

BUREAU OF EMERGENCY MEDICAL SERVICES

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor: _____

LONG TITLE

General Description:

This bill moves responsibilities regarding emergency medical services from the Department of Health and Human Services to the Department of Public Safety.

Highlighted Provisions:

This bill:

- ▶ moves responsibilities and oversight regarding emergency medical services from the Department of Health and Human Services to the Department of Public Safety;
- ▶ establishes the Bureau of Emergency Medical Services in statute; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2-425, as last amended by Laws of Utah 2019, Chapter 159

11-48-103, as enacted by Laws of Utah 2021, Chapter 265

17B-2a-902, as last amended by Laws of Utah 2014, Chapter 189

26-6b-2, as last amended by Laws of Utah 2006, Chapter 185



28 **26-9-4**, as last amended by Laws of Utah 2017, Chapter 199
29 **26-18-26**, as enacted by Laws of Utah 2019, Chapter 265
30 **26-21-32**, as enacted by Laws of Utah 2019, Chapter 262
31 **26-21-209**, as last amended by Laws of Utah 2015, Chapter 307
32 **26-23-6**, as last amended by Laws of Utah 2022, Chapter 457
33 **26-37a-102**, as last amended by Laws of Utah 2016, Chapter 348
34 **26-55-102**, as last amended by Laws of Utah 2017, Chapter 392
35 **26B-1-204**, as renumbered and amended by Laws of Utah 2022, Chapter 255
36 **34-55-102**, as enacted by Laws of Utah 2019, Chapter 126
37 **34A-2-102**, as last amended by Laws of Utah 2019, Chapter 121
38 **39-1-64**, as enacted by Laws of Utah 2004, Chapter 82
39 **41-1a-230.7**, as enacted by Laws of Utah 2021, Chapter 395
40 **41-6a-523**, as last amended by Laws of Utah 2019, Chapter 349
41 **53-1-104**, as last amended by Laws of Utah 2013, Chapter 295
42 **53-10-405**, as last amended by Laws of Utah 2019, Chapter 349
43 **53-21-101**, as enacted by Laws of Utah 2022, Chapter 114
44 **58-1-307**, as last amended by Laws of Utah 2020, Chapter 339
45 **58-1-509**, as enacted by Laws of Utah 2019, Chapter 346
46 **58-37-8**, as last amended by Laws of Utah 2022, Chapters 116, 415 and 430
47 **59-12-801**, as last amended by Laws of Utah 2014, Chapter 50
48 **62A-15-629**, as last amended by Laws of Utah 2022, Chapters 341, 374
49 **62A-15-1401**, as last amended by Laws of Utah 2020, Chapter 303
50 **63I-1-226**, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,
51 347, and 451
52 **63I-1-253**, as last amended by Laws of Utah 2022, Chapters 10, 30, 31, 172, 173, 194,
53 218, 224, 229, 236, 254, 274, and 414
54 **63I-2-226**, as last amended by Laws of Utah 2022, Chapters 255, 365
55 **63I-2-253**, as last amended by Laws of Utah 2022, Chapters 208, 229, 274, 354, 370,
56 and 409
57 **63J-1-602.2**, as last amended by Laws of Utah 2022, Chapters 59, 68, 154, 224, 236,
58 242, and 447 and last amended by Coordination Clause, Laws of Utah 2022,

59 Chapter 154
60 **63M-7-209**, as last amended by Laws of Utah 2022, Chapter 36
61 **67-20-2**, as last amended by Laws of Utah 2022, Chapters 346, 347 and last amended
62 by Coordination Clause, Laws of Utah 2022, Chapter 347
63 **72-10-502**, as last amended by Laws of Utah 2018, Chapter 35
64 **76-3-203.11**, as last amended by Laws of Utah 2020, Chapter 131
65 **76-5-102.7**, as last amended by Laws of Utah 2022, Chapters 117, 181
66 **77-23-213**, as last amended by Laws of Utah 2019, Chapter 349
67 **78A-6-209**, as last amended by Laws of Utah 2022, Chapters 335, 430
68 **78B-4-501**, as last amended by Laws of Utah 2018, Chapter 62
69 **78B-5-902**, as last amended by Laws of Utah 2022, Chapter 255
70 **78B-5-904**, as enacted by Laws of Utah 2021, Chapter 208
71 **78B-8-401**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 16
72 **80-3-404**, as last amended by Laws of Utah 2022, Chapters 255, 334
73 **80-3-504**, as enacted by Laws of Utah 2022, Chapter 334

