

Senator Evan J. Vickers proposes the following substitute bill:

BEHAVIORAL HEALTH SYSTEM AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill creates the Utah Behavioral Health Commission.

Highlighted Provisions:

This bill:

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



- 26 ▶ repeals the Behavioral Health Delivery Working Group;
- 27 ▶ repeals the Drug-related Offenses Reform Act; and
- 28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 [17-22-32](#), as last amended by Laws of Utah 2023, Chapter 408

36 [26B-1-324](#), as last amended by Laws of Utah 2023, Chapter 270 and renumbered and
37 amended by Laws of Utah 2023, Chapter 305

38 [26B-1-329](#), as renumbered and amended by Laws of Utah 2023, Chapter 305

39 [26B-1-425](#), as last amended by Laws of Utah 2023, Chapter 139 and renumbered and
40 amended by Laws of Utah 2023, Chapter 305

41 [26B-1-427](#), as renumbered and amended by Laws of Utah 2023, Chapter 305

42 [26B-1-428](#), as last amended by Laws of Utah 2023, Chapter 300 and renumbered and
43 amended by Laws of Utah 2023, Chapter 305

44 [26B-3-213](#), as renumbered and amended by Laws of Utah 2023, Chapter 306

45 [26B-3-223](#), as renumbered and amended by Laws of Utah 2023, Chapter 306

46 [26B-5-112](#), as renumbered and amended by Laws of Utah 2023, Chapter 308

47 [26B-5-112.5](#), as enacted by Laws of Utah 2023, Chapter 270

48 [26B-5-114](#), as last amended by Laws of Utah 2023, Chapter 270 and renumbered and
49 amended by Laws of Utah 2023, Chapter 308

50 [26B-5-120](#), as enacted by Laws of Utah 2023, Chapter 270

51 [26B-5-403](#), as renumbered and amended by Laws of Utah 2023, Chapter 308

52 [26B-5-609](#), as renumbered and amended by Laws of Utah 2023, Chapter 308

53 [26B-5-610](#), as renumbered and amended by Laws of Utah 2023, Chapter 308

54 [26B-5-611](#), as renumbered and amended by Laws of Utah 2023, Chapter 308

55 [32B-2-210](#), as last amended by Laws of Utah 2022, Chapter 447

56 [32B-2-306](#), as last amended by Laws of Utah 2021, Chapter 291

- 57 **32B-2-402**, as last amended by Laws of Utah 2022, Chapter 255
- 58 **32B-2-404**, as last amended by Laws of Utah 2014, Chapter 119
- 59 **32B-2-405**, as last amended by Laws of Utah 2016, Chapter 144
- 60 **32B-7-305**, as last amended by Laws of Utah 2022, Chapter 447
- 61 **53F-2-522**, as last amended by Laws of Utah 2023, Chapters 193, 328
- 62 **63C-18-102**, as last amended by Laws of Utah 2023, Chapter 329
- 63 **63C-18-202**, as last amended by Laws of Utah 2023, Chapters 270, 329
- 64 **63C-18-203**, as last amended by Laws of Utah 2023, Chapters 270, 329
- 65 **63C-23-102**, as last amended by Laws of Utah 2022, Chapter 274
- 66 **63C-23-201**, as enacted by Laws of Utah 2021, Chapter 171
- 67 **63C-23-202**, as enacted by Laws of Utah 2021, Chapter 171
- 68 **63I-1-226 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters
- 69 249, 269, 270, 275, 332, 335, 420, and 495 and repealed and reenacted by Laws of
- 70 Utah 2023, Chapter 329
- 71 **63I-1-226 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249,
- 72 269, 270, 275, 310, 332, 335, 420, and 495 and repealed and reenacted by Laws of
- 73 Utah 2023, Chapter 329 and last amended by Coordination Clause, Laws of Utah
- 74 2023, Chapters 329, 332
- 75 **63I-1-232**, as last amended by Laws of Utah 2022, Chapter 34
- 76 **63I-1-263**, as last amended by Laws of Utah 2023, Chapters 33, 47, 104, 109, 139, 155,
- 77 212, 218, 249, 270, 448, 489, and 534
- 78 **63M-7-202**, as last amended by Laws of Utah 2023, Chapter 150
- 79 **64-13-45**, as last amended by Laws of Utah 2019, Chapters 311, 385
- 80 **77-18-102**, as last amended by Laws of Utah 2023, Chapter 330
- 81 **77-18-103**, as last amended by Laws of Utah 2023, Chapter 155
- 82 ENACTS:
- 83 **26B-5-701**, Utah Code Annotated 1953
- 84 **26B-5-702**, Utah Code Annotated 1953
- 85 **26B-5-703**, Utah Code Annotated 1953
- 86 **26B-5-704**, Utah Code Annotated 1953
- 87 **26B-5-705**, Utah Code Annotated 1953

88 **26B-5-706**, Utah Code Annotated 1953

89 RENUMBERS AND AMENDS:

90 **26B-5-801**, (Renumbered from 63M-7-301, as last amended by Laws of Utah 2023,
91 Chapters 150, 266 and 330)

92 **26B-5-802**, (Renumbered from 63M-7-302, as last amended by Laws of Utah 2019,
93 Chapter 246)

94 **26B-5-803**, (Renumbered from 63M-7-303, as last amended by Laws of Utah 2023,
95 Chapters 266, 330 and 534 and last amended by Coordination Clause, Laws of Utah
96 2023, Chapter 330)

97 **26B-5-804**, (Renumbered from 63M-7-304, as last amended by Laws of Utah 2010,
98 Chapters 39, 286)

99 REPEALS:

100 **26B-3-138**, as renumbered and amended by Laws of Utah 2023, Chapter 306

101 **63C-18-101**, as last amended by Laws of Utah 2020, Chapter 303

102 **63C-23-101**, as enacted by Laws of Utah 2021, Chapter 171

103 **63M-7-305**, as last amended by Laws of Utah 2021, Chapter 260

104 **63M-7-306**, as last amended by Laws of Utah 2010, Chapter 39

105 **77-18-104**, as renumbered and amended by Laws of Utah 2021, Chapter 260

106

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

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

109 **17-22-32. County jail reporting requirements.**

110 (1) As used in this section:

111 (a) "Commission" means the State Commission on Criminal and Juvenile Justice
112 created in Section **63M-7-201**.

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

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

116 (A) being transported for medical care; or

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

118 (c) "Inmate" means an individual who is processed or booked into custody or housed in

119 a county jail in the state.

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

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

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

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

127 (c) the number of inmates booked into the county jail;

128 (d) the number of inmates held in the county jail each month on behalf of each of the
129 following entities:

130 (i) the Bureau of Indian Affairs;

131 (ii) a state prison;

132 (iii) a federal prison;

133 (iv) the United States Immigration and Customs Enforcement;

134 (v) any other entity with which a county jail has entered a contract to house inmates on
135 the entity's behalf;

136 (e) the number of inmates that are denied pretrial release and held in the custody of the
137 county jail while the inmate awaited final disposition of the inmate's criminal charges;

138 (f) for each inmate booked into the county jail:

139 (i) the name of the agency that arrested the inmate;

140 (ii) the date and time the inmate was booked into and released from the custody of the
141 county jail;

142 (iii) if the inmate was released from the custody of the county jail, the reason the
143 inmate was released from the custody of the county jail;

144 (iv) if the inmate was released from the custody of the county jail on a financial
145 condition, whether the financial condition was set by a county sheriff or a court;

146 (v) the number of days the inmate was held in the custody of the county jail before
147 disposition of the inmate's criminal charges;

148 (vi) whether the inmate was released from the custody of the county jail before final
149 disposition of the inmate's criminal charges; and

- 150 (vii) the state identification number of the inmate;
- 151 (g) the number of in-custody deaths that occurred at the county jail;
- 152 (h) for each in-custody death[;]:
- 153 (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or
- 154 disability, if any, of the deceased;
- 155 (ii) the date, time, and location of death;
- 156 (iii) the law enforcement agency that detained, arrested, or was in the process of
- 157 arresting the deceased; and
- 158 (iv) a brief description of the circumstances surrounding the death;
- 159 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
- 160 each of the in-custody deaths described in Subsection (2)(g);
- 161 (j) the county jail's policy for notifying an inmate's next of kin after the inmate's
- 162 in-custody death;
- 163 (k) the county jail policies, procedures, and protocols:
- 164 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
- 165 including use of opiates;
- 166 (ii) that relate to the county jail's provision, or lack of provision, of medications used to
- 167 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all
- 168 forms of buprenorphine and naltrexone; and
- 169 (iii) that relate to screening, assessment, and treatment of an inmate for a substance use
- 170 or mental health disorder; and
- 171 (l) any report the county jail provides or is required to provide under federal law or
- 172 regulation relating to inmate deaths.
- 173 (3) (a) Subsection (2) does not apply to a county jail if the county jail:
- 174 (i) collects and stores the data described in Subsection (2); and
- 175 (ii) enters into a memorandum of understanding with the commission that allows the
- 176 commission to access the data described in Subsection (2).
- 177 (b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include
- 178 a provision to protect any information related to an ongoing investigation and comply with all
- 179 applicable federal and state laws.
- 180 (c) If the commission accesses data from a county jail in accordance with Subsection

- 181 (3)(a), the commission may not release a report prepared from that data, unless:
- 182 (i) the commission provides the report for review to:
- 183 (A) the county jail; and
- 184 (B) any arresting agency that is named in the report; and
- 185 (ii) (A) the county jail approves the report for release;
- 186 (B) the county jail reviews the report and prepares a response to the report to be
- 187 published with the report; or
- 188 (C) the county jail fails to provide a response to the report within four weeks after the
- 189 day on which the commission provides the report to the county jail.
- 190 (4) The commission shall:
- 191 (a) compile the information from the reports described in Subsection (2);
- 192 (b) omit or redact any identifying information of an inmate in the compilation to the
- 193 extent omission or redaction is necessary to comply with state and federal law;
- 194 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
- 195 Committee and the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee
- 196 before November 1 of each year; and
- 197 (d) submit the compilation to the protection and advocacy agency designated by the
- 198 governor before November 1 of each year.
- 199 (5) The commission may not provide access to or use a county jail's policies,
- 200 procedures, or protocols submitted under this section in a manner or for a purpose not
- 201 described in this section.
- 202 (6) A report including only the names and causes of death of deceased inmates and the
- 203 facility in which they were being held in custody shall be made available to the public.

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

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

- 207 (1) There is created a restricted account within the General Fund known as the
- 208 "Statewide Behavioral Health Crisis Response Account," consisting of:
- 209 (a) money appropriated or otherwise made available by the Legislature; and
- 210 (b) contributions of money, property, or equipment from federal agencies, political
- 211 subdivisions of the state, or other persons.

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

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

219 (c) After consultation with the Behavioral Health Crisis Response [~~Commission~~]
220 Committee created in Section 63C-18-202, and local substance use authorities and local mental
221 health authorities described in Sections 17-43-201 and 17-43-301, the division shall expend
222 funds from the account on any of the following programs:

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

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

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

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

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

237 (vi) crisis intervention training for first responders, as that term is defined in Section
238 78B-4-501;

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

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

242 (ix) suicide prevention gatekeeper training for first responders, as that term is defined

243 in Section 78B-4-501.

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

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

249 (4) The division director shall submit and make available to the public a report before
250 December of each year to the Behavioral Health Crisis Response [~~Commission~~] Committee, as
251 defined in Section 63C-18-202, the Social Services Appropriations Subcommittee, and the
252 Legislative Management Committee that includes:

253 (a) the amount of each disbursement from the account;

254 (b) the recipient of each disbursement, the goods and services received, and a
255 description of the project funded by the disbursement;

256 (c) any conditions placed by the division on the disbursements from the account;

257 (d) the anticipated expenditures from the account for the next fiscal year;

258 (e) the amount of any unexpended funds carried forward;

259 (f) the number of Statewide Mental Health Crisis Line calls received;

260 (g) the progress towards accomplishing the goals of providing statewide mental health
261 crisis service; and

262 (h) other relevant justification for ongoing support from the account.

263 (5) Notwithstanding Subsection (2)(c), allocations made to local substance use
264 authorities and local mental health authorities for behavioral health receiving centers or mobile
265 crisis outreach teams before the end of fiscal year 2023 shall be maintained through fiscal year
266 2027, subject to appropriation.

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

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

269 (ii) "Mental health service provider" means a behavioral health receiving center or
270 mobile crisis outreach team.

271 (b) The department shall coordinate with each mental health service provider that
272 receives state funds to determine which health benefit plans, if any, have not contracted or have
273 refused to contract with the mental health service provider at usual and customary rates for the

274 services provided by the mental health service provider.

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

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

280 **26B-1-329. Mental Health Services Donation Fund.**

281 (1) As used in this section:

282 (a) "Mental health therapist" means the same as that term is defined in Section
283 [58-60-102](#).

284 (b) "Mental health therapy" means treatment or prevention of a mental illness,
285 including:

286 (i) conducting a professional evaluation of an individual's condition of mental health,
287 mental illness, or emotional disorder consistent with standards generally recognized by mental
288 health therapists;

289 (ii) establishing a diagnosis in accordance with established written standards generally
290 recognized by mental health therapists;

291 (iii) prescribing a plan or medication for the prevention or treatment of a condition of a
292 mental illness or an emotional disorder; and

293 (iv) engaging in the conduct of professional intervention, including psychotherapy by
294 the application of established methods and procedures generally recognized by mental health
295 therapists.

296 (c) "Qualified individual" means an individual who:

297 (i) is experiencing a mental health crisis; and

298 (ii) calls a local mental health crisis line as defined in Section [26B-5-610](#) or the
299 statewide mental health crisis line as defined in Section [26B-5-610](#).

300 (2) There is created an expendable special revenue fund known as the "Mental Health
301 Services Donation Fund."

302 (3) (a) The fund shall consist of:

303 (i) gifts, grants, donations, or any other conveyance of money that may be made to the
304 fund from public or private individuals or entities; and

305 (ii) interest earned on money in the fund.

306 (b) The Office of Substance Use and Mental Health shall administer the fund in
307 accordance with this section.

308 (4) The Office of Substance Use and Mental Health shall award fund money to an
309 entity in the state that provides mental health and substance use treatment for the purpose of:

310 (a) providing through telehealth or in-person services, mental health therapy to
311 qualified individuals;

312 (b) providing access to evaluations and coordination of short-term care to assist a
313 qualified individual in identifying services or support needs, resources, or benefits for which
314 the qualified individual may be eligible; and

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

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

318 (6) The Office of Substance Use and Mental Health shall provide an annual report to
319 the Behavioral Health Crisis Response [~~Commission~~] Committee, created in Section
320 [63C-18-202](#), regarding:

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

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

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

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

325 **26B-1-425. Utah Health Workforce Advisory Council -- Creation and**
326 **membership.**

327 (1) There is created within the department the Utah Health Workforce Advisory
328 Council.

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

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

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

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

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

- 336 (d) the state superintendent of the State Board of Education or that individual's
337 designee;
- 338 (e) the executive director of the Department of Commerce or that individual's designee;
- 339 (f) the director of the Division of Multicultural Affairs or that individual's designee;
- 340 (g) the director of the Utah Substance Use and Mental Health Advisory [~~Council~~
341 Committee] or that individual's designee;
- 342 (h) the chair of the Utah Indian Health Advisory Board; and
- 343 (i) the chair of the Utah Medical Education Council created in Section [26B-4-706](#).
- 344 (4) The executive director shall appoint at least five but not more than ten additional
345 members that represent diverse perspectives regarding Utah's health workforce as defined in
346 Section [~~26B-4-701~~] [26B-4-705](#).
- 347 (5) (a) A member appointed by the executive director under Subsection (4) shall serve
348 a four-year term.
- 349 (b) Notwithstanding Subsection (5)(a) for the initial appointments of members
350 described in Subsection (4) the executive director shall appoint at least three but not more than
351 five members to a two-year appointment to ensure that approximately half of the members
352 appointed by the executive director rotate every two years.
- 353 (6) The executive director or the executive director's designee shall chair the council.
- 354 (7) (a) As used in this Subsection (7), "health workforce" means the same as that term
355 is defined in Section [~~26B-4-706~~] [26B-4-705](#).
- 356 (b) The council shall:
- 357 (i) meet at least once each quarter;
- 358 (ii) study and provide recommendations to an entity described in Subsection (8)
359 regarding:
- 360 (A) health workforce supply;
- 361 (B) health workforce employment trends and demand;
- 362 (C) options for training and educating the health workforce;
- 363 (D) the implementation or improvement of strategies that entities in the state are using
364 or may use to address health workforce needs including shortages, recruitment, retention, and
365 other Utah health workforce priorities as determined by the council;
- 366 (iii) provide guidance to an entity described in Subsection (8) regarding health

367 workforce related matters;

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

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

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

373 (a) the Legislature;

374 (b) the department;

375 (c) the Department of Workforce Services;

376 (d) the Department of Commerce;

377 (e) the Utah Medical Education Council; and

378 (f) any other entity the council deems appropriate upon the entity's request.

