsel, the prosecuting attorney, and the court for review within three working
2682 days before the day on which the defendant is sentenced.

2683 (4) (a) (i) If there is an alleged inaccuracy in the presentence investigation report that is
2684 not resolved by the parties and the department or law enforcement agency before sentencing:

2685 (A) the alleged inaccuracy shall be brought to the attention of the court at sentencing;
2686 and

2687 (B) the court may grant an additional 10 working days after the day on which the
2688 alleged inaccuracy is brought to the court's attention to allow the parties and the department to
2689 resolve the alleged inaccuracy in the presentence investigation report.

2690 (ii) If the court does not grant additional time under Subsection (4)(a)(i)(B), or the
2691 alleged inaccuracy cannot be resolved after 10 working days, and if the court finds that there is

2692 an inaccuracy in the presentence investigation report, the court shall:

2693 (A) enter a written finding as to the relevance and accuracy of the challenged portion of
2694 the presentence investigation report; and

2695 (B) provide the written finding to the Division of Adult Probation and Parole or the
2696 law enforcement agency.

2697 (b) The Division of Adult Probation and Parole shall attach the written finding to the
2698 presentence investigation report as an addendum.

2699 (c) If a party fails to challenge the accuracy of the presentence investigation report at
2700 the time of sentencing, the matter shall be considered waived.

2701 (5) The contents of the presentence investigation report are protected and not available
2702 except by court order for purposes of sentencing as provided by rule of the Judicial Council or
2703 for use by the department or law enforcement agency.

2704 (6) (a) A presentence investigation report is classified as protected in accordance with
2705 Title 63G, Chapter 2, Government Records Access and Management Act.

2706 (b) Notwithstanding Sections [63G-2-403](#) and [63G-2-404](#), the State Records Committee
2707 may not order the disclosure of a presentence investigation report.

2708 (7) Except for disclosure at the time of sentencing in accordance with this section, the
2709 department or law enforcement agency may disclose a presentence investigation only when:

2710 (a) ordered by the court in accordance with Subsection [63G-2-202\(7\)](#);

2711 (b) requested by a law enforcement agency or other agency approved by the department
2712 for purposes of supervision, confinement, and treatment of a defendant;

2713 (c) requested by the board;

2714 (d) requested by the subject of the presentence investigation report or the subject's
2715 authorized representative;

2716 (e) requested by the victim of the offense discussed in the presentence investigation
2717 report, or the victim's authorized representative, if the disclosure is only information relating
2718 to:

2719 (i) statements or materials provided by the victim;

2720 (ii) the circumstances of the offense, including statements by the defendant; or

2721 (iii) the impact of the offense on the victim or the victim's household; or

2722 (f) requested by a sex offender treatment provider:

2723 (i) who is certified to provide treatment under the certification program established in
2724 Subsection 64-13-25(2);

2725 (ii) who is providing, at the time of the request, sex offender treatment to the offender
2726 who is the subject of the presentence investigation report; and

2727 (iii) who provides written assurance to the department that the report:

2728 (A) is necessary for the treatment of the defendant;

2729 (B) will be used solely for the treatment of the defendant; and

2730 (C) will not be disclosed to an individual or entity other than the defendant.

2731 (8) (a) At the time of sentence, the court shall receive any testimony, evidence, or
2732 information that the defendant or the prosecuting attorney desires to present concerning the
2733 appropriate sentence.

2734 (b) Testimony, evidence, or information under Subsection (8)(a) shall be presented in
2735 open court on record and in the presence of the defendant.

2736 Section 49. **Repealer.**

2737 This bill repeals:

2738 Section 26B-3-138, **Behavioral health delivery working group.**

2739 Section 63C-18-101, **Title.**

2740 Section 63C-23-101, **Title.**

2741 Section 63M-7-305, **Drug-Related Offenses Reform Act -- Coordination.**

2742 Section 77-18-104, **Screening, assessment, and treatment.**

2743 Section 50. **Effective date.**

2744 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

2745 (2) The actions affecting Section 63I-1-226 (Effective 07/01/24) take effect on July 1,
2746 2024.