74 ENACTS:

75 **53-2d-102**, Utah Code Annotated 1953

76 RENUMBERS AND AMENDS:

77 **53-2d-101**, (Renumbered from 26-8a-102, as last amended by Laws of Utah 2022,
78 Chapters 255, 351 and 404)

79 **53-2d-103**, (Renumbered from 26-8a-105, as last amended by Laws of Utah 2019,
80 Chapter 265)

81 **53-2d-104**, (Renumbered from 26-8a-103, as last amended by Laws of Utah 2022,
82 Chapter 255)

83 **53-2d-105**, (Renumbered from 26-8a-104, as last amended by Laws of Utah 2021,
84 Chapters 237, 265)

85 **53-2d-106**, (Renumbered from 26-8a-106, as last amended by Laws of Utah 2017,
86 Chapter 326)

87 **53-2d-107**, (Renumbered from 26-8a-107, as last amended by Laws of Utah 2022,
88 Chapter 255)

89 **53-2d-108**, (Renumbered from 26-8a-108, as last amended by Laws of Utah 2021,

90 Chapter 395)
91 **53-2d-201**, (Renumbered from 26-8a-201, as enacted by Laws of Utah 1999, Chapter
92 141)
93 **53-2d-202**, (Renumbered from 26-8a-202, as enacted by Laws of Utah 1999, Chapter
94 141)
95 **53-2d-203**, (Renumbered from 26-8a-203, as last amended by Laws of Utah 2022,
96 Chapter 387)
97 **53-2d-204**, (Renumbered from 26-8a-204, as enacted by Laws of Utah 1999, Chapter
98 141)
99 **53-2d-205**, (Renumbered from 26-8a-205, as enacted by Laws of Utah 1999, Chapter
100 141)
101 **53-2d-206**, (Renumbered from 26-8a-206, as last amended by Laws of Utah 2021,
102 Chapter 208)
103 **53-2d-207**, (Renumbered from 26-8a-207, as last amended by Laws of Utah 2020,
104 Chapters 215, 230)
105 **53-2d-208**, (Renumbered from 26-8a-208, as last amended by Laws of Utah 2022,
106 Chapter 255)
107 **53-2d-209**, (Renumbered from 26-8a-210, as enacted by Laws of Utah 2020, Chapter
108 215)
109 **53-2d-210**, (Renumbered from 26-8a-211, as enacted by Laws of Utah 2020, Chapter
110 215)
111 **53-2d-211**, (Renumbered from 26-8a-212, as enacted by Laws of Utah 2022, Chapter
112 404)
113 **53-2d-301**, (Renumbered from 26-8a-250, as enacted by Laws of Utah 2000, Chapter
114 305)
115 **53-2d-302**, (Renumbered from 26-8a-251, as last amended by Laws of Utah 2019,
116 Chapter 349)
117 **53-2d-303**, (Renumbered from 26-8a-252, as enacted by Laws of Utah 2000, Chapter
118 305)
119 **53-2d-304**, (Renumbered from 26-8a-253, as last amended by Laws of Utah 2011,
120 Chapter 297)

121 **53-2d-305**, (Renumbered from 26-8a-254, as enacted by Laws of Utah 2000, Chapter
122 305)
123 **53-2d-401**, (Renumbered from 26-8a-301, as last amended by Laws of Utah 2021,
124 Chapter 237)
125 **53-2d-402**, (Renumbered from 26-8a-302, as last amended by Laws of Utah 2022,
126 Chapters 255, 460)
127 **53-2d-403**, (Renumbered from 26-8a-303, as last amended by Laws of Utah 2019,
128 Chapter 265)
129 **53-2d-404**, (Renumbered from 26-8a-304, as last amended by Laws of Utah 2019,
130 Chapter 265)
131 **53-2d-405**, (Renumbered from 26-8a-305, as enacted by Laws of Utah 1999, Chapter
132 141)
133 **53-2d-406**, (Renumbered from 26-8a-306, as last amended by Laws of Utah 2021,
134 Chapter 237)
135 **53-2d-407**, (Renumbered from 26-8a-307, as last amended by Laws of Utah 2021,
136 Chapter 208)
137 **53-2d-408**, (Renumbered from 26-8a-308, as last amended by Laws of Utah 2017,
138 Chapter 326)
139 **53-2d-409**, (Renumbered from 26-8a-309, as enacted by Laws of Utah 1999, Chapter
140 141)
141 **53-2d-410**, (Renumbered from 26-8a-310, as last amended by Laws of Utah 2022,
142 Chapters 255, 335 and 415)
143 **53-2d-410.5**, (Renumbered from 26-8a-310.5, as enacted by Laws of Utah 2021,
144 Chapter 237)
145 **53-2d-501**, (Renumbered from 26-8a-401, as last amended by Laws of Utah 2021,
146 Chapter 265)
147 **53-2d-502**, (Renumbered from 26-8a-402, as last amended by Laws of Utah 2021,
148 Chapter 265)
149 **53-2d-503**, (Renumbered from 26-8a-403, as last amended by Laws of Utah 2006,
150 Chapter 209)
151 **53-2d-504**, (Renumbered from 26-8a-404, as last amended by Laws of Utah 2022,