379 (9) (a) The Utah Medical Education Council created in Section [26B-4-706](#) is a
380 subcommittee of the council.

381 (b) The council may establish subcommittees to support the work of the council.

382 (c) A member of the council shall chair a subcommittee created by the council.

383 (d) Except for the Utah Medical Education Council, the chair of the subcommittee may
384 appoint any individual to the subcommittee.

385 (10) For any report created by the council that pertains to any duty described in
386 Subsection (7), the council shall:

387 (a) provide the report to:

388 (i) the department; and

389 (ii) any appropriate legislative committee; and

390 (b) post the report on the council's website.

391 (11) The executive director shall:

392 (a) ensure the council has adequate staff to support the council and any subcommittee
393 created by the council; and

394 (b) provide any available information upon the council's request if:

395 (i) that information is necessary for the council to fulfill a duty described in Subsection
396 (7); and

397 (ii) the department has access to the information.

398 (12) A member of the council or a subcommittee created by the council may not
399 receive compensation or benefits for the member's service but may receive per diem and travel
400 expenses as allowed in:

- 401 (a) Section 63A-3-106;
- 402 (b) Section 63A-3-107; and
- 403 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
404 63A-3-107.

405 Section 5. Section 26B-1-427 is amended to read:

406 **26B-1-427. Alcohol Abuse Tracking Committee --Tracking effects of abuse of**
407 **alcoholic products.**

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

- 410 (a) the executive director or the executive director's designee;
- 411 (b) the commissioner of the Department of Public Safety or the commissioner's
412 designee;
- 413 (c) the director of the Department of Alcoholic Beverage Services or that director's
414 designee;
- 415 (d) the executive director of the Department of Workforce Services or that executive
416 director's designee;
- 417 (e) the chair of the Utah Substance Use and Mental Health Advisory [~~Council~~]
418 Committee or the chair's designee;
- 419 (f) the state court administrator or the state court administrator's designee; and
- 420 (g) the director of the Division of Technology Services or that director's designee.

421 (2) The executive director or the executive director's designee shall chair the
422 committee.

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

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

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

- 428 (a) with one meeting held each year to develop the report required under Subsection

429 (7); and

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

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

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

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

434 (c) the frequency of meetings.

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

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

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

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

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

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

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

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

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

455 **26B-1-428. Youth Electronic Cigarette, Marijuana, and Other Drug Prevention**
456 **Committee and Program -- Creation -- Membership -- Duties.**

457 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

474 (iii) implementing the provisions of the program.

475 (b) The executive director shall:

476 (i) appoint members of the committee; and

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

478 Committee created in Section [~~63M-7-301~~] 26B-5-801 when making the appointments under
479 Subsection (3)(b)(i).

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

481 (i) the executive director of a local health department as defined in Section 26A-1-102,
482 or the local health department executive director's designee;

483 (ii) one designee from the department;

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

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

486 (v) one representative from the education community.

487 (d) A member of the committee may not receive compensation or benefits for the
488 member's service on the committee, but may receive per diem and travel expenses in
489 accordance with:

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

- 491 (ii) Section [63A-3-107](#); and
- 492 (iii) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).
- 493 (e) The department shall provide staff support to the committee.
- 494 (4) On or before October 31 of each year, the department shall report to:
- 495 (a) the Health and Human Services Interim Committee regarding:
- 496 (i) the use of funds appropriated to the program;
- 497 (ii) the impact and results of the program, including the effectiveness of each program
- 498 funded under Subsection (2)(b)(iii), during the previous fiscal year;
- 499 (iii) a summary of the impacts and results on reducing youth use of electronic cigarettes
- 500 and nicotine products by entities represented by members of the committee, including those
- 501 entities who receive funding through the Electronic Cigarette Substance and Nicotine Product
- 502 Proceeds Restricted Account created in Section [59-14-807](#); and
- 503 (iv) any recommendations for legislation; and
- 504 (b) the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee created
- 505 in Section [~~63M-7-301~~] [26B-5-801](#), regarding:
- 506 (i) the effectiveness of each program funded under Subsection (2)(b)(iii) in preventing
- 507 youth use of electronic cigarettes, nicotine products, marijuana, and other drugs; and
- 508 (ii) any collaborative efforts and partnerships established by the program with public
- 509 and private entities to prevent youth use of electronic cigarettes, marijuana, and other drugs.
- 510 Section 7. Section **26B-3-213** is amended to read:
- 511 **26B-3-213. Medicaid waiver for mental health crisis lines and mobile crisis**
- 512 **outreach teams.**
- 513 (1) As used in this section:
- 514 (a) "Local mental health crisis line" means the same as that term is defined in Section
- 515 [26B-5-610](#).
- 516 (b) "Mental health crisis" means:
- 517 (i) a mental health condition that manifests itself in an individual by symptoms of
- 518 sufficient severity that a prudent layperson who possesses an average knowledge of mental
- 519 health issues could reasonably expect the absence of immediate attention or intervention to
- 520 result in:
- 521 (A) serious danger to the individual's health or well-being; or

522 (B) a danger to the health or well-being of others; or
523 (ii) a mental health condition that, in the opinion of a mental health therapist or the
524 therapist's designee, requires direct professional observation or the intervention of a mental
525 health therapist.

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

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

531 (A) local mental health crisis lines; and

532 (B) the statewide mental health crisis line.

533 (d) "Mental health therapist" means the same as that term is defined in Section
534 [58-60-102](#).

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

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

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

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

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

548 **26B-3-223. Delivery system adjustments for the targeted adult Medicaid**
549 **program.**

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

552 (2) The department may implement the delivery system adjustments authorized under

553 Subsection (3) only on the later of:

554 (a) July 1, 2023; and

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

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

561 (a) integrate the delivery of behavioral and physical health in certain counties; and

562 (b) deliver behavioral health services through an accountable care organization where
563 implemented.

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

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

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

570 (c) the local mental health authority and local substance abuse authority that serves the
571 county;

572 (d) Medicaid managed care organizations operating in the state, including Medicaid
573 accountable care organizations;

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

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

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

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

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

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

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

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

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

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

591 **26B-5-112. Mobile crisis outreach team expansion.**

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

595 (a) five mobile crisis outreach teams:

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

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

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

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

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

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

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

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

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

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

615 **26B-5-112.5. Mobile Crisis Outreach Team Grant Program.**

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

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

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

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

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

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

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

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

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

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

638 **26B-5-114. Behavioral Health Receiving Center Grant Program.**

639 (1) As used in this section:

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

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

645 (c) "Project" means a behavioral health receiving center project described in

646 Subsection (2) or (3)(a).

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

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

653 (b) Subject to appropriations by the Legislature, the division shall award grants under
654 this Subsection (3) before December 31, 2023.

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

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

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

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

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

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

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

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

669 (d) provide details regarding:

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

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

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

675 (iv) the cost of the proposed project;

676 (v) any existing or planned contracts or partnerships between the applicant and other

677 individuals or entities to develop and implement the proposed project;

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

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

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

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

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

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

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

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

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

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

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

696 (c) the cost of the proposed project;

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

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

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

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

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

707 (c) recommendations for the future use of mental health crisis services in behavioral

708 health receiving centers;

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

711 (e) recommendations for appropriate Medicaid reimbursement for rural behavioral
712 health receiving centers.

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

716 (b) (i) The rules created under Subsection (9)(a) shall:

717 (A) implement a funding structure for a behavioral health receiving center developed
718 using a grant awarded under this section;

719 (B) include implementation standards and minimum program requirements for a
720 behavioral health receiving center developed using a grant awarded under this section,
721 including minimum guidelines and standards of care, and minimum staffing requirements; and

722 (C) require a behavioral health receiving center developed using a grant awarded under
723 this section to operate 24 hours per day, seven days per week, and every day of the year.

724 (ii) The funding structure described in Subsection (9)(b)(i)(A) shall provide for tiers
725 and phases of shared funding coverage between the state and counties.

726 (10) Before June 30, 2024, the division shall report to the Health and Human Services
727 Interim Committee regarding:

728 (a) grants awarded under Subsection (3)(a); and

729 (b) the details of each project described in Subsection (3)(a).

730 (11) Before June 30, 2026, the division shall provide a report to the Health and Human
731 Services Interim Committee that includes:

732 (a) data gathered in relation to each project described in Subsection (3)(a); and

733 (b) an update on the items described in Subsections (8)(b) through (d).

734 Section 12. Section **26B-5-120** is amended to read:

735 **26B-5-120. Virtual crisis outreach team grant program.**

736 (1) As used in this section:

737 (a) "Certified peer support specialist" means the same as that term is defined in Section
738 [26B-5-610](#).

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

741 [~~(c) "Committee" means the Health and Human Services Interim Committee.~~]

742 [~~(d)~~] (c) "Mobile crisis outreach team" means the same as that term is defined in
743 Section 26B-5-609.

744 [~~(e)~~] (d) "Virtual crisis outreach program" means a program that provides the following
745 real-time services 24 hours per day, seven days per week, and every day of the year:

746 (i) crisis support, by a qualified mental or behavioral health professional, to law
747 enforcement officers; and

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

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

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

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

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

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

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

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

769 (7) Before June 30, 2026, the division shall submit a written report to the [~~committee~~]

770 Health and Human Services Interim Committee regarding:

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

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

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

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

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

777 **26B-5-403. Residential and inpatient settings -- Commitment proceeding -- Child**
778 **in physical custody of local mental health authority.**

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

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

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

788 (a) shall be a designated examiner; and

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

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

794 (a) the child has a mental illness;

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

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

798 and

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

800 (5) (a) The commitment proceeding before the neutral and detached fact finder shall be

801 conducted in as informal manner as possible and in a physical setting that is not likely to have a
802 harmful effect on the child.

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

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

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

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

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

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

816 (i) the petition for commitment;

817 (ii) the admission notes;

818 (iii) the child's diagnosis;

819 (iv) physicians' orders;

820 (v) progress notes;

821 (vi) nursing notes; and

822 (vii) medication records.

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

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

830 (ii) At the conclusion of the hearing and subsequently in writing, when a decision for
831 commitment is made, the neutral and detached fact finder shall inform the child and the child's

832 parent or legal guardian of that decision and of the reasons for ordering commitment.

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

835 (6) A child may be temporarily committed for a maximum of 72 hours, excluding
836 Saturdays, Sundays, and legal holidays, to the physical custody of a local mental health
837 authority in accordance with the procedures described in Section 26B-5-331 and upon
838 satisfaction of the risk factors described in Subsection (4). A child who is temporarily
839 committed shall be released at the expiration of the 72 hours unless the procedures and findings
840 required by this section for the commitment of a child are satisfied.

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

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

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

861 (10) (a) Each child committed pursuant to this section is entitled to an appeal within 30
862 days after any order for commitment. The appeal may be brought on the child's own petition or

863 on petition of the child's parent or legal guardian, to the juvenile court in the district where the
864 child resides or is currently physically located. With regard to a child in the custody of the
865 Division of Child and Family Services or the Division of Juvenile Justice and Youth Services,
866 the attorney general's office shall handle the appeal, otherwise the appropriate county attorney's
867 office is responsible for appeals brought pursuant to this Subsection (10)(a).

868 (b) Upon receipt of the petition for appeal, the court shall appoint a designated
869 examiner previously unrelated to the case, to conduct an examination of the child in accordance
870 with the criteria described in Subsection (4), and file a written report with the court. The court
871 shall then conduct an appeal hearing to determine whether the findings described in Subsection
872 (4) exist by clear and convincing evidence.

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

877 (i) the original petition for commitment;

878 (ii) admission notes;

879 (iii) diagnosis;

880 (iv) physicians' orders;

881 (v) progress notes;

882 (vi) nursing notes; and

883 (vii) medication records.

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

887 (e) The child, the child's parent or legal guardian, the person who submitted the
888 original petition for commitment, and a representative of the appropriate local mental health
889 authority shall be notified by the court of the date and time of the appeal hearing. Those
890 persons shall be afforded an opportunity to appear at the hearing. In reaching its decision, the
891 court shall review the record and findings of the neutral and detached fact finder, the report of
892 the designated examiner appointed pursuant to Subsection (10)(b), and may, in its discretion,
893 allow or require the testimony of the neutral and detached fact finder, the designated examiner,

894 the child, the child's parent or legal guardian, the person who brought the initial petition for
895 commitment, or any other person whose testimony the court deems relevant. The court may
896 allow the child to waive the right to appear at the appeal hearing, for good cause shown. If that
897 waiver is granted, the purpose shall be made a part of the court's record.

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

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

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

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

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

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

931 (ii) the less restrictive environment in which the child has been placed is not
932 exacerbating the child's mental illness or increasing the risk of harm to self or others, in which
933 case the fact finder shall designate that the child remain in the less restrictive environment.

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

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

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

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

951 **26B-5-609. Department and division duties -- MCOT license creation.**

952 (1) As used in this section:

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

955 (b) "Emergency medical service personnel" means the same as that term is defined in

956 Section 26B-4-101.

957 (c) "Emergency medical services" means the same as that term is defined in Section
958 26B-4-101.

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

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

963 (f) "Mental health crisis" means a mental health condition that manifests itself by
964 symptoms of sufficient severity that a prudent layperson who possesses an average knowledge
965 of mental health issues could reasonably expect the absence of immediate attention or
966 intervention to result in:

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

968 (ii) a danger to others.

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

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

974 (h) "Mental health therapist" means the same as that term is defined in Section
975 58-60-102.

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

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

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

985 (b) guidelines for:

986 (i) credit for training and experience; and

987 (ii) the coordination of:
988 (A) emergency medical services and mental health crisis services;
989 (B) law enforcement, emergency medical service personnel, and mobile crisis outreach
990 teams; and

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

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

993 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
994 make rules that establish standards that an applicant is required to meet to qualify for the
995 MCOT certification described in Subsection (2); and

996 (ii) create a statewide MCOT plan that:

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

999 (B) identifies the equipment, facilities, personnel training, and other resources
1000 necessary to provide mental health crisis services.

1001 (b) The division may delegate the MCOT plan requirement described in Subsection
1002 (3)(a)(ii) to a contractor with which the division contracts to provide mental health crisis
1003 services.

1004 Section 15. Section **26B-5-610** is amended to read:

1005 **26B-5-610. Contracts for statewide mental health crisis line and statewide warm**
1006 **line -- Crisis worker and certified peer support specialist qualification or certification --**
1007 **Operational standards.**

1008 (1) As used in this section:

1009 (a) "Certified peer support specialist" means an individual who:

1010 (i) meets the standards of qualification or certification that the division sets, in
1011 accordance with Subsection (3); and

1012 (ii) staffs the statewide warm line under the supervision of at least one mental health
1013 therapist.

1014 (b) [~~"Commission"~~] "Committee" means the Behavioral Health Crisis Response
1015 [~~Commission~~] Committee created in Section [63C-18-202](#).

1016 (c) "Crisis worker" means an individual who:

1017 (i) meets the standards of qualification or certification that the division sets, in

1018 accordance with Subsection (3); and

1019 (ii) staffs the statewide mental health crisis line, the statewide warm line, or a local
1020 mental health crisis line under the supervision of at least one mental health therapist.

1021 (d) "Local mental health crisis line" means a phone number or other response system
1022 that is:

1023 (i) accessible within a particular geographic area of the state; and

1024 (ii) intended to allow an individual to contact and interact with a qualified mental or
1025 behavioral health professional.

1026 (e) "Mental health crisis" means the same as that term is defined in Section [26B-5-609](#).