152 Chapter 351)
153 **53-2d-505**, (Renumbered from 26-8a-405, as last amended by Laws of Utah 2019,
154 Chapter 390)
155 **53-2d-505.1**, (Renumbered from 26-8a-405.1, as last amended by Laws of Utah 2021,
156 Chapter 265)
157 **53-2d-505.2**, (Renumbered from 26-8a-405.2, as last amended by Laws of Utah 2011,
158 Chapter 297)
159 **53-2d-505.3**, (Renumbered from 26-8a-405.3, as last amended by Laws of Utah 2021,
160 Chapter 355)
161 **53-2d-505.4**, (Renumbered from 26-8a-405.4, as last amended by Laws of Utah 2021,
162 Chapter 265)
163 **53-2d-505.5**, (Renumbered from 26-8a-405.5, as last amended by Laws of Utah 2021,
164 Chapter 265)
165 **53-2d-506**, (Renumbered from 26-8a-406, as last amended by Laws of Utah 2011,
166 Chapter 297)
167 **53-2d-507**, (Renumbered from 26-8a-407, as last amended by Laws of Utah 2008,
168 Chapter 382)
169 **53-2d-508**, (Renumbered from 26-8a-408, as last amended by Laws of Utah 2017,
170 Chapter 326)
171 **53-2d-509**, (Renumbered from 26-8a-409, as last amended by Laws of Utah 2017,
172 Chapter 326)
173 **53-2d-510**, (Renumbered from 26-8a-410, as last amended by Laws of Utah 2011,
174 Chapter 297)
175 **53-2d-511**, (Renumbered from 26-8a-411, as last amended by Laws of Utah 2003,
176 Chapter 213)
177 **53-2d-512**, (Renumbered from 26-8a-412, as enacted by Laws of Utah 1999, Chapter
178 141)
179 **53-2d-513**, (Renumbered from 26-8a-413, as last amended by Laws of Utah 2022,
180 Chapter 274)
181 **53-2d-514**, (Renumbered from 26-8a-414, as last amended by Laws of Utah 2008,
182 Chapter 382)

183 **53-2d-515**, (Renumbered from 26-8a-415, as enacted by Laws of Utah 1999, Chapter
184 141)
185 **53-2d-516**, (Renumbered from 26-8a-416, as last amended by Laws of Utah 2022,
186 Chapter 351)
187 **53-2d-601**, (Renumbered from 26-8a-501, as last amended by Laws of Utah 2017,
188 Chapter 326)
189 **53-2d-602**, (Renumbered from 26-8a-502, as last amended by Laws of Utah 2021,
190 Chapter 237)
191 **53-2d-602.1**, (Renumbered from 26-8a-502.1, as enacted by Laws of Utah 2022,
192 Chapter 457)
193 **53-2d-603**, (Renumbered from 26-8a-503, as last amended by Laws of Utah 2019,
194 Chapter 346)
195 **53-2d-604**, (Renumbered from 26-8a-504, as last amended by Laws of Utah 2008,
196 Chapter 382)
197 **53-2d-605**, (Renumbered from 26-8a-505, as enacted by Laws of Utah 1999, Chapter
198 141)
199 **53-2d-606**, (Renumbered from 26-8a-506, as last amended by Laws of Utah 2017,
200 Chapter 326)
201 **53-2d-607**, (Renumbered from 26-8a-507, as enacted by Laws of Utah 1999, Chapter
202 141)
203 **53-2d-701**, (Renumbered from 26-8a-601, as last amended by Laws of Utah 2021,
204 Chapter 237)
205 **53-2d-702**, (Renumbered from 26-8a-602, as enacted by Laws of Utah 2019, Chapter
206 262)
207 **53-2d-703**, (Renumbered from 26-8a-603, as enacted by Laws of Utah 2022, Chapter
208 347)
209 **53-2d-801**, (Renumbered from 26-8b-201, as enacted by Laws of Utah 2009, Chapter
210 22)
211 **53-2d-802**, (Renumbered from 26-8b-202, as enacted by Laws of Utah 2009, Chapter
212 22)
213 **53-2d-803**, (Renumbered from 26-8b-301, as last amended by Laws of Utah 2013,