1027 (f) "Mental health therapist" means the same as that term is defined in Section
1028 [58-60-102](#).

1029 (g) "Statewide mental health crisis line" means a statewide phone number or other
1030 response system that allows an individual to contact and interact with a qualified mental or
1031 behavioral health professional 24 hours per day, 365 days per year.

1032 (h) "Statewide warm line" means a statewide phone number or other response system
1033 that allows an individual to contact and interact with a qualified mental or behavioral health
1034 professional or a certified peer support specialist.

1035 (2) (a) The division shall enter into a new contract or modify an existing contract to
1036 manage and operate, in accordance with this part, the statewide mental health crisis line and the
1037 statewide warm line.

1038 (b) Through the contracts described in Subsection (2)(a) and in consultation with the
1039 ~~[commission]~~ committee, the division shall set standards of care and practice for:

1040 (i) the mental health therapists and crisis workers who staff the statewide mental health
1041 crisis line; and

1042 (ii) the mental health therapists, crisis workers, and certified peer support specialists
1043 who staff the statewide warm line.

1044 (3) (a) The division shall establish training and minimum standards for the
1045 qualification or certification of:

1046 (i) crisis workers who staff the statewide mental health crisis line, the statewide warm
1047 line, and local mental health crisis lines; and

1048 (ii) certified peer support specialists who staff the statewide warm line.

1049 (b) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
1050 Administrative Rulemaking Act, necessary to establish the training and minimum standards
1051 described in Subsection (3)(a).

1052 (4) In consultation with the [~~commission~~] committee, the division shall ensure that:

1053 (a) the following individuals are available to staff and answer calls to the statewide
1054 mental health crisis line 24 hours per day, 365 days per calendar year:

1055 (i) mental health therapists; or

1056 (ii) crisis workers;

1057 (b) a sufficient amount of staff is available to ensure that when an individual calls the
1058 statewide mental health crisis line, regardless of the time, date, or number of individuals trying
1059 to simultaneously access the statewide mental health crisis line, an individual described in
1060 Subsection (4)(a) answers the call without the caller first:

1061 (i) waiting on hold; or

1062 (ii) being screened by an individual other than a mental health therapist or crisis
1063 worker;

1064 (c) the statewide mental health crisis line has capacity to accept all calls that local
1065 mental health crisis lines route to the statewide mental health crisis line;

1066 (d) the following individuals are available to staff and answer calls to the statewide
1067 warm line during the hours and days of operation set by the division under Subsection (5):

1068 (i) mental health therapists;

1069 (ii) crisis workers; or

1070 (iii) certified peer support specialists;

1071 (e) when an individual calls the statewide mental health crisis line, the individual's call
1072 may be transferred to the statewide warm line if the individual is not experiencing a mental
1073 health crisis; and

1074 (f) when an individual calls the statewide warm line, the individual's call may be
1075 transferred to the statewide mental health crisis line if the individual is experiencing a mental
1076 health crisis.

1077 (5) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
1078 Administrative Rulemaking Act, to establish the hours and days of operation for the statewide
1079 warm line.

1080 Section 16. Section **26B-5-611** is amended to read:

1081 **26B-5-611. Suicide prevention -- Reporting requirements.**

1082 (1) As used in this section:

1083 [~~(a) "Advisory Council" means the Utah Substance Use and Mental Health Advisory~~
1084 ~~Council created in Section [63M-7-301](#).]~~

1085 [(~~b~~)] (a) "Bureau" means the Bureau of Criminal Identification created in Section
1086 [53-10-201](#) within the Department of Public Safety.

1087 [(~~c~~)] (b) "Coalition" means the Statewide Suicide Prevention Coalition created under
1088 Subsection (3).

1089 (c) "Commission" means the Utah Behavioral Health Commission created in Section
1090 [26B-5-702](#).

1091 (d) "Coordinator" means the state suicide prevention coordinator appointed under
1092 Subsection (2).

1093 (e) "Fund" means the Governor's Suicide Prevention Fund created in Section
1094 [26B-1-325](#).

1095 (f) "Intervention" means an effort to prevent a person from attempting suicide.

1096 (g) "Legal intervention" means an incident in which an individual is shot by another
1097 individual who has legal authority to use deadly force.

1098 (h) "Postvention" means intervention after a suicide attempt or a suicide death to
1099 reduce risk and promote healing.

1100 (i) "Shooter" means an individual who uses a gun in an act that results in the death of
1101 the actor or another individual, whether the act was a suicide, homicide, legal intervention, act
1102 of self-defense, or accident.

1103 (2) The division shall appoint a state suicide prevention coordinator to, under the
1104 direction of the commission, administer a state suicide prevention program composed of
1105 suicide prevention, intervention, and postvention programs, services, and efforts.

1106 (3) The coordinator shall:

1107 (a) establish a Statewide Suicide Prevention [~~Coalition~~] Committee with membership
1108 from public and private organizations and Utah citizens; and

1109 (b) appoint a chair and co-chair from among the membership of the coalition to lead
1110 the coalition.

- 1111 (4) The state suicide prevention program may include the following components:
- 1112 (a) delivery of resources, tools, and training to community-based coalitions;
- 1113 (b) evidence-based suicide risk assessment tools and training;
- 1114 (c) town hall meetings for building community-based suicide prevention strategies;
- 1115 (d) suicide prevention gatekeeper training;
- 1116 (e) training to identify warning signs and to manage an at-risk individual's crisis;
- 1117 (f) evidence-based intervention training;
- 1118 (g) intervention skills training;
- 1119 (h) postvention training; or
- 1120 (i) a public education campaign to improve public awareness about warning signs of
- 1121 suicide and suicide prevention resources.
- 1122 (5) The coordinator shall coordinate with the following to gather statistics, among
- 1123 other duties:
- 1124 (a) local mental health and substance abuse authorities;
- 1125 (b) the State Board of Education, including the public education suicide prevention
- 1126 coordinator described in Section [53G-9-702](#);
- 1127 (c) applicable divisions and offices within the department;
- 1128 (d) health care providers, including emergency rooms;
- 1129 (e) federal agencies, including the Federal Bureau of Investigation;
- 1130 (f) other unbiased sources; and
- 1131 (g) other public health suicide prevention efforts.
- 1132 (6) The coordinator shall provide [a] an annual written report to the [~~Health and~~
- 1133 ~~Human Services Interim Committee, at or before the October meeting every year,]~~ commission
- 1134 on:
- 1135 (a) implementation of the state suicide prevention program, as described in Subsections
- 1136 (2) and (4);
- 1137 (b) data measuring the effectiveness of each component of the state suicide prevention
- 1138 program;
- 1139 (c) funds appropriated for each component of the state suicide prevention program;
- 1140 [~~and~~]
- 1141 (d) five-year trends of suicides in Utah, including subgroups of youths and adults and

1142 other subgroups identified by the state suicide prevention coordinator[-]; and

1143 (e) the previous fiscal year's activities to fund, implement, and evaluate suicide
1144 prevention activities described in this section.

1145 (7) The coordinator shall, in consultation with the bureau, implement and manage the
1146 operation of the firearm safety program described in Subsection 26B-5-102(3).

1147 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1148 division shall make rules:

1149 (a) governing the implementation of the state suicide prevention program, consistent
1150 with this section; and

1151 (b) in conjunction with the bureau, defining the criteria for employers to apply for
1152 grants under the Suicide Prevention Education Program described in Section 26B-5-110, which
1153 shall include:

1154 (i) attendance at the suicide prevention education course described in Subsection
1155 26B-5-102(3); and

1156 (ii) distribution of the firearm safety brochures or packets created in Subsection
1157 26B-5-102(3), but does not require the distribution of a cable-style gun lock with a firearm if
1158 the firearm already has a trigger lock or comparable safety mechanism.

1159 (9) As funding by the Legislature allows, the coordinator shall award grants, not to
1160 exceed a total of \$100,000 per fiscal year, to suicide prevention programs that focus on the
1161 needs of children who have been served by the Division of Juvenile Justice and Youth
1162 Services.

1163 ~~[(10) The coordinator and the coalition shall submit to the advisory council, no later~~
1164 ~~than October 1 each year, a written report detailing the previous fiscal year's activities to fund,~~
1165 ~~implement, and evaluate suicide prevention activities described in this section.]~~

1166 Section 17. Section 26B-5-701 is enacted to read:

1167 **Part 7. Utah Behavioral Health Commission**

1168 **26B-5-701. Definitions.**

1169 As used in this part:

1170 (1) "Commission" means the Utah Behavioral Health Commission created in Section
1171 26B-5-702.

1172 (2) "Master plan" means the Utah Behavioral Health Assessment and Master Plan.

1173 (3) "Mental disorder" means the same as that term is defined in the current edition of
1174 the Diagnostic and Statistical Manual of Mental Disorders published by the American
1175 Psychiatric Association.

1176 (4) "Substance use disorder" means the same as that term is defined in the current
1177 edition of the Diagnostic and Statistical Manual of Mental Disorders published by the
1178 American Psychiatric Association.

1179 Section 18. Section **26B-5-702** is enacted to read:

1180 **26B-5-702. Utah Behavioral Health Commission -- Creation -- Members -- Chair.**

1181 (1) There is created within the department the Utah Behavioral Health Commission.

1182 (2) The commission is composed of the following 11 members:

1183 (a) one individual who has lived experience with a substance use disorder, appointed
1184 by the governor with the advice and consent of the Senate;

1185 (b) one individual who has lived experience with a mental disorder, appointed by the
1186 governor with the advice and consent of the Senate;

1187 (c) one individual who represents families of individuals with behavioral health issues,
1188 appointed by the governor with the advice and consent of the Senate;

1189 (d) one individual who represents state behavioral health agencies, appointed by the
1190 governor with the advice and consent of the Senate;

1191 (e) one individual who represents major healthcare systems, appointed by the governor
1192 with the advice and consent of the Senate;

1193 (f) one individual who represents private acute care providers, appointed by the
1194 governor with the advice and consent of the Senate;

1195 (g) one individual who represents private outpatient providers, appointed by the
1196 governor with the advice and consent of the Senate;

1197 (h) one individual who represents county behavioral health authorities, appointed by
1198 the chair of the Utah Behavioral Healthcare Committee with the advice and consent of the
1199 Senate;

1200 (i) one individual who represents rural communities, appointed by the speaker of the
1201 House of Representatives;

1202 (j) one individual who represents large employers, appointed by the president of the
1203 Senate; and

1204 (k) one individual who represents historically underrepresented populations, appointed
1205 by the joint minority caucus leaders.

1206 (3) (a) After all 11 members of the commission have been appointed, the governor
1207 shall appoint the chair of the commission from among the membership of the commission to
1208 serve a two-year term.

1209 (b) A commission member may not serve as chair of the commission for more than two
1210 consecutive terms.

1211 (4) (a) A member appointed by the governor shall serve a four-year term, except as
1212 provided in Subsection (4)(b).

1213 (b) The governor shall stagger the initial terms of appointees so that approximately half
1214 of the members appointed by the governor are appointed every two years.

1215 (c) The terms of members appointed under Subsections (2)(h) through (k) shall be
1216 staggered so that:

1217 (i) members appointed under Subsections (2)(h) and (i) shall serve four-year terms;

1218 (ii) the initial members appointed under Subsections (2)(j) and (k) shall serve an initial
1219 two-year term; and

1220 (iii) after the initial members appointed under Subsections (2)(j) and (k) serve an initial
1221 two-year term, members appointed under Subsections (2)(j) and (k) shall serve four-year terms.

1222 (d) (i) The commission may remove a member of the commission for cause by a
1223 majority vote of the commission.

1224 (ii) The person who appointed a member of the commission may remove that member
1225 for cause.

1226 (e) If a vacancy occurs in the membership of the commission for any reason, a
1227 replacement shall be appointed for the unexpired term in the same manner as the original
1228 appointment.

1229 (5) (a) A majority of the members of the commission constitutes a quorum.

1230 (b) The action of a majority of a quorum of the commission constitutes the action of
1231 the commission.

1232 (6) A member of the commission may not receive compensation or benefits for the
1233 member's service, but may receive per diem and travel expenses in accordance with:

1234 (a) Section [63A-3-106](#);

- 1235 (b) Section 63A-3-107; and
1236 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
1237 (7) Consistent with the provisions of this part, the commission may adopt bylaws to
1238 govern the commission's operation.
- 1239 Section 19. Section **26B-5-703** is enacted to read:
- 1240 **26B-5-703. Purpose -- Duties -- Reporting.**
- 1241 (1) The purpose of the commission is to be the central authority for coordinating
1242 behavioral health initiatives between state and local governments, health systems, and other
1243 interested persons, to ensure that Utah's behavioral health systems are comprehensive, aligned,
1244 effective, and efficient.
- 1245 (2) To fulfill the commission's purpose, the commission shall:
- 1246 (a) establish a shared vision across public and private sectors for improving Utah's
1247 behavioral health systems;
- 1248 (b) make recommendations, including policy recommendations, and advise the
1249 governor, executive branch agencies, and the Legislature on matters pertaining to behavioral
1250 health;
- 1251 (c) provide feedback on proposed bills, rules, policies, and budgets relating to
1252 behavioral health;
- 1253 (d) encourage participation in the commission's work by individuals and populations
1254 directly impacted by behavioral health issues, including family members of individuals with
1255 behavioral health issues;
- 1256 (e) engage private sector payers, providers, and business and employer groups in the
1257 commission's work;
- 1258 (f) continually review implementation of the master plan and revise the master plan as
1259 appropriate;
- 1260 (g) identify priorities that align with the master plan and lead efforts to implement and
1261 advance those priorities by coordinating and collaborating closely with public and private
1262 persons throughout the state;
- 1263 (h) identify areas where innovation is necessary to improve behavioral health access
1264 and care;
- 1265 (i) cooperate with the Utah System of Higher Education, the State Board of Education,

1266 the Division of Professional Licensing, the Utah Health Workforce Advisory Council, and the
1267 department to oversee the creation and implementation of behavioral health workforce
1268 initiatives for the state;

1269 (j) collaborate with the Utah State Hospital, the Department of Corrections, county
1270 jails, and the department;

1271 (k) oversee coordination for the funding, implementation, and evaluation of suicide
1272 prevention efforts described in Section [26B-5-611](#);

1273 (l) develop methods or models for implementing and coherently communicating
1274 cross-sector strategies;

1275 (m) hold the state's behavioral health systems accountable for clear, measurable
1276 outcomes; and

1277 (n) maintain independence from the department and the governor such that the
1278 commission and its committees are able to provide independent advice and recommendations,
1279 especially regarding proposed bills and policy considerations.

1280 (3) (a) The commission shall meet at least quarterly, but may meet at other times as
1281 scheduled by the chair.

1282 (b) The chair of the commission shall set the agenda for each commission meeting with
1283 input from commission members and staff.

1284 (c) Notice of the time and place of a commission meeting shall be given to each
1285 member and to the public in compliance with Title 52, Chapter 4, Open and Public Meetings
1286 Act.

1287 (d) A commission meeting is open to the public unless the meeting or a portion of a
1288 meeting is closed by the commission pursuant to Section [52-4-204](#) or Section [52-4-205](#).

1289 (4) On or before December 31, 2024, the commission shall provide a report to the
1290 Legislature that includes:

1291 (a) recommendations for behavioral health measures and targets to be included in the
1292 next update to the master plan;

1293 (b) recommendations for consolidating into the commission other commissions,
1294 committees, subcommittees, task forces, working groups, or other bodies pertaining to
1295 behavioral health;

1296 (c) recommendations on the next steps for reviewing and potentially redefining state

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1325 and

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

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

1328 compensation or benefits for the member's service on the committee, but may receive per diem
1329 and travel expenses in accordance with:

1330 (i) Section 63A-3-106;

1331 (ii) Section 63A-3-107; and

1332 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1333 (d) Compensation and expenses of a committee member who is a legislator are

1334 governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and
1335 Expenses.

1336 Section 21. Section **26B-5-705** is enacted to read:

1337 **26B-5-705. Legislative Policy Committee -- Creation -- Duties -- Staff.**

1338 (1) As used in this section, "committee" means the Legislative Policy Committee
1339 created in Subsection (2).

1340 (2) Under the commission, there is created the Legislative Policy Committee.