214 Chapter 98)
 215 **53-2d-804**, (Renumbered from 26-8b-302, as enacted by Laws of Utah 2009, Chapter
 216 22)
 217 **53-2d-805**, (Renumbered from 26-8b-303, as last amended by Laws of Utah 2013,
 218 Chapter 98)
 219 **53-2d-806**, (Renumbered from 26-8b-401, as enacted by Laws of Utah 2009, Chapter
 220 22)
 221 **53-2d-807**, (Renumbered from 26-8b-402, as enacted by Laws of Utah 2013, Chapter
 222 98)
 223 **53-2d-808**, (Renumbered from 26-8b-501, as enacted by Laws of Utah 2013, Chapter
 224 98)
 225 **53-2d-809**, (Renumbered from 26-8b-602, as last amended by Laws of Utah 2014,
 226 Chapter 109)
 227 **53-2e-101**, (Renumbered from 26-8c-102, as enacted by Laws of Utah 2016, Chapter
 228 97)

229 REPEALS:

230 **26-8a-101**, as enacted by Laws of Utah 1999, Chapter 141
 231 **26-8b-101**, as enacted by Laws of Utah 2009, Chapter 22
 232 **26-8b-102**, as last amended by Laws of Utah 2015, Chapter 411
 233 **26-8b-601**, as enacted by Laws of Utah 2013, Chapter 99
 234 **26-8c-101**, as enacted by Laws of Utah 2016, Chapter 97

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

237 Section 1. Section **10-2-425** is amended to read:

238 **10-2-425. Filing of notice and plat -- Recording and notice requirements --**

239 **Effective date of annexation or boundary adjustment.**

240 (1) The legislative body of each municipality that enacts an ordinance under this part
 241 approving the annexation of an unincorporated area or the adjustment of a boundary, or the
 242 legislative body of an eligible city, as defined in Section **10-2a-403**, that annexes an
 243 unincorporated island upon the results of an election held in accordance with Section
 244 **10-2a-404**, shall:

245 (a) within 60 days after enacting the ordinance or the day of the election or, in the case
246 of a boundary adjustment, within 60 days after each of the municipalities involved in the
247 boundary adjustment has enacted an ordinance, file with the lieutenant governor:

248 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that
249 meets the requirements of Subsection 67-1a-6.5(3); and

250 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5;

251 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary
252 adjustment, as the case may be, under Section 67-1a-6.5:

253 (i) if the annexed area or area subject to the boundary adjustment is located within the
254 boundary of a single county, submit to the recorder of that county the original notice of an
255 impending boundary action, the original certificate of annexation or boundary adjustment, the
256 original approved final local entity plat, and a certified copy of the ordinance approving the
257 annexation or boundary adjustment; or

258 (ii) if the annexed area or area subject to the boundary adjustment is located within the
259 boundaries of more than a single county:

260 (A) submit to the recorder of one of those counties the original notice of impending
261 boundary action, the original certificate of annexation or boundary adjustment, and the original
262 approved final local entity plat;

263 (B) submit to the recorder of each other county a certified copy of the documents listed
264 in Subsection (1)(b)(ii)(A); and

265 (C) submit a certified copy of the ordinance approving the annexation or boundary
266 adjustment to each county described in Subsections (1)(b)(ii)(A) and (B); and

267 (c) concurrently with Subsection (1)(b):

268 (i) send notice of the annexation or boundary adjustment to each affected entity; and

269 (ii) in accordance with Section [26-8a-414] 53-2d-514, file with the [Department of
270 Health] Bureau of Emergency Medical Services:

271 (A) a certified copy of the ordinance approving the annexation of an unincorporated
272 area or the adjustment of a boundary; and

273 (B) a copy of the approved final local entity plat.

274 (2) If an annexation or boundary adjustment under this part or Chapter 2a, Part 4,
275 Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class

276 on and after May 12, 2015, also causes an automatic annexation to a local district under
277 Section 17B-1-416 or an automatic withdrawal from a local district under Subsection
278 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the lieutenant
279 governor issues a certificate of annexation or boundary adjustment under Section 67-1a-6.5,
280 send notice of the annexation or boundary adjustment to the local district to which the annexed
281 area is automatically annexed or from which the annexed area is automatically withdrawn.