1341 (3) (a) The committee is composed of five legislators, appointed as follows:

1342 (i) the speaker of the House of Representatives shall appoint one member of the House
1343 of Representatives;

1344 (ii) the minority leader of the House of Representatives shall appoint one member of
1345 the House of Representatives;

1346 (iii) the president of the Senate shall appoint one member of the Senate;

1347 (iv) the minority leader of the Senate shall appoint one member of the Senate; and

1348 (v) the speaker of the House of Representatives and the president of the Senate shall
1349 jointly appoint one legislator.

1350 (b) The speaker, president, and minority leaders:

1351 (i) shall make the appointments described in Subsection (3)(a) after consulting with the
1352 chairs of the Health and Human Services Interim Committee and the chairs of the Social
1353 Services Appropriations Committee; and

1354 (ii) are encouraged but not required to appoint to the committee legislators who are
1355 members of one or more of the following:

1356 (A) the Health and Human Services Interim Committee; or

1357 (B) the Social Services Appropriations Subcommittee.

1358 (4) The speaker of the House and Representatives and the president of the Senate shall

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

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

1362 (6) The committee shall:

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

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

1368 (7) The committee may:

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

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

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

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

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

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

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

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

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

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

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

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

1386 **Membership -- Terms.**

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

1389 (b) There is created within the governor's office the Utah Substance Use and Mental

1390 Health Advisory [~~Council~~] Committee.

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

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

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

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

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

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

1397 (f) the executive director of the Department of Health and Human Services or the

1398 executive director's designee;

1399 (g) the executive director of the State Commission on Criminal and Juvenile Justice or

1400 the executive director's designee;

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

1402 designee;

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

1404 designee;

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

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

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

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

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

1410 (o) one district court judge who presides over a drug court and who is appointed by the

1411 chief justice of the Utah Supreme Court;

1412 (p) one district court judge who presides over a mental health court and who is

1413 appointed by the chief justice of the Utah Supreme Court;

1414 (q) one juvenile court judge who presides over a drug court and who is appointed by

1415 the chief justice of the Utah Supreme Court;

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

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

1418 committee;

1419 (t) the chair or co-chair of the Statewide Suicide Prevention [~~Coalition~~] Committee

1420 created under Subsection 26B-5-611(3);

- 1421 (u) one representative appointed by the Utah League of Cities and Towns to serve a
1422 four-year term;
- 1423 (v) the chair of the Utah Victim Services Commission or the chair's designee;
- 1424 (w) the superintendent of the Utah State Hospital or the superintendent's designee;
- 1425 (x) the following members appointed by the governor to serve four-year terms:
- 1426 (i) one resident of the state who has been personally affected by a substance use or
1427 mental health disorder; and
- 1428 (ii) one citizen representative; and
- 1429 (y) in addition to the voting members described in Subsections (2)(a) through (x), the
1430 following voting members appointed by a majority of the members described in Subsections
1431 (2)(a) through (x) to serve four-year terms:
- 1432 (i) one resident of the state who represents a statewide advocacy organization for
1433 recovery from substance use disorders;
- 1434 (ii) one resident of the state who represents a statewide advocacy organization for
1435 recovery from mental illness;
- 1436 (iii) one resident of the state who represents a statewide advocacy organization for
1437 protection of rights of individuals with a disability;
- 1438 (iv) one resident of the state who represents prevention professionals;
- 1439 (v) one resident of the state who represents treatment professionals;
- 1440 (vi) one resident of the state who represents the physical health care field;
- 1441 (vii) one resident of the state who is a criminal defense attorney;
- 1442 (viii) one resident of the state who is a military servicemember or military veteran
1443 under Section [53B-8-102](#);
- 1444 (ix) one resident of the state who represents local law enforcement agencies;
- 1445 (x) one representative of private service providers that serve youth with substance use
1446 disorders or mental health disorders; and
- 1447 (xi) one resident of the state who is certified by the Division of Integrated Healthcare
1448 as a peer support specialist as described in Subsection [26B-5-102\(2\)\(h\)](#).
- 1449 (3) An individual other than an individual described in Subsection (2) may not be
1450 appointed as a voting member of the [~~council~~] committee.
- 1451 Section 24. Section **26B-5-802**, which is renumbered from Section 63M-7-302 is

1452 renumbered and amended to read:

1453 ~~[63M-7-302]~~. **26B-5-802. Chair -- Vacancies -- Quorum -- Expenses.**

1454 (1) The Utah Substance Use and Mental Health Advisory ~~[Council]~~ Committee shall
1455 annually select one of its members to serve as chair and one of its members to serve as vice
1456 chair.

1457 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
1458 appointed for the unexpired term in the same manner as the position was originally filled.

1459 (3) A majority of the members of the ~~[council]~~ committee constitutes a quorum.

1460 (4) A member may not receive compensation or benefits for the member's service, but
1461 may receive per diem and travel expenses as allowed in:

1462 (a) Section [63A-3-106](#);

1463 (b) Section [63A-3-107](#); and

1464 (c) rules made by the Division of Finance according to Sections [63A-3-106](#) and
1465 [63A-3-107](#).

1466 (5) The ~~[council]~~ committee may establish ~~[committees]~~ subcommittees as needed to
1467 assist in accomplishing its duties under Section ~~[63M-7-303]~~ [26B-5-803](#).

1468 Section 25. Section **26B-5-803**, which is renumbered from Section 63M-7-303 is
1469 renumbered and amended to read:

1470 ~~[63M-7-303]~~. **26B-5-803. Duties of council.**

1471 (1) ~~[The]~~ Under the direction of the Utah Behavioral Health Commission created in
1472 Section [26B-5-702](#), the Utah Substance Use and Mental Health Advisory ~~[Council]~~ Committee
1473 shall:

1474 (a) provide leadership and generate unity for Utah's ongoing efforts to reduce and
1475 eliminate the impact of substance use and mental health disorders in Utah through a
1476 comprehensive and evidence-based prevention, treatment, and justice strategy;

1477 (b) recommend and coordinate the creation, dissemination, and implementation of
1478 statewide policies to address substance use and mental health disorders;

1479 (c) facilitate planning for a balanced continuum of substance use and mental health
1480 disorder prevention, treatment, and justice services;

1481 (d) promote collaboration and mutually beneficial public and private partnerships;

1482 (e) coordinate recommendations made by any ~~[committee]~~ subcommittee created under

1483 Section [~~63M-7-302~~] 26B-5-802;

1484 (f) analyze and provide an objective assessment of all proposed legislation concerning
1485 substance use, mental health, forensic mental health, and related issues;

1486 [~~(g)~~] ~~coordinate the implementation of Section 77-18-104 and related provisions in~~
1487 ~~Subsections 77-18-103(2)(c) and (d), as provided in Section 63M-7-305;~~]

1488 [~~(h)~~] (g) comply with Section 32B-2-306;

1489 [~~(i)~~] ~~oversee coordination for the funding, implementation, and evaluation of suicide~~
1490 ~~prevention efforts described in Section 26B-5-611;~~]

1491 [~~(j)~~] (h) advise the Department of Health and Human Services regarding the state
1492 hospital admissions policy for individuals in the custody of the Department of Corrections;

1493 [~~(k)~~] (i) regarding the interaction between an individual with a mental illness or an
1494 intellectual disability and the civil commitment system, criminal justice system, or juvenile
1495 justice system:

1496 (i) promote communication between and coordination among all agencies interacting
1497 with the individual;

1498 (ii) study, evaluate, and recommend changes to laws and procedures;

1499 (iii) identify and promote the implementation of specific policies and programs to deal
1500 fairly and efficiently with the individual; and

1501 (iv) promote judicial education;

1502 [~~(l)~~] (j) study the long-term need for adult patient staffed beds at the state hospital,
1503 including:

1504 (i) the total number of staffed beds currently in use at the state hospital;

1505 (ii) the current staffed bed capacity at the state hospital;

1506 (iii) the projected total number of staffed beds needed in the adult general psychiatric
1507 unit of the state hospital over the next three, five, and 10 years based on:

1508 (A) the state's current and projected population growth;

1509 (B) current access to mental health resources in the community; and

1510 (C) any other factors the [~~council~~] committee finds relevant to projecting the total
1511 number of staffed beds; and

1512 (iv) the cost associated with the projected total number of staffed beds described in
1513 Subsection [~~(l)~~]~~(i)~~ (1)(j)(iii); and

1514 ~~[(m)]~~ (k) each year report on whether the pay of the state hospital's employees is
1515 adequate based on market conditions.

1516 (2) The ~~[council]~~ committee shall meet quarterly or more frequently as determined
1517 necessary by the chair.

1518 (3) The ~~[council]~~ committee shall report:

1519 (a) with the assistance and staff support from the state hospital, regarding the items
1520 described in Subsections ~~[(1)(b)]~~ (1)(j) and ~~[(m)]~~ (k), including any recommendations, to the
1521 ~~[Health and Human Services Interim Committee before October 1 of each year]~~ Utah
1522 Behavioral Health Commission on or before July 31 of each year; and

1523 (b) any other recommendations annually to the commission, the governor, the
1524 Legislature, and the Judicial Council.

1525 Section 26. Section **26B-5-804**, which is renumbered from Section 63M-7-304 is
1526 renumbered and amended to read:

1527 ~~[63M-7-304]~~. **26B-5-804. Chair -- Vacancies -- Quorum -- Expenses.**

1528 (1) The members of each ~~[committee]~~ subcommittee established by the ~~[council]~~
1529 committee shall annually select a chair or co-chairs from among the members of the
1530 ~~[committee]~~ subcommittee.

1531 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
1532 appointed for the unexpired term in the same manner as the position was originally filled.

1533 (3) A majority of the members of a ~~[committee]~~ subcommittee constitutes a quorum for
1534 the transaction of business by the ~~[committee]~~ subcommittee.

1535 (4) A member may not receive compensation or benefits for the member's service, but
1536 may receive per diem and travel expenses in accordance with:

1537 (a) Section **63A-3-106**;

1538 (b) Section **63A-3-107**; and

1539 (c) rules made by the Division of Finance pursuant to Sections **63A-3-106** and
1540 **63A-3-107**.

1541 Section 27. Section **32B-2-210** is amended to read:

1542 **32B-2-210. Alcoholic Beverage Services Advisory Board.**

1543 (1) There is created within the department an advisory board known as the "Alcoholic
1544 Beverage Services Advisory Board."

1545 (2) The advisory board shall consist of eight voting members and one nonvoting
1546 member as follows:

1547 (a) four voting members appointed by the commission:

1548 (i) one of whom represents the retail alcohol industry;

1549 (ii) one of whom represents the wholesale alcohol industry;

1550 (iii) one of whom represents the alcohol manufacturing industry; and

1551 (iv) one of whom represents the restaurant industry;

1552 (b) two voting members appointed by the commission, each of whom represents an
1553 organization that addresses alcohol or drug abuse prevention, alcohol or drug related
1554 enforcement, or alcohol or drug related education;

1555 (c) the director of the Division of Substance Abuse and Mental Health or the director's
1556 designee who serves as a voting member;

1557 (d) the chair of the Utah Substance Use and Mental Health Advisory [~~Council~~
1558 Committee], or the chair's designee, who serves as a voting member; and

1559 (e) the chair of the commission or the chair's designee from the members of the
1560 commission, who serves as a nonvoting member.

1561 (3) (a) Except as required by Subsection (3)(b), as terms of current voting members of
1562 the advisory board expire, the commission shall appoint each new member or reappointed
1563 member to a four-year term beginning July 1 and ending June 30.

1564 (b) Notwithstanding the requirements of Subsection (3)(a), the commission shall, at the
1565 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1566 voting advisory board members are staggered so that approximately half of the advisory board
1567 is appointed every two years.

1568 (c) No two members of the board may be employed by the same company or nonprofit
1569 organization.

1570 (4) (a) When a vacancy occurs in the membership for any reason, the commission shall
1571 appoint a replacement for the unexpired term.

1572 (b) The commission shall terminate the term of a voting advisory board member who
1573 ceases to be representative as designated by the member's original appointment.

1574 (5) The advisory board shall meet as called by the chair for the purpose of advising the
1575 commission and the department, with discussion limited to administrative rules made under

1576 this title.

1577 (6) The chair of the commission or the chair's designee shall serve as the chair of the
1578 advisory board and call the necessary meetings.

1579 (7) (a) Five members of the board constitute a quorum of the board.

1580 (b) An action of the majority when a quorum is present is the action of the board.

1581 (8) The department shall provide staff support to the advisory board.

1582 (9) A member may not receive compensation or benefits for the member's service, but
1583 may receive per diem and travel expenses in accordance with:

1584 (a) Section [63A-3-106](#);

1585 (b) Section [63A-3-107](#); and

1586 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1587 [63A-3-107](#).

1588 Section 28. Section **32B-2-306** is amended to read:

1589 **32B-2-306. Underage drinking prevention media and education campaign.**

1590 (1) As used in this section:

1591 (a) "Advisory [~~council~~] committee" means the Utah Substance Use and Mental Health
1592 Advisory [~~Council~~] Committee created in Section [~~63M-7-301~~] [26B-5-801](#).

1593 (b) "Restricted account" means the Underage Drinking Prevention Media and
1594 Education Campaign Restricted Account created in this section.

1595 (2) (a) There is created a restricted account within the General Fund known as the
1596 "Underage Drinking Prevention Media and Education Campaign Restricted Account."

1597 (b) The restricted account consists of:

1598 (i) deposits made under Subsection (3); and

1599 (ii) interest earned on the restricted account.

1600 (3) The department shall deposit 0.6% of the total gross revenue from sales of liquor
1601 with the state treasurer, as determined by the total gross revenue collected for the fiscal year
1602 two years preceding the fiscal year for which the deposit is made, to be credited to the
1603 restricted account and to be used by the department as provided in Subsection (5).

1604 (4) The advisory [~~council~~] committee shall:

1605 (a) provide ongoing oversight of a media and education campaign funded under this
1606 section;

1607 (b) create an underage drinking prevention workgroup consistent with guidelines
1608 proposed by the advisory [~~council~~] committee related to the membership and duties of the
1609 underage drinking prevention workgroup;

1610 (c) create guidelines for how money appropriated for a media and education campaign
1611 can be used;

1612 (d) include in the guidelines established pursuant to this Subsection (4) that a media
1613 and education campaign funded under this section is carefully researched and developed, and
1614 appropriate for target groups; and

1615 (e) approve plans submitted by the department in accordance with Subsection (5).

1616 (5) (a) Subject to appropriation from the Legislature, the department shall expend
1617 money from the restricted account to direct and fund one or more media and education
1618 campaigns designed to reduce underage drinking in cooperation with the advisory [~~council~~]
1619 committee.

1620 (b) The department shall:

1621 (i) in cooperation with the underage drinking prevention workgroup created under
1622 Subsection (4), prepare and submit a plan to the advisory [~~council~~] committee detailing the
1623 intended use of the money appropriated under this section;

1624 (ii) upon approval of the plan by the advisory [~~council~~] committee, conduct the media
1625 and education campaign in accordance with the guidelines made by the advisory [~~council~~]
1626 committee; and

1627 (iii) submit to the advisory [~~council~~] committee annually by no later than October 1, a
1628 written report detailing the use of the money for the media and education campaigns conducted
1629 under this Subsection (5) and the impact and results of the use of the money during the prior
1630 fiscal year ending June 30.

1631 Section 29. Section **32B-2-402** is amended to read:

1632 **32B-2-402. Definitions -- Calculations.**

1633 (1) As used in this part:

1634 (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and
1635 Treatment Restricted Account created in Section [32B-2-403](#).

1636 (b) "Advisory [~~council~~] committee" means the Utah Substance Use and Mental Health
1637 Advisory [~~Council~~] Committee created in Section [~~63M-7-301~~] [26B-5-801](#).

- 1638 (c) "Alcohol-related offense" means:
- 1639 (i) a violation of:
- 1640 (A) Section [41-6a-502](#); or
- 1641 (B) an ordinance that complies with the requirements of:
- 1642 (I) Subsection [41-6a-510](#)(1); or
- 1643 (II) Section [76-5-207](#); or
- 1644 (ii) an offense involving the illegal:
- 1645 (A) sale of an alcoholic product;
- 1646 (B) consumption of an alcoholic product;
- 1647 (C) distribution of an alcoholic product;
- 1648 (D) transportation of an alcoholic product; or
- 1649 (E) possession of an alcoholic product.
- 1650 (d) "Annual conviction time period" means the time period that:
- 1651 (i) begins on July 1 and ends on June 30; and
- 1652 (ii) immediately precedes the fiscal year for which an appropriation under this part is
- 1653 made.
- 1654 (e) "Municipality" means:
- 1655 (i) a city;
- 1656 (ii) a town; or
- 1657 (iii) a metro township.
- 1658 (f) (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah
- 1659 Administrative Rulemaking Act, by the Division of Integrated Healthcare within the
- 1660 Department of Health and Human Services.
- 1661 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental
- 1662 Health shall:
- 1663 (A) include only evidence-based or evidence-informed programs; and
- 1664 (B) provide for coordination with local substance abuse authorities designated to
- 1665 provide substance abuse services in accordance with Section [17-43-201](#).
- 1666 (2) For purposes of Subsection [32B-2-404](#)(1)(b)(iii), the number of premises located
- 1667 within the limits of a municipality or county:
- 1668 (a) is the number determined by the department to be so located;

1669 (b) includes the aggregate number of premises of the following:
1670 (i) a state store;
1671 (ii) a package agency; and
1672 (iii) a retail licensee; and
1673 (c) for a county, consists only of the number located within an unincorporated area of
1674 the county.

1675 (3) The department shall determine:

1676 (a) a population figure according to the most current population estimate prepared by
1677 the Utah Population Committee;

1678 (b) a county's population for the 25% distribution to municipalities and counties under
1679 Subsection 32B-2-404(1)(b)(i) only with reference to the population in the unincorporated
1680 areas of the county; and

1681 (c) a county's population for the 25% distribution to counties under Subsection
1682 32B-2-404(1)(b)(iv) only with reference to the total population in the county, including that of
1683 a municipality.

1684 (4) (a) A conviction occurs in the municipality or county that actually prosecutes the
1685 offense to judgment.

1686 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in
1687 the municipality or county that, except for the guilty plea, would have prosecuted the offense.

1688 Section 30. Section 32B-2-404 is amended to read:

1689 **32B-2-404. Alcoholic Beverage and Substance Abuse Enforcement and**
1690 **Treatment Restricted Account distribution.**

1691 (1) (a) The money deposited into the account under Section 32B-2-403 shall be
1692 distributed to municipalities and counties:

1693 (i) to the extent appropriated by the Legislature, except that the Legislature shall
1694 appropriate each fiscal year an amount equal to at least the amount deposited in the account in
1695 accordance with Section 59-15-109; and

1696 (ii) as provided in this Subsection (1).

1697 (b) The amount appropriated from the account shall be distributed as follows:

1698 (i) 25% to municipalities and counties on the basis of the percentage of the state
1699 population residing in each municipality and county;

1700 (ii) 30% to municipalities and counties on the basis of each municipality's and county's
1701 percentage of the statewide convictions for all alcohol-related offenses;

1702 (iii) 20% to municipalities and counties on the basis of the percentage of the following
1703 in the state that are located in each municipality and county:

1704 (A) state stores;

1705 (B) package agencies;

1706 (C) retail licensees; and

1707 (D) off-premise beer retailers; and

1708 (iv) 25% to the counties for confinement and treatment purposes authorized by this part
1709 on the basis of the percentage of the state population located in each county.

1710 (c) (i) Except as provided in Subsection (1)(c)(ii), if a municipality does not have a law
1711 enforcement agency:

1712 (A) the municipality may not receive money under this part; and

1713 (B) the State Tax Commission:

1714 (I) may not distribute the money the municipality would receive but for the
1715 municipality not having a law enforcement agency to that municipality; and

1716 (II) shall distribute the money that the municipality would have received but for it not
1717 having a law enforcement agency to the county in which the municipality is located for use by
1718 the county in accordance with this part.

1719 (ii) If the advisory [~~council~~] committee finds that a municipality described in
1720 Subsection (1)(c)(i) demonstrates that the municipality can use the money that the municipality
1721 is otherwise eligible to receive in accordance with this part, the advisory [~~council~~] committee
1722 may direct the State Tax Commission to distribute the money to the municipality.

1723 (2) To determine the distribution required by Subsection (1)(b)(ii), the State Tax
1724 Commission shall annually:

1725 (a) for an annual conviction time period:

1726 (i) multiply by two the total number of convictions in the state obtained during the
1727 annual conviction time period for violation of:

1728 (A) Section 41-6a-502; or

1729 (B) an ordinance that complies with the requirements of Subsection 41-6a-510(1) or
1730 Section 76-5-207; and

1731 (ii) add to the number calculated under Subsection (2)(a)(i) the number of convictions
1732 obtained during the annual conviction time period for the alcohol-related offenses other than
1733 the alcohol-related offenses described in Subsection (2)(a)(i);

1734 (b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum
1735 obtained in Subsection (2)(a); and

1736 (c) multiply the amount calculated under Subsection (2)(b), by the number of
1737 convictions obtained in each municipality and county during the annual conviction time period
1738 for alcohol-related offenses.

1739 (3) By not later than September 1 each year:

1740 (a) the state court administrator shall certify to the State Tax Commission the number
1741 of convictions obtained for alcohol-related offenses in each municipality or county in the state
1742 during the annual conviction time period; and

1743 (b) the advisory [~~council~~] committee shall notify the State Tax Commission of any
1744 municipality that does not have a law enforcement agency.

1745 (4) By not later than December 1 of each year, the advisory [~~council~~] committee shall
1746 notify the State Tax Commission for the fiscal year of appropriation of:

1747 (a) a municipality that may receive a distribution under Subsection (1)(c)(ii);

1748 (b) a county that may receive a distribution allocated to a municipality described in
1749 Subsection (1)(c)(i);

1750 (c) a municipality or county that may not receive a distribution because the advisory
1751 [~~council~~] committee has suspended the payment under Subsection 32B-2-405(2)(a); and

1752 (d) a municipality or county that receives a distribution because the suspension of
1753 payment has been cancelled under Subsection 32B-2-405(2).

1754 (5) (a) By not later than January 1 of the fiscal year of appropriation, the State Tax
1755 Commission shall annually distribute to each municipality and county the portion of the
1756 appropriation that the municipality or county is eligible to receive under this part, except for
1757 any municipality or county that the advisory [~~council~~] committee notifies the State Tax
1758 Commission in accordance with Subsection (4) may not receive a distribution in that fiscal
1759 year.

1760 (b) (i) The advisory [~~council~~] committee shall prepare forms for use by a municipality
1761 or county in applying for a distribution under this part.

1762 (ii) A form described in this Subsection (5) may require the submission of information
1763 the advisory [~~council~~] committee considers necessary to enable the State Tax Commission to
1764 comply with this part.

1765 Section 31. Section **32B-2-405** is amended to read:

1766 **32B-2-405. Reporting by municipalities and counties -- Grants.**

1767 (1) A municipality or county that receives money under this part during a fiscal year
1768 shall by no later than October 1 following the fiscal year:

1769 (a) report to the advisory [~~council~~] committee:

1770 (i) the programs or projects of the municipality or county that receive money under this
1771 part;

1772 (ii) if the money for programs or projects were exclusively used as required by
1773 Subsection **32B-2-403(2)**;

1774 (iii) indicators of whether the programs or projects that receive money under this part
1775 are effective; and

1776 (iv) if money received under this part was not expended by the municipality or county;
1777 and

1778 (b) provide the advisory [~~council~~] committee a statement signed by the chief executive
1779 officer of the county or municipality attesting that the money received under this part was used
1780 in addition to money appropriated or otherwise available for the county's or municipality's law
1781 enforcement and was not used to supplant that money.

1782 (2) The advisory [~~council~~] committee may, by a majority vote:

1783 (a) suspend future payments under Subsection **32B-2-404(4)** to a municipality or
1784 county that:

1785 (i) does not file a report that meets the requirements of Subsection (1); or

1786 (ii) the advisory [~~council~~] committee finds does not use the money as required by
1787 Subsection **32B-2-403(2)** on the basis of the report filed by the municipality or county under
1788 Subsection (1); and

1789 (b) cancel a suspension under Subsection (2)(a).

1790 (3) The State Tax Commission shall notify the advisory [~~council~~] committee of the
1791 balance of any undistributed money after the annual distribution under Subsection
1792 **32B-2-404(5)**.

- 1793 (4) (a) Subject to the requirements of this Subsection (4), the advisory [~~council~~]
1794 committee shall award the balance of undistributed money under Subsection (3):
- 1795 (i) as prioritized by majority vote of the advisory [~~council~~] committee; and
1796 (ii) as grants to:
- 1797 (A) a county;
1798 (B) a municipality;
1799 (C) the department;
1800 (D) the Department of Human Services;
1801 (E) the Department of Public Safety; or
1802 (F) the State Board of Education.
- 1803 (b) By not later than May 30 of the fiscal year of the appropriation, the advisory
1804 [~~council~~] committee shall notify the State Tax Commission of grants awarded under this
1805 Subsection (4).
- 1806 (c) The State Tax Commission shall make payments of a grant:
- 1807 (i) upon receiving notice as provided under Subsection (4)(b); and
1808 (ii) by not later than June 30 of the fiscal year of the appropriation.
- 1809 (d) An entity that receives a grant under this Subsection (4) shall use the grant money
1810 exclusively for programs or projects described in Subsection 32B-2-403(2).
- 1811 Section 32. Section **32B-7-305** is amended to read:
- 1812 **32B-7-305. Tracking of enforcement actions -- Costs of enforcement actions.**
- 1813 (1) The Department of Public Safety shall administer a program to reimburse a
1814 municipal or county law enforcement agency:
- 1815 (a) for the actual costs of an alcohol-related compliance check investigation conducted
1816 pursuant to Section 77-39-101 on the premises of an off-premise beer retailer;
- 1817 (b) for administrative costs associated with reporting the compliance check
1818 investigation described in Subsection (1)(a);
- 1819 (c) if the municipal or county law enforcement agency completes and submits to the
1820 Department of Public Safety a report within 90 days after the day on which the compliance
1821 check investigation described in Subsection (1)(a) occurs in a format required by the
1822 Department of Public Safety; and
- 1823 (d) in the order that the municipal or county law enforcement agency submits the report

1824 required by Subsection (1)(c) until the amount allocated by the Department of Public Safety to
1825 reimburse a municipal or county law enforcement agency is spent.

1826 (2) By no later than October 1 of each year, the Department of Public Safety shall
1827 report to the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee on the
1828 compliance check investigations:

1829 (a) funded during the previous fiscal year; and

1830 (b) reimbursed under Subsection (1).

1831 Section 33. Section **53F-2-522** is amended to read:

1832 **53F-2-522. Public education mental health screening.**

1833 (1) As used in this section:

1834 (a) "Division" means the Division of Integrated Healthcare within the Department of
1835 Health and Human Services.

1836 (b) "Non-participating LEA" means an LEA that does not administer an approved
1837 mental health screening program described in this section.

1838 (c) "Participating LEA" means an LEA that has an approved screening program
1839 described in this section.

1840 (d) "Participating student" means a student in a participating LEA who participates in a
1841 mental health screening program.

1842 (e) "Qualifying parent" means a parent:

1843 (i) of a participating student who, based on the results of a screening program, would
1844 benefit from resources that cannot be provided to the participating student in the school setting;
1845 and

1846 (ii) who qualifies for financial assistance to pay for the resources under rules made by
1847 the state board.

1848 (f) "Screening program" means a student mental health screening program selected by
1849 a participating LEA and approved by the state board in consultation with the division.

1850 (2) (a) On or before July 1, 2023, an LEA governing board shall determine whether the
1851 LEA will be a participating LEA or a non-participating LEA for the 2023-24 school year.

1852 (b) (i) During the 2023-24 school year, and each year after, a participating LEA may
1853 change the LEA's participation status and become a non-participating LEA for the next school
1854 year by reporting the status change to the state board by the end of the current school year.

1855 (ii) An LEA that changed the LEA's status from participating to non-participating in
1856 Subsection (2)(b)(i) is subject to the requirements of a non-participating LEA described in
1857 Subsection (2)(c).

1858 (c) (i) During the 2023-24 school year, and each year after, a non-participating LEA's
1859 governing board shall submit a record of determination to the state board by the end of the
1860 school year, which record shall state whether the non-participating LEA will:

- 1861 (A) maintain the LEA's non-participating status; or
- 1862 (B) change the LEA's status to be a participating LEA.

1863 (ii) If the non-participating LEA determines the LEA will change participation status
1864 and become a participating LEA, the LEA's status of participation will change at the end of the
1865 current school year.

1866 (3) The state board shall:

1867 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1868 Rulemaking Act, to:

1869 (i) establish a process for a participating LEA to submit a selected screening program
1870 to the state board for approval;

1871 (ii) in accordance with Title 53E, Chapter 9, Student Privacy and Data Protection, and
1872 the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, establish who may access
1873 and use a participating student's screening data;

1874 (iii) establish a requirement and a process for appropriate LEA or school personnel to
1875 attend annual training related to administering the screening program;

1876 (iv) determine whether a parent is eligible to receive the financial support described in
1877 Subsection (5)(a) as a qualifying parent; and

1878 (v) apply for and distribute the financial support described in Subsection (5)(a);

1879 (b) in consultation with the division, approve an evidence-based student mental health
1880 screening program selected by a participating LEA that:

1881 (i) is age appropriate for each grade in which the screening program is administered;

1882 (ii) screens for the mental health conditions determined by the state board and division;
1883 and

1884 (iii) is an effective tool for identifying whether a student has a mental health condition
1885 that requires intervention; and

1886 (c) on or before November 30 of each year, submit a report on the screening programs
1887 to

1888 the State Suicide Prevention [~~Coalition~~] Committee created under [~~Subsection~~
1889 ~~26B-5-611~~(2)] Section 26B-5-611 and

1890 the Education Interim Committee in accordance with Section 53E-1-201 that contains
1891 the following:

1892 (i) the approximate number of participating students that were screened in each
1893 participating LEA the previous school year;

1894 (ii) the names and number of:

1895 (A) participating LEAs; and

1896 (B) non-participating LEAs;

1897 (iii) an overview of how participating LEAs utilized distributed funds; and

1898 (iv) whether the amount of distributed funds to each participating LEA was sufficient
1899 for the participating LEA's needs.

1900 (4) A participating LEA shall:

1901 (a) in accordance with rules made by the state board under Subsection (3)(a), submit a
1902 selected evidence-based screening program to the state board for approval;

1903 (b) implement and administer a state board-approved mental health screening program
1904 to participating students in the participating LEA by:

1905 (i) annually notifying each parent with a student in the participating LEA that the
1906 parent may have the student screened for mental health conditions;

1907 (ii) obtaining prior written consent from a student's parent, that complies with Section
1908 53E-9-203, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, before
1909 the participating LEA screens a participating student;

1910 (iii) screening the student for mental health conditions; and

1911 (iv) if results of a participating student's screening indicate a potential mental health
1912 condition, notifying the parent of the participating student of:

1913 (A) the participating student's results; and

1914 (B) resources available to the participating student, including any services that can be
1915 provided by the school mental health provider or by a partnering entity;

1916 (c) use state board-distributed funds for the purposes described in Subsection (5)(a);

1917 and

1918 (d) provide the state board with necessary information and data for the state board to
1919 complete the report described in Subsection (3)(c).

1920 (5) (a) Within appropriations made by the Legislature for this purpose, the state board
1921 may distribute funds to a participating LEA to use to:

1922 (i) implement and administer a mental health screening for participating students as
1923 described in Subsection (4)(b); and

1924 (ii) assist a qualifying parent to pay for resources described in Subsection (4)(b)(iv)(B)
1925 that cannot be provided by a school mental health professional in the school setting.

1926 (b) The state board may not distribute funds described in Subsection (5)(a) to a
1927 non-participating LEA.

1928 (6) A school employee trained in accordance with rules made by the state board under
1929 Subsection (3)(a)(iii), who administers an approved mental health screening in accordance with
1930 this section in good faith, is not liable in a civil action for an act taken or not taken under this
1931 section.

1932 Section 34. Section **63C-18-102** is amended to read:

1933 **CHAPTER 18. BEHAVIORAL HEALTH CRISIS RESPONSE COMMITTEE**
1934 **63C-18-102. Definitions.**

1935 As used in this chapter:

1936 (1) [~~"Commission"~~] "Committee" means the Behavioral Health Crisis Response
1937 [~~Commission~~] Committee created in Section **63C-18-202**.