282 (3) Each notice required under Subsection (1) relating to an annexation or boundary
283 adjustment shall state the effective date of the annexation or boundary adjustment, as
284 determined under Subsection (4).

285 (4) An annexation or boundary adjustment under this part is completed and takes
286 effect:

287 (a) for the annexation of or boundary adjustment affecting an area located in a county
288 of the first class, except for an annexation under Section 10-2-418:

289 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
290 certificate of annexation or boundary adjustment if:

291 (A) the certificate is issued during the preceding November 1 through April 30; and

292 (B) the requirements of Subsection (1) are met before that July 1; or

293 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
294 certificate of annexation or boundary adjustment if:

295 (A) the certificate is issued during the preceding May 1 through October 31; and

296 (B) the requirements of Subsection (1) are met before that January 1; and

297 (b) subject to Subsection (5), for all other annexations and boundary adjustments, the
298 date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of
299 annexation or boundary adjustment.

300 (5) If an annexation of an unincorporated island is based upon the results of an election
301 held in accordance with Section 10-2a-404:

302 (a) the county and the annexing municipality may agree to a date on which the
303 annexation is complete and takes effect; and

304 (b) the lieutenant governor shall issue, under Section 67-1a-6.5, a certification of
305 annexation on the date agreed to under Subsection (5)(a).

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

307 (i) "Affected area" means:
 308 (A) in the case of an annexation, the annexed area; and
 309 (B) in the case of a boundary adjustment, any area that, as a result of the boundary
 310 adjustment, is moved from within the boundary of one municipality to within the boundary of
 311 another municipality.

312 (ii) "Annexing municipality" means:
 313 (A) in the case of an annexation, the municipality that annexes an unincorporated area;
 314 and
 315 (B) in the case of a boundary adjustment, a municipality whose boundary includes an
 316 affected area as a result of a boundary adjustment.

317 (b) The effective date of an annexation or boundary adjustment for purposes of
 318 assessing property within an affected area is governed by Section 59-2-305.5.

319 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the
 320 recorder of each county in which the property is located, a municipality may not:

- 321 (i) levy or collect a property tax on property within an affected area;
- 322 (ii) levy or collect an assessment on property within an affected area; or
- 323 (iii) charge or collect a fee for service provided to property within an affected area,
 324 unless the municipality was charging and collecting the fee within that area immediately before
 325 annexation.

326 Section 2. Section 11-48-103 is amended to read:

327 **11-48-103. Provision of 911 ambulance services in municipalities and counties.**

328 (1) The governing body of each municipality and county shall, subject to [~~Title 26;~~
 329 ~~Chapter 8a, Part 4, Ambulance and Paramedic Providers;~~] Title 53, Chapter 2d, Part 5,
 330 Ambulance and Paramedic Providers, ensure at least a minimum level of 911 ambulance
 331 services are provided:

- 332 (a) within the territorial limits of the municipality or county;
- 333 (b) by a ground ambulance provider, licensed by the [~~Department of Health]~~ Bureau of
 334 Emergency Medical Services under [~~Title 26, Chapter 8a, Part 4, Ambulance and Paramedic~~
 335 ~~Providers]~~ Title 53, Chapter 2d, Part 5, Ambulance and Paramedic Providers; and
- 336 (c) in accordance with rules established by the State Emergency Medical Services
 337 Committee under [~~Subsection 26-8a-104(8).]~~ Subsection 53-2d-105(8).

- 338 (2) A municipality or county may:
- 339 (a) subject to Subsection (3), maintain and support 911 ambulance services for the
- 340 municipality's or county's own jurisdiction; or
- 341 (b) contract to:
- 342 (i) provide 911 ambulance services to any county, municipal corporation, local district,
- 343 special service district, interlocal entity, private corporation, nonprofit corporation, state
- 344 agency, or federal agency;
- 345 (ii) receive 911 ambulance services from any county, municipal corporation, local
- 346 district, special service district, interlocal entity, private corporation, nonprofit corporation,
- 347 state agency, or federal agency;
- 348 (iii) jointly provide 911 ambulance services with any county, municipal corporation,
- 349 local district, special service district, interlocal entity, private corporation, nonprofit
- 350 corporation, state agency, or federal agency; or
- 351 (iv) contribute toward the support of 911 ambulance services in any county, municipal
- 352 corporation, local district, special service district, interlocal entity, private corporation,
- 353 nonprofit corporation, state agency, or federal agency in return for 911 ambulance services.