1938 (2) "Local mental health crisis line" means the same as that term is defined in Section
1939 **26B-5-610**.

1940 (3) "Statewide mental health crisis line" means the same as that term is defined in
1941 Section **26B-5-610**.

1942 (4) "Statewide warm line" means the same as that term is defined in Section
1943 **26B-5-610**.

1944 Section 35. Section **63C-18-202** is amended to read:

1945 **Part 2. Committee Creation**
1946 **63C-18-202. Committee established -- Members.**

1947 (1) [~~There~~] Under the Utah Behavioral Health Commission created in Section

1948 [26B-5-702](#), there is created the Behavioral Health Crisis Response [~~Commission~~] Committee,
1949 composed of the following members:
1950 (a) the executive director of the Huntsman Mental Health Institute;
1951 (b) the governor or the governor's designee;
1952 (c) the director of the Office of Substance Use and Mental Health;
1953 (d) one representative of the Office of the Attorney General, appointed by the attorney
1954 general;
1955 (e) the executive director of the Department of Health and Human Services or the
1956 executive director's designee;
1957 (f) one member of the public, appointed by the chair of the [~~commission~~] committee
1958 and approved by the [~~commission~~] committee;
1959 (g) two individuals who are mental or behavioral health clinicians licensed to practice
1960 in the state, appointed by the chair of the [~~commission~~] committee and approved by the
1961 [~~commission~~] committee, at least one of whom is an individual who:
1962 (i) is licensed as a physician under:
1963 (A) Title 58, Chapter 67, Utah Medical Practice Act;
1964 (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or
1965 (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
1966 (ii) is board eligible for a psychiatry specialization recognized by the American Board
1967 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
1968 Specialists;
1969 (h) one individual who represents a county of the first or second class, appointed by the
1970 Utah Association of Counties;
1971 (i) one individual who represents a county of the third, fourth, or fifth class, appointed
1972 by the Utah Association of Counties;
1973 (j) one individual who represents the Utah Hospital Association, appointed by the chair
1974 of the [~~commission~~] committee;
1975 (k) one individual who represents law enforcement, appointed by the chair of the
1976 [~~commission~~] committee;
1977 (l) one individual who has lived with a mental health disorder, appointed by the chair
1978 of the [~~commission~~] committee;

- 1979 (m) one individual who represents an integrated health care system that:
- 1980 (i) is not affiliated with the chair of the [~~commission~~] committee; and
- 1981 (ii) provides inpatient behavioral health services and emergency room services to
- 1982 individuals in the state;
- 1983 (n) one individual who represents an accountable care organization, as defined in
- 1984 Section 26B-3-219, with a statewide membership base;
- 1985 (o) one individual who represents 911 call centers and public safety answering points,
- 1986 appointed by the chair of the [~~commission~~] committee;
- 1987 (p) one individual who represents Emergency Medical Services, appointed by the chair
- 1988 of the [~~commission~~] committee;
- 1989 (q) one individual who represents the mobile wireless service provider industry,
- 1990 appointed by the chair of the [~~commission~~] committee;
- 1991 (r) one individual who represents rural telecommunications providers, appointed by the
- 1992 chair of the [~~commission~~] committee;
- 1993 (s) one individual who represents voice over internet protocol and land line providers,
- 1994 appointed by the chair of the [~~commission;~~] committee; and
- 1995 (t) one individual who represents the Utah League of Cities and Towns, appointed by
- 1996 the Utah League of Cities and Towns[~~;and~~].
- 1997 [~~(u) three or six legislative members, the number of which shall be decided jointly by~~
- 1998 ~~the speaker of the House of Representatives and the president of the Senate, appointed as~~
- 1999 ~~follows:]~~
- 2000 [~~(i) if the speaker of the House of Representatives and the president of the Senate~~
- 2001 ~~jointly decide to appoint three legislative members to the commission, the speaker shall appoint~~
- 2002 ~~one member of the House of Representatives, the president shall appoint one member of the~~
- 2003 ~~Senate, and the speaker and the president shall jointly appoint one legislator from the minority~~
- 2004 ~~party; or]~~
- 2005 [~~(ii) if the speaker of the House of Representatives and the president of the Senate~~
- 2006 ~~jointly decide to appoint six legislative members to the commission:]~~
- 2007 [~~(A) the speaker of the House of Representatives shall appoint three members of the~~
- 2008 ~~House of Representatives, no more than two of whom may be from the same political party;~~
- 2009 ~~and]~~

2010 ~~[(B) the president of the Senate shall appoint three members of the Senate, no more~~
 2011 ~~than two of whom may be from the same political party.]~~

2012 (2) (a) Except as provided in Subsection (2)(d), the executive director of the Huntsman
 2013 Mental Health Institute is the chair of the ~~[commission]~~ committee.

2014 (b) The chair of the ~~[commission]~~ committee shall appoint a member of the
 2015 ~~[commission]~~ committee to serve as the vice chair of the ~~[commission]~~ committee, with the
 2016 approval of the ~~[commission]~~ committee.

2017 (c) The chair of the ~~[commission]~~ committee shall set the agenda for each
 2018 ~~[commission]~~ committee meeting.

2019 (d) If the executive director of the Huntsman Mental Health Institute is not available to
 2020 serve as the chair of the ~~[commission]~~ committee, the ~~[commission]~~ committee shall elect a
 2021 chair from among the ~~[commission's]~~ committee's members.

2022 (3) (a) A majority of the members of the ~~[commission]~~ committee constitutes a
 2023 quorum.

2024 (b) The action of a majority of a quorum constitutes the action of the ~~[commission]~~
 2025 committee.

2026 (4) ~~[(a) Except as provided in Subsection (4)(b), a]~~ A member may not receive
 2027 compensation, benefits, per diem, or travel expenses for the member's service on the
 2028 ~~[commission]~~ committee.

2029 ~~[(b) Compensation and expenses of a member who is a legislator are governed by~~
 2030 ~~Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.]~~

2031 (5) The Office of the Attorney General shall provide staff support to the ~~[commission]~~
 2032 committee.

2033 Section 36. Section **63C-18-203** is amended to read:

2034 **63C-18-203. Committee duties -- Reporting requirements.**

2035 (1) ~~[The commission]~~ Under the direction of the Utah Behavioral Health Commission
 2036 created in Section 26B-5-702, the committee shall:

2037 (a) identify a method to integrate existing local mental health crisis lines to ensure each
 2038 individual who accesses a local mental health crisis line is connected to a qualified mental or
 2039 behavioral health professional, regardless of the time, date, or number of individuals trying to
 2040 simultaneously access the local mental health crisis line;

- 2041 (b) study how to establish and implement a statewide mental health crisis line and a
2042 statewide warm line, including identifying:
- 2043 (i) a statewide phone number or other means for an individual to easily access the
2044 statewide mental health crisis line, including a short code for text messaging and a three-digit
2045 number for calls;
- 2046 (ii) a statewide phone number or other means for an individual to easily access the
2047 statewide warm line, including a short code for text messaging and a three-digit number for
2048 calls;
- 2049 (iii) a supply of:
- 2050 (A) qualified mental or behavioral health professionals to staff the statewide mental
2051 health crisis line; and
- 2052 (B) qualified mental or behavioral health professionals or certified peer support
2053 specialists to staff the statewide warm line; and
- 2054 (iv) a funding mechanism to operate and maintain the statewide mental health crisis
2055 line and the statewide warm line;
- 2056 (c) coordinate with local mental health authorities in fulfilling the [~~commission's~~]
2057 committee's duties described in Subsections (1)(a) and (b);
- 2058 (d) recommend standards for the certifications described in Section [26B-5-610](#); and
- 2059 (e) coordinate services provided by local mental health crisis lines and mobile crisis
2060 outreach teams, as defined in Section [62A-15-1401](#).
- 2061 (2) The [~~commission~~] committee shall study and make recommendations regarding:
- 2062 (a) crisis line practices and needs, including:
- 2063 (i) quality and timeliness of service;
- 2064 (ii) service volume projections;
- 2065 (iii) a statewide assessment of crisis line staffing needs, including required
2066 certifications; and
- 2067 (iv) a statewide assessment of technology needs;
- 2068 (b) primary duties performed by crisis line workers;
- 2069 (c) coordination or redistribution of secondary duties performed by crisis line workers,
2070 including responding to non-emergency calls;
- 2071 (d) operating the statewide 988 hotline;

- 2072 (i) in accordance with federal law;
- 2073 (ii) to ensure the efficient and effective routing of calls to an appropriate crisis center;
- 2074 and
- 2075 (iii) to directly respond to calls with trained personnel and the provision of acute
- 2076 mental health, crisis outreach, and stabilization services;
- 2077 (e) opportunities to increase operational and technological efficiencies and
- 2078 effectiveness between 988 and 911, utilizing current technology;
- 2079 (f) needs for interoperability partnerships and policies related to 911 call transfers and
- 2080 public safety responses;
- 2081 (g) standards for statewide mobile crisis outreach teams, including:
- 2082 (i) current models and projected needs;
- 2083 (ii) quality and timeliness of service;
- 2084 (iii) hospital and jail diversions; and
- 2085 (iv) staffing and certification;
- 2086 (h) resource centers, including:
- 2087 (i) current models and projected needs; and
- 2088 (ii) quality and timeliness of service;
- 2089 (i) policy considerations related to whether the state should:
- 2090 (i) manage, operate, and pay for a complete behavioral health system; or
- 2091 (ii) create partnerships with private industry; and
- 2092 (j) sustainable funding source alternatives, including:
- 2093 (i) charging a 988 fee, including a recommendation on the fee amount;
- 2094 (ii) General Fund appropriations;
- 2095 (iii) other government funding options;
- 2096 (iv) private funding sources;
- 2097 (v) grants;
- 2098 (vi) insurance partnerships, including coverage for support and treatment after initial
- 2099 call and triage; and
- 2100 (vii) other funding resources.
- 2101 (3) The ~~[commission]~~ committee may conduct other business related to the
- 2102 ~~[commission's]~~ committee's duties described in this section.

2103 (4) The ~~[commission]~~ committee shall consult with the Office of Substance Use and
2104 Mental Health regarding:

2105 (a) the standards and operation of the statewide mental health crisis line and the
2106 statewide warm line, in accordance with Section [26B-5-610](#); and

2107 (b) the incorporation of the statewide mental health crisis line and the statewide warm
2108 line into behavioral health systems throughout the state.

2109 (5) ~~[Beginning in 2023, by no later than the last interim meeting of the Health and~~
2110 ~~Human Services Interim Committee each year, the commission]~~ The committee shall report to
2111 the [Health and Human Services Interim Committee] Utah Behavioral Health Commission on
2112 the matters described in Subsections (1) and (2), including any recommendations, legislation
2113 proposals, and opportunities for behavioral health crisis response system improvement.

2114 Section 37. Section **63C-23-102** is amended to read:

2115 **CHAPTER 23. EDUCATION AND MENTAL HEALTH COORDINATING**
2116 **COMMITTEE**

2117 **63C-23-102. Definitions.**

2118 As used in this chapter:

2119 (1) ~~["Council"]~~ "Committee" means the Education and Mental Health Coordinating
2120 ~~[Council]~~ Committee created in Section [63C-23-201](#).

2121 (2) "Local education agency" or "LEA" means the same as that term is defined in
2122 Section [53E-1-102](#).

2123 (3) "Local mental health authority" means a local mental health authority described in
2124 Section [17-43-301](#).

2125 (4) "Local substance abuse authority" means a local substance abuse authority
2126 described in Section [17-43-201](#).

2127 Section 38. Section **63C-23-201** is amended to read:

2128 **Part 2. Education and Mental Health Coordinating Committee**

2129 **63C-23-201. Education and Mental Health Coordinating Committee --**

2130 **Membership -- Quorum and voting requirements -- Compensation -- Staff support.**

2131 (1) ~~[There]~~ Under the direction of the Utah Behavioral Health Commission created in
2132 Section [26B-5-702](#), there is created the Education and Mental Health Coordinating [Council]
2133 Committee to:

- 2134 (a) provide action-oriented guidance to legislative and other state leaders on how to
2135 meet the behavioral health needs, including mental health and substance use issues, facing
2136 youth and families within the state; and
- 2137 (b) ensure close collaboration and alignment with existing statewide behavioral health
2138 efforts and groups, including:
- 2139 (i) the Behavioral Health Crisis Response [~~Commission~~] Committee created in Section
2140 [63C-18-202](#); and
- 2141 (ii) the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee created
2142 in Section [~~63M-7-301~~] [26B-5-801](#).
- 2143 (2) The [~~council~~] committee consists of the following members:
- 2144 (a) a member of the House of Representatives whom the speaker of the House of
2145 Representatives appoints;
- 2146 (b) a member of the Senate whom the president of the Senate appoints;
- 2147 (c) an individual with expertise in behavioral health whom the governor appoints;
- 2148 (d) the state superintendent of public instruction appointed under Section [53E-3-301](#) or
2149 the state superintendent's designee;
- 2150 (e) the chief executive officer of the Huntsman Mental Health Institute at the
2151 University of Utah or the chief executive officer's designee;
- 2152 (f) the director of the Division of Substance Abuse and Mental Health or the director's
2153 designee;
- 2154 (g) the commissioner of higher education appointed under Section [53B-1-408](#) or the
2155 commissioner's designee; and
- 2156 (h) the following individuals whom the president of the Senate and the speaker of the
2157 House of Representatives jointly appoint:
- 2158 (i) a community-oriented behavioral health leader from the private sector;
- 2159 (ii) the president or chief executive officer of an association that represents hospitals
2160 within the state;
- 2161 (iii) a community health executive from an academic medical system;
- 2162 (iv) a community health executive from an integrated healthcare system;
- 2163 (v) the president or chief executive officer of a nonprofit organization that provides
2164 comprehensive mental health care to children and families across the socioeconomic spectrum;

2165 and

2166 (vi) a mental health research expert.

2167 (3) (a) The members described in Subsections (2)(a) and (2)(h)(i) shall serve as
2168 co-chairs of the [council] committee.

2169 (b) A [council] committee member whom the speaker of the House of Representatives
2170 and the president of the Senate jointly appoint under Subsection (2)(h), and the [council]
2171 committee member whom the governor appoints under Subsection (2)(c), shall serve a term of
2172 two years.

2173 (c) The speaker of the House of Representatives, the president of the Senate, and the
2174 governor shall:

2175 (i) make the initial appointments described in Subsection (2) before July 1, 2021; and

2176 (ii) make appointments for subsequent terms for the [council] committee positions
2177 described in Subsection (2)(b) before July 1 of each odd-numbered year, by:

2178 (A) reappointing the [council] committee member whose term expires under
2179 Subsection (3)(b); or

2180 (B) appointing a new [council] committee member.

2181 (d) The speaker of the House of Representatives and the president of the Senate may
2182 change the appointment described in Subsections (2)(a) and (b) at any time.

2183 (4) (a) The salary and expenses of a [council] committee member who is a legislator
2184 shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,
2185 Legislator Compensation.

2186 (b) A [council] committee member who is not a legislator:

2187 (i) may not receive compensation or benefits for the member's service on the [council]
2188 committee; and

2189 (ii) may receive per diem and reimbursement for travel expenses that the [council]
2190 committee member incurs as a [council] committee member at the rates that the Division of
2191 Finance establishes under:

2192 (A) Sections 63A-3-106 and 63A-3-107; and

2193 (B) rules that the Division of Finance makes under Sections 63A-3-106 and
2194 63A-3-107.

2195 (5) (a) A majority of the [council] committee members constitutes a quorum.

2196 (b) The action of a majority of a quorum constitutes an action of the [council]
2197 committee.

2198 (6) The Office of Legislative Research and General Counsel shall provide staff support
2199 to the [council] committee.

2200 Section 39. Section **63C-23-202** is amended to read:

2201 **63C-23-202. Committee duties -- Reporting requirements.**

2202 (1) The [council] committee shall:

2203 (a) meet at least twice per quarter; and

2204 (b) make findings and recommendations to:

2205 (i) generate a common framework for preventing and addressing mild, moderate, and
2206 serious behavioral health concerns that youth within the state face;

2207 (ii) clarify roles among LEAs, local mental health authorities, local substance abuse
2208 authorities, and other behavioral health partners regarding the practical and legal obligations of
2209 screening, assessment, and the provision of care; and

2210 (iii) facilitate joint development of state and local plans among LEAs, local mental
2211 health authorities, local substance abuse authorities, and other behavioral health partners that:

2212 (A) describe how the entities will collaborate to meet the behavioral health needs of
2213 youth within the state; and

2214 (B) provide clarity and consistency in the standardization, collection, analysis, and
2215 application of behavioral health-related data to drive improvement.

2216 (2) At least once per quarter, the [council] committee co-chairs shall report to the
2217 speaker of the House of Representatives and the president of the Senate regarding the findings
2218 and recommendations described in Subsection (1)(b).

2219 (3) [~~At or before the November interim meeting, the council~~] On or before July 31 of
2220 each year, the committee shall report the [council's] committee's findings and recommendations
2221 described in Subsection (1)(b) to the [Education Interim Committee and the Health and Human
2222 Services Interim Committee] Utah Behavioral Health Commission.

2223 Section 40. Section **63I-1-226 (Superseded 07/01/24)** is amended to read:

2224 **63I-1-226 (Superseded 07/01/24). Repeal dates: Titles 26A through 26B.**

2225 (1) Subsection **26B-1-204(2)(i)**, related to the Primary Care Grant Committee, is
2226 repealed July 1, 2025.

- 2227 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
2228 2024.
- 2229 (3) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed
2230 January 1, 2025.
- 2231 (4) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is
2232 repealed January 1, 2025.
- 2233 (5) Subsection 26B-1-324(4), the language that states "the Behavioral Health Crisis
2234 Response [~~Commission~~] Committee, as defined in Section 63C-18-202," is repealed December
2235 31, 2026.
- 2236 (6) Subsection 26B-1-329(6), related to the Behavioral Health Crisis Response
2237 [~~Commission~~] Committee, is repealed December 31, 2026.
- 2238 (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is
2239 repealed July 1, 2026.
- 2240 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is
2241 repealed July 1, 2025.
- 2242 (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed
2243 July 1, 2025.
- 2244 (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program
2245 Advisory Council, is repealed July 1, 2025.
- 2246 (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is
2247 repealed July 1, 2025.
- 2248 (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric
2249 Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.
- 2250 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
2251 repealed July 1, 2029.
- 2252 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
2253 Other Drug Prevention Program, is repealed July 1, 2025.
- 2254 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with
2255 Disabilities, is repealed July 1, 2027.
- 2256 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating
2257 Council, is repealed July 1, 2023.

2258 (17) Section [26B-1-432](#), which creates the Newborn Hearing Screening Committee, is
2259 repealed July 1, 2026.

2260 (18) Section [26B-1-434](#), regarding the Correctional Postnatal and Early Childhood
2261 Advisory Board, is repealed July 1, 2026.

2262 (19) Section [26B-2-407](#), related to drinking water quality in child care centers, is
2263 repealed July 1, 2027.

2264 (20) Subsection [26B-3-107\(9\)](#), which addresses reimbursement for dental hygienists, is
2265 repealed July 1, 2028.

2266 (21) Section [26B-3-136](#), which creates the Children's Health Care Coverage Program,
2267 is repealed July 1, 2025.

2268 (22) Section [26B-3-137](#), related to reimbursement for the National Diabetes Prevention
2269 Program, is repealed June 30, 2027.

2270 (23) Subsection [26B-3-213\(2\)](#), the language that states "[~~and~~] In consultation with the
2271 Behavioral Health Crisis Response [~~Commission~~] Committee created in Section [63C-18-202](#)"
2272 is repealed December 31, 2026.

2273 (24) Sections [26B-3-302](#) through [26B-3-309](#), regarding the Drug Utilization Review
2274 Board, are repealed July 1, 2027.

2275 (25) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,
2276 2024.

2277 (26) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
2278 repealed July 1, 2024.

2279 (27) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,
2280 2028.

2281 (28) Section [26B-3-910](#), regarding alternative eligibility, is repealed July 1, 2028.

2282 (29) Section [26B-4-136](#), related to the Volunteer Emergency Medical Service
2283 Personnel Health Insurance Program, is repealed July 1, 2027.

2284 (30) Section [26B-4-710](#), related to rural residency training programs, is repealed July 1,
2285 2025.

2286 (31) Subsections [26B-5-112\(1\)](#) and (5), the language that states "In consultation with
2287 the Behavioral Health Crisis Response [~~Commission~~] Committee, established in Section
2288 [63C-18-202](#)," is repealed December 31, 2026.

- 2289 (32) Section [26B-5-112.5](#) is repealed December 31, 2026.
- 2290 (33) Section [26B-5-114](#), related to the Behavioral Health Receiving Center Grant
2291 Program, is repealed December 31, 2026.
- 2292 (34) Section [26B-5-118](#), related to collaborative care grant programs, is repealed
2293 December 31, 2024.
- 2294 (35) Section [26B-5-120](#) is repealed December 31, 2026.
- 2295 (36) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:
- 2296 (a) Subsection [26B-5-606\(2\)\(a\)\(i\)](#), the language that states "and" is repealed; and
- 2297 (b) Subsections [26B-5-606\(2\)\(a\)\(ii\)](#), [26B-5-606\(2\)\(b\)](#), and [26B-5-606\(2\)\(c\)](#) are
2298 repealed.
- 2299 (37) In relation to the Behavioral Health Crisis Response [~~Commission~~] Committee, on
2300 December 31, 2026:
- 2301 (a) Subsection [26B-5-609\(1\)\(a\)](#) is repealed;
- 2302 (b) Subsection [26B-5-609\(3\)\(a\)](#), the language that states "With recommendations from
2303 the [~~commission~~] committee," is repealed;
- 2304 (c) Subsection [26B-5-610\(1\)\(b\)](#) is repealed;
- 2305 (d) Subsection [26B-5-610\(2\)\(b\)](#), the language that states "and in consultation with the
2306 [~~commission~~] committee," is repealed; [~~and~~]
- 2307 (e) Subsection [26B-5-610\(4\)](#), the language that states "In consultation with the
2308 [~~commission~~] committee," is repealed[~~;~~]; and
- 2309 (f) Subsection [26B-5-704\(2\)\(a\)](#) is repealed.
- 2310 [~~(38) Subsections [26B-5-611\(1\)\(a\)](#) and (10), in relation to the Utah Substance Use and~~
2311 ~~Mental Health Advisory Council, are repealed January 1, 2033.~~]
- 2312 [~~(39)~~] (38) Section [26B-5-612](#), related to integrated behavioral health care grant
2313 programs, is repealed December 31, 2025.
- 2314 (39) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July
2315 1, 2029.
- 2316 (40) Subsection [26B-5-704\(2\)\(b\)](#), related to the Education and Mental Health
2317 Coordinating Committee, is repealed December 31, 2024.
- 2318 (41) In relation to the Utah Substance Use and Mental Health Advisory Committee, on
2319 January 1, 2033, Sections [26B-5-801](#), [26B-5-802](#), [26B-5-803](#), and [26B-5-804](#) are repealed.

- 2320 [~~(40)~~] (42) Subsection 26B-7-119(5), related to reports to the Legislature on the
2321 outcomes of the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.
- 2322 [~~(41)~~] (43) Section 26B-7-224, related to reports to the Legislature on violent incidents
2323 and fatalities involving substance abuse, is repealed December 31, 2027.
- 2324 [~~(42)~~] (44) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
2325 2024.
- 2326 [~~(43)~~] (45) Section 26B-8-513, related to identifying overuse of non-evidence-based
2327 health care, is repealed December 31, 2023.
- 2328 Section 41. Section 63I-1-226 (Effective 07/01/24) is amended to read:
2329 **63I-1-226 (Effective 07/01/24). Repeal dates: Titles 26A through 26B.**
- 2330 (1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is
2331 repealed July 1, 2025.
- 2332 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
2333 2024.
- 2334 (3) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed
2335 January 1, 2025.
- 2336 (4) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is
2337 repealed January 1, 2025.
- 2338 (5) Subsection 26B-1-324(4), the language that states "the Behavioral Health Crisis
2339 Response [~~Commission~~] Committee, as defined in Section 63C-18-202," is repealed December
2340 31, 2026.
- 2341 (6) Subsection 26B-1-329(6), related to the Behavioral Health Crisis Response
2342 [~~Commission~~] Committee, is repealed December 31, 2026.
- 2343 (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is
2344 repealed July 1, 2026.
- 2345 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is
2346 repealed July 1, 2025.
- 2347 (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed
2348 July 1, 2025.
- 2349 (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program
2350 Advisory Council, is repealed July 1, 2025.

- 2351 (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is
2352 repealed July 1, 2025.
- 2353 (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric
2354 Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.
- 2355 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
2356 repealed July 1, 2029.
- 2357 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
2358 Other Drug Prevention Program, is repealed July 1, 2025.
- 2359 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with
2360 Disabilities, is repealed July 1, 2027.
- 2361 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating
2362 Council, is repealed July 1, 2023.
- 2363 (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is
2364 repealed July 1, 2026.
- 2365 (18) Section 26B-1-434, regarding the Correctional Postnatal and Early Childhood
2366 Advisory Board, is repealed July 1, 2026.
- 2367 (19) Section 26B-2-407, related to drinking water quality in child care centers, is
2368 repealed July 1, 2027.
- 2369 (20) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is
2370 repealed July 1, 2028.
- 2371 (21) Section 26B-3-136, which creates the Children's Health Care Coverage Program,
2372 is repealed July 1, 2025.
- 2373 (22) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention
2374 Program, is repealed June 30, 2027.
- 2375 (23) Subsection 26B-3-213(2), the language that states "[~~and~~] In consultation with the
2376 Behavioral Health Crisis Response [Commission] Committee created in Section 63C-18-202"
2377 is repealed December 31, 2026.
- 2378 (24) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review
2379 Board, are repealed July 1, 2027.
- 2380 (25) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,
2381 2024.

- 2382 (26) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
2383 repealed July 1, 2024.
- 2384 (27) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,
2385 2028.
- 2386 (28) Section [26B-3-910](#), regarding alternative eligibility, is repealed July 1, 2028.
- 2387 (29) Section [26B-4-710](#), related to rural residency training programs, is repealed July 1,
2388 2025.
- 2389 (30) Subsections [26B-5-112](#)(1) and (5), the language that states "In consultation with
2390 the Behavioral Health Crisis Response [~~Commission~~] Committee, established in Section
2391 [63C-18-202](#)," is repealed December 31, 2026.
- 2392 (31) Section [26B-5-112.5](#) is repealed December 31, 2026.
- 2393 (32) Section [26B-5-114](#), related to the Behavioral Health Receiving Center Grant
2394 Program, is repealed December 31, 2026.
- 2395 (33) Section [26B-5-118](#), related to collaborative care grant programs, is repealed
2396 December 31, 2024.
- 2397 (34) Section [26B-5-120](#) is repealed December 31, 2026.
- 2398 (35) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:
- 2399 (a) Subsection [26B-5-606](#)(2)(a)(i), the language that states "and" is repealed; and
- 2400 (b) Subsections [26B-5-606](#)(2)(a)(ii), [26B-5-606](#)(2)(b), and [26B-5-606](#)(2)(c) are
2401 repealed.
- 2402 (36) In relation to the Behavioral Health Crisis Response [~~Commission~~] Committee, on
2403 December 31, 2026:
- 2404 (a) Subsection [26B-5-609](#)(1)(a) is repealed;
- 2405 (b) Subsection [26B-5-609](#)(3)(a), the language that states "With recommendations from
2406 the [~~commission~~] committee," is repealed;
- 2407 (c) Subsection [26B-5-610](#)(1)(b) is repealed;
- 2408 (d) Subsection [26B-5-610](#)(2)(b), the language that states "and in consultation with the
2409 [~~commission~~] committee," is repealed; [~~and~~]
- 2410 (e) Subsection [26B-5-610](#)(4), the language that states "In consultation with the
2411 [~~commission~~] committee," is repealed[.]; and
- 2412 (f) Subsection [26B-5-704](#)(2)(a) is repealed.

2413 [~~(37)~~ Subsections ~~26B-5-611~~(1)(a) and (10), in relation to the Utah Substance Use and
 2414 Mental Health Advisory Council, are repealed January 1, 2033.]

2415 [~~(38)~~ (37) Section ~~26B-5-612~~, related to integrated behavioral health care grant
 2416 programs, is repealed December 31, 2025.

2417 (38) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July
 2418 1, 2029.

2419 (39) Subsection ~~26B-5-704~~(2)(b), related to the Education and Mental Health
 2420 Coordinating Committee, is repealed December 31, 2024.

2421 (40) In relation to the Utah Substance Use and Mental Health Advisory Committee, on
 2422 January 1, 2033, Sections ~~26B-5-801~~, ~~26B-5-802~~, ~~26B-5-803~~, and ~~26B-5-804~~ are repealed.

2423 [~~(39)~~ (41) Subsection ~~26B-7-119~~(5), related to reports to the Legislature on the
 2424 outcomes of the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

2425 [~~(40)~~ (42) Section ~~26B-7-224~~, related to reports to the Legislature on violent incidents
 2426 and fatalities involving substance abuse, is repealed December 31, 2027.

2427 [~~(41)~~ (43) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
 2428 2024.

2429 [~~(42)~~ (44) Section ~~26B-8-513~~, related to identifying overuse of non-evidence-based
 2430 health care, is repealed December 31, 2023.

2431 Section 42. Section **63I-1-232** is amended to read:

2432 **63I-1-232. Repeal dates: Title 32A through 32B.**

2433 In relation to the Utah Substance Use and Mental Health Advisory [~~Council~~]
 2434 Committee, on January 1, 2033:

2435 (1) Subsection ~~32B-2-306~~(1)(a) is repealed;

2436 (2) Subsection ~~32B-2-306~~(4), the language that states "advisory [~~council~~] committee"
 2437 is repealed and replaced with "department";

2438 (3) Subsections ~~32B-2-306~~(4)(b) and (e) are repealed;

2439 (4) Subsection ~~32B-2-306~~(5)(a), the language that states "in cooperation with the
 2440 advisory [~~council~~] committee" is repealed;

2441 (5) Subsection ~~32B-2-306~~(5)(b) is amended to read:

2442 "(b) The department shall:

2443 (i) prepare a plan detailing the intended use of the money appropriated under this

2444 section; and

2445 (ii) conduct the media and education campaign in accordance with the guidelines
2446 created by the department under Subsection (4)(c).";

2447 (6) Subsection [32B-2-402\(1\)\(b\)](#) is repealed;

2448 (7) Sections [32B-2-404](#) and [32B-2-405](#), the language that states "advisory [~~council~~]
2449 committee" is repealed and replaced with "department";

2450 (8) Subsection [32B-2-405\(2\)](#), the language that states "by a majority vote" is repealed;
2451 and

2452 (9) Subsection [32B-2-405\(4\)\(a\)\(i\)](#), the language that states "majority vote of" is
2453 repealed.

2454 Section 43. Section **63I-1-263** is amended to read:

2455 **63I-1-263. Repeal dates: Titles 63A to 63N.**

2456 (1) Subsection [63A-5b-405\(5\)](#), relating to prioritizing and allocating capital
2457 improvement funding, is repealed July 1, 2024.

2458 (2) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,
2459 2023.

2460 (3) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
2461 Committee, are repealed July 1, 2023.

2462 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
2463 1, 2028.

2464 (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
2465 2025.

2466 (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
2467 2024.

2468 (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
2469 repealed July 1, 2023.

2470 (8) [~~Title 63C, Chapter 18, Behavioral Health Crisis Response Commission~~] [Title 63C,](#)
2471 Chapter 18, Behavioral Health Crisis Response Committee, is repealed December 31, 2026.