354 (3) (a) A municipality or county that maintains and supports 911 ambulance services

355 for the municipality's or county's own jurisdiction under Subsection (2)(a) shall obtain a license

356 as a ground ambulance provider from the ~~[Department of Health]~~ Bureau of Emergency

357 Medical Services under ~~[Title 26, Chapter 8a, Part 4, Ambulance and Paramedic Providers]~~

358 Title 53, Chapter 2d, Part 5, Ambulance and Paramedic Providers.

359 (b) ~~[Subsections 26-8a-405]~~ Subsections 53-2d-505 through ~~[26-8a-405.3]~~ 53-2d-505.3

360 do not apply to a license described in Subsection (3)(a).

361 Section 3. Section **17B-2a-902** is amended to read:

362 **17B-2a-902. Provisions applicable to service areas.**

- 363 (1) Each service area is governed by and has the powers stated in:
- 364 (a) this part; and
- 365 (b) except as provided in Subsection (5), Chapter 1, Provisions Applicable to All Local
- 366 Districts.
- 367 (2) This part applies only to service areas.
- 368 (3) A service area is not subject to the provisions of any other part of this chapter.

369 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
370 Local Districts, and a provision in this part, the provision in this part governs.

371 (5) (a) Except as provided in Subsection (5)(b), on or after December 31, 2012, a
372 service area may not charge or collect a fee under Section [17B-1-643](#) for:

373 (i) law enforcement services;

374 (ii) fire protection services;

375 (iii) 911 ambulance or paramedic services as defined in Section [\[26-8a-102\]](#) [53-2d-101](#)
376 that are provided under a contract in accordance with Section [\[26-8a-405.2\]](#) [53-2d-505.2](#); or

377 (iv) emergency services.

378 (b) Subsection (5)(a) does not apply to:

379 (i) a fee charged or collected on an individual basis rather than a general basis;

380 (ii) a non-911 service as defined in Section [\[26-8a-102\]](#) [53-2d-101](#) that is provided
381 under a contract in accordance with Section [\[26-8a-405.2\]](#) [53-2d-505.2](#);

382 (iii) an impact fee charged or collected for a public safety facility as defined in Section
383 [11-36a-102](#); or

384 (iv) a service area that includes within the boundary of the service area a county of the
385 fifth or sixth class.

386 Section 4. Section **26-6b-2** is amended to read:

387 **26-6b-2. Definitions.**

388 As used in this chapter:

389 (1) "Department" means the Department of Health or a local health department as
390 defined in Section [26A-1-102](#).

391 (2) "First responder" means:

392 (a) a law enforcement officer as defined in Section [53-13-103](#);

393 (b) emergency medical service personnel as defined in Section [\[26-8a-102\]](#) [53-2d-1](#);

394 (c) firefighters; and

395 (d) public health personnel having jurisdiction over the location where an individual
396 subject to restriction is found.

397 (3) "Order of restriction" means an order issued by a department or a district court
398 which requires an individual or group of individuals who are subject to restriction to submit to
399 an examination, treatment, isolation, or quarantine.

400 (4) "Public health official" means:

401 (a) the executive director of the Department of Health, or the executive director's
402 authorized representative; or

403 (b) the executive director of a local health department as defined in Section 26A-1-102,
404 or the executive director's authorized representative.

405 (5) "Subject to restriction" as applied to an individual, or a group of individuals, means
406 the individual or group of individuals is:

407 (a) infected or suspected to be infected with a communicable disease that poses a threat
408 to the public health and who does not take action as required by the department to prevent
409 spread of the disease;

410 (b) contaminated or suspected to be contaminated with an infectious agent that poses a
411 threat to the public health, and that could be spread to others if remedial action is not taken;

412 (c) in a condition or suspected condition which, if the individual is exposed to others,
413 poses a threat to public health, or is in a condition which if treatment is not completed the
414 individual will pose a threat to public health; or

415 (d) contaminated or suspected to be contaminated with a chemical or biological agent
416 that poses a threat to the public health and that could be spread to others if remedial action is
417 not taken.

418 Section 5. Section 26-9-4 is amended to read:

419 **26-9-4. Rural Health Care Facilities Account -- Source of revenues -- Interest --**
420 **Distribution of revenues -