2472 (9) [~~Title 63C, Chapter 23, Education and Mental Health Coordinating Council~~] [Title](#)
2473 [63C, Chapter 23, Education and Mental Health Coordinating Committee, is repealed \[~~July 1,~~
2474 ~~2026~~\] December 31, 2024.](#)

- 2475 (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 2476 (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 2477 (12) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December
2478 31, 2024.
- 2479 (13) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is
2480 repealed on July 1, 2028.
- 2481 (14) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
2482 Advisory Board, is repealed July 1, 2026.
- 2483 (15) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
2484 2028.
- 2485 (16) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
2486 2024.
- 2487 (17) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 2488 (18) Subsection [63J-1-602.2\(25\)](#), related to the Utah Seismic Safety Commission, is
2489 repealed January 1, 2025.
- 2490 (19) Section [63L-11-204](#), creating a canyon resource management plan to Provo
2491 Canyon, is repealed July 1, 2025.
- 2492 (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is
2493 repealed July 1, 2027.
- 2494 [~~(21) In relation to the Utah Substance Use and Mental Health Advisory Council, on~~
2495 ~~January 1, 2033:~~]
- 2496 [~~(a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are~~
2497 ~~repealed;~~]
- 2498 [~~(b) Section [63M-7-305](#), the language that states "council" is replaced with~~
2499 ~~"commission";~~]
- 2500 [~~(c) Subsection [63M-7-305\(1\)\(a\)](#) is repealed and replaced with:~~]
- 2501 [~~"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and~~]
- 2502 [~~(d) Subsection [63M-7-305\(2\)](#) is repealed and replaced with:~~]
- 2503 [~~"(2) The commission shall:~~]
- 2504 [~~(a) provide ongoing oversight of the implementation, functions, and evaluation of the~~
2505 ~~Drug-Related Offenses Reform Act; and~~]

2506 [~~(b)~~] coordinate the implementation of Section ~~77-18-104~~ and related provisions in
2507 Subsections ~~77-18-103(2)(c) and (d).~~"]
2508 [~~(22)~~] (21) The Crime Victim Reparations and Assistance Board, created in Section
2509 ~~63M-7-504~~, is repealed July 1, 2027.
2510 [~~(23)~~] (22) Title 63M, Chapter 7, Part 8, Sex Offense Management Board, is repealed
2511 July 1, 2026.
2512 [~~(24)~~] (23) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
2513 2026.
2514 [~~(25)~~] (24) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
2515 repealed January 1, 2025.
2516 [~~(26)~~] (25) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
2517 [~~(27)~~] (26) Section ~~63N-2-512~~, related to the Hotel Impact Mitigation Fund, is repealed
2518 July 1, 2028.
2519 [~~(28)~~] (27) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
2520 repealed July 1, 2027.
2521 [~~(29)~~] (28) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
2522 Program, is repealed July 1, 2025.
2523 [~~(30)~~] (29) In relation to the Rural Employment Expansion Program, on July 1, 2028:
2524 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
2525 and
2526 (b) Subsection ~~63N-4-805(5)(b)~~, referring to the Rural Employment Expansion
2527 Program, is repealed.
2528 [~~(31)~~] (30) In relation to the Board of Tourism Development, on July 1, 2025:
2529 (a) Subsection ~~63N-2-511(1)(b)~~, which defines "tourism board," is repealed;
2530 (b) Subsections ~~63N-2-511(3)(a) and (5)~~, the language that states "tourism board" is
2531 repealed and replaced with "Utah Office of Tourism";
2532 (c) Subsection ~~63N-7-101(1)~~, which defines "board," is repealed;
2533 (d) Subsection ~~63N-7-102(3)(c)~~, which requires the Utah Office of Tourism to receive
2534 approval from the Board of Tourism Development, is repealed; and
2535 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.
2536 [~~(32)~~] (31) Subsection ~~63N-8-103(3)(c)~~, which allows the Governor's Office of

2537 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
2538 is repealed on July 1, 2024.

2539 Section 44. Section **63M-7-202** is amended to read:

2540 **63M-7-202. Composition -- Appointments -- Ex officio members -- Terms --**
2541 **United States Attorney as nonvoting member.**

2542 (1) The State Commission on Criminal and Juvenile Justice is composed of 26 voting
2543 members as follows:

2544 (a) the chief justice of the supreme court, as the presiding officer of the judicial
2545 council, or a judge designated by the chief justice;

2546 (b) the state court administrator or the state court administrator's designee;

2547 (c) the executive director of the Department of Corrections or the executive director's
2548 designee;

2549 (d) the executive director of the Department of Health and Human Services or the
2550 executive director's designee;

2551 (e) the commissioner of the Department of Public Safety or the commissioner's
2552 designee;

2553 (f) the attorney general or an attorney designated by the attorney general;

2554 (g) the president of the chiefs of police association or a chief of police designated by
2555 the association's president;

2556 (h) the president of the sheriffs' association or a sheriff designated by the association's
2557 president;

2558 (i) the chair of the Board of Pardons and Parole or a member of the Board of Pardons
2559 and Parole designated by the chair;

2560 (j) the chair of the Utah Sentencing Commission or a member of the Utah Sentencing
2561 Commission designated by the chair;

2562 (k) the chair of the Utah Substance Use and Mental Health Advisory [~~Council~~]
2563 Committee or a member of the Utah Substance Use and Mental Health Advisory [~~Council~~]
2564 Committee designated by the chair;

2565 (l) the chair of the Utah Board of Juvenile Justice or a member of the Utah Board of
2566 Juvenile Justice designated by the chair;

2567 (m) the chair of the Utah Victim Services Commission or a member of the Utah Victim

2568 Services Commission designated by the chair;

2569 (n) the chair of the Utah Council on Victims of Crime or a member of the Utah
2570 Council on Victims of Crime designated by the chair;

2571 (o) the executive director of the Salt Lake Legal Defender Association or an attorney
2572 designated by the executive director;

2573 (p) the chair of the Utah Indigent Defense Commission or a member of the Indigent
2574 Defense Commission designated by the chair;

2575 (q) the Salt Lake County District Attorney or an attorney designated by the district
2576 attorney; and

2577 (r) the following members designated to serve four-year terms:

2578 (i) a juvenile court judge, appointed by the chief justice, as presiding officer of the
2579 Judicial Council;

2580 (ii) a representative of the statewide association of public attorneys designated by the
2581 association's officers;

2582 (iii) one member of the House of Representatives who is appointed by the speaker of
2583 the House of Representatives; and

2584 (iv) one member of the Senate who is appointed by the president of the Senate.

2585 (2) The governor shall appoint the remaining five members to four-year staggered
2586 terms as follows:

2587 (a) one criminal defense attorney appointed from a list of three nominees submitted by
2588 the Utah State Bar Association;

2589 (b) one attorney who primarily represents juveniles in delinquency matters appointed
2590 from a list of three nominees submitted by the Utah Bar Association;

2591 (c) one representative of public education;

2592 (d) one citizen representative; and

2593 (e) a representative from a local faith who has experience with the criminal justice
2594 system.

2595 (3) In addition to the members designated under Subsections (1) and (2), the United
2596 States Attorney for the district of Utah or an attorney designated by the United States Attorney
2597 may serve as a nonvoting member.

2598 (4) In appointing the members under Subsection (2), the governor shall take into

2599 account the geographical makeup of the commission.

2600 Section 45. Section **64-13-45** is amended to read:

2601 **64-13-45. Department reporting requirements.**

2602 (1) As used in this section:

2603 (a) (i) "In-custody death" means an inmate death that occurs while the inmate is in the
2604 custody of the department.

2605 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

2606 (A) being transported for medical care; or

2607 (B) receiving medical care outside of a correctional facility, other than a county jail.

2608 (b) "Inmate" means an individual who is processed or booked into custody or housed in
2609 the department or a correctional facility other than a county jail.

2610 (c) "Opiate" means the same as that term is defined in Section [58-37-2](#).

2611 (2) The department shall submit a report to the Commission on Criminal and Juvenile
2612 Justice, created in Section [63M-7-201](#), before June 15 of each year that includes:

2613 (a) the number of in-custody deaths that occurred during the preceding calendar year,
2614 including:

2615 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
2616 each of the in-custody deaths described in Subsection (2)(a); and

2617 (ii) the department's policy for notifying an inmate's next of kin after the inmate's
2618 in-custody death;

2619 (b) the department policies, procedures, and protocols:

2620 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
2621 including use of opiates;

2622 (ii) that relate to the department's provision, or lack of provision, of medications used
2623 to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all
2624 forms of buprenorphine and naltrexone; and

2625 (iii) that relate to screening, assessment, and treatment of an inmate for a substance use
2626 disorder or mental health disorder;

2627 (c) the number of inmates who gave birth and were restrained in accordance with
2628 Section [64-13-46](#), including:

2629 (i) the types of restraints used; and

2630 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the
2631 inmate, medical or corrections staff, or the public; and

2632 (d) any report the department provides or is required to provide under federal law or
2633 regulation relating to inmate deaths.

2634 (3) The Commission on Criminal and Juvenile Justice shall:

2635 (a) compile the information from the reports described in Subsection (2);

2636 (b) omit or redact any identifying information of an inmate in the compilation to the
2637 extent omission or redaction is necessary to comply with state and federal law; and

2638 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
2639 Committee and the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee
2640 before November 1 of each year.

2641 (4) The Commission on Criminal and Juvenile Justice may not provide access to or use
2642 the department's policies, procedures, or protocols submitted under this section in a manner or
2643 for a purpose not described in this section.

2644 Section 46. Section **77-18-102** is amended to read:

2645 **77-18-102. Definitions.**

2646 As used in this chapter:

2647 (1) "Assessment" means [~~except as provided in Section 77-18-104,~~] the same as the
2648 term "risk and needs assessment" in Section 77-1-3.

2649 (2) "Board" means the Board of Pardons and Parole.

2650 (3) "Civil accounts receivable" means the same as that term is defined in Section
2651 77-32b-102.

2652 (4) "Civil judgment of restitution" means the same as that term is defined in Section
2653 77-32b-102.

2654 (5) "Convicted" means the same as that term is defined in Section 76-3-201.

2655 (6) "Criminal accounts receivable" means the same as that term is defined in Section
2656 77-32b-102.

2657 (7) "Default" means the same as that term is defined in Section 77-32b-102.

2658 (8) "Delinquent" means the same as that term is defined in Section 77-32b-102.

2659 (9) "Department" means the Department of Corrections created in Section 64-13-2.

2660 (10) "Payment schedule" means the same as that term is defined in Section

2661 77-32b-102.

2662 (11) "Restitution" means the same as that term is defined in Section 77-38b-102.

2663 (12) "Screening" means~~[, except as provided in Section 77-18-104,]~~ a tool or
2664 questionnaire that is designed to determine whether an individual needs further assessment or
2665 any additional resource or referral for treatment.

2666 (13) "Substance use disorder treatment" means treatment obtained through a substance
2667 use disorder program that is licensed by the Office of Licensing within the Department of
2668 Health and Human Services.

2669 Section 47. Section 77-18-103 is amended to read:

2670 **77-18-103. Presentence investigation report -- Classification of presentence**
2671 **investigation report -- Evidence or other information at sentencing.**

2672 (1) Before the imposition of a sentence, the court may:

2673 (a) upon agreement of the defendant, continue the date for the imposition of the
2674 sentence for a reasonable period of time for the purpose of obtaining a presentence
2675 investigation report from the department or a law enforcement agency, or information from any
2676 other source about the defendant; and

2677 (b) if the defendant is convicted of a felony or a class A misdemeanor, request that the
2678 department or a law enforcement agency prepare a presentence investigation report for the
2679 defendant.

2680 (2) If a presentence investigation report is required under the standards established by
2681 the department described in Section 77-18-109, the presentence investigation report under
2682 Subsection (1) shall include:

2683 (a) any impact statement provided by a victim as described in Subsection
2684 77-38b-203(3)(c);

2685 (b) information on restitution as described in Subsections 77-38b-203(3)(a) and (b);
2686 ~~[(c) findings from any screening and any assessment of the defendant conducted under~~
2687 ~~Section 77-18-104;]~~

2688 ~~[(d)]~~ (c) recommendations for treatment for the defendant; and

2689 ~~[(e)]~~ (d) the number of days since the commission of the offense that the defendant has
2690 spent in the custody of the jail and the number of days, if any, the defendant was released to a
2691 supervised release program or an alternative incarceration program under Section 17-22-5.5.

2692 (3) The department or law enforcement agency shall provide the presentence
2693 investigation report to the defendant's attorney, or the defendant if the defendant is not
2694 represented by counsel, the prosecuting attorney, and the court for review within three working
2695 days before the day on which the defendant is sentenced.

2696 (4) (a) (i) If there is an alleged inaccuracy in the presentence investigation report that is
2697 not resolved by the parties and the department or law enforcement agency before sentencing:

2698 (A) the alleged inaccuracy shall be brought to the attention of the court at sentencing;
2699 and

2700 (B) the court may grant an additional 10 working days after the day on which the
2701 alleged inaccuracy is brought to the court's attention to allow the parties and the department to
2702 resolve the alleged inaccuracy in the presentence investigation report.

2703 (ii) If the court does not grant additional time under Subsection (4)(a)(i)(B), or the
2704 alleged inaccuracy cannot be resolved after 10 working days, and if the court finds that there is
2705 an inaccuracy in the presentence investigation report, the court shall:

2706 (A) enter a written finding as to the relevance and accuracy of the challenged portion of
2707 the presentence investigation report; and

2708 (B) provide the written finding to the Division of Adult Probation and Parole or the
2709 law enforcement agency.

2710 (b) The Division of Adult Probation and Parole shall attach the written finding to the
2711 presentence investigation report as an addendum.

2712 (c) If a party fails to challenge the accuracy of the presentence investigation report at
2713 the time of sentencing, the matter shall be considered waived.

2714 (5) The contents of the presentence investigation report are protected and not available
2715 except by court order for purposes of sentencing as provided by rule of the Judicial Council or
2716 for use by the department or law enforcement agency.

2717 (6) (a) A presentence investigation report is classified as protected in accordance with
2718 Title 63G, Chapter 2, Government Records Access and Management Act.

2719 (b) Notwithstanding Sections [63G-2-403](#) and [63G-2-404](#), the State Records Committee
2720 may not order the disclosure of a presentence investigation report.

2721 (7) Except for disclosure at the time of sentencing in accordance with this section, the
2722 department or law enforcement agency may disclose a presentence investigation only when:

- 2723 (a) ordered by the court in accordance with Subsection 63G-2-202(7);
- 2724 (b) requested by a law enforcement agency or other agency approved by the department
- 2725 for purposes of supervision, confinement, and treatment of a defendant;
- 2726 (c) requested by the board;
- 2727 (d) requested by the subject of the presentence investigation report or the subject's
- 2728 authorized representative;
- 2729 (e) requested by the victim of the offense discussed in the presentence investigation
- 2730 report, or the victim's authorized representative, if the disclosure is only information relating
- 2731 to:
- 2732 (i) statements or materials provided by the victim;
- 2733 (ii) the circumstances of the offense, including statements by the defendant; or
- 2734 (iii) the impact of the offense on the victim or the victim's household; or
- 2735 (f) requested by a sex offender treatment provider:
- 2736 (i) who is certified to provide treatment under the certification program established in
- 2737 Subsection 64-13-25(2);
- 2738 (ii) who is providing, at the time of the request, sex offender treatment to the offender
- 2739 who is the subject of the presentence investigation report; and
- 2740 (iii) who provides written assurance to the department that the report:
- 2741 (A) is necessary for the treatment of the defendant;
- 2742 (B) will be used solely for the treatment of the defendant; and
- 2743 (C) will not be disclosed to an individual or entity other than the defendant.
- 2744 (8) (a) At the time of sentence, the court shall receive any testimony, evidence, or
- 2745 information that the defendant or the prosecuting attorney desires to present concerning the
- 2746 appropriate sentence.
- 2747 (b) Testimony, evidence, or information under Subsection (8)(a) shall be presented in
- 2748 open court on record and in the presence of the defendant.

2749 Section 48. **Repealer.**

2750 This bill repeals:

2751 Section 26B-3-138, **Behavioral health delivery working group.**

2752 Section 63C-18-101, **Title.**

2753 Section 63C-23-101, **Title.**

2754 Section [63M-7-305](#), Drug-Related Offenses Reform Act -- Coordination.
2755 Section [63M-7-306](#), Staffing.
2756 Section [77-18-104](#), Screening, assessment, and treatment.
2757 Section 49. **Effective date.**
2758 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.
2759 (2) The actions affecting Section [63I-1-226](#) (Effective 07/01/24) take effect on July 1,
2760 2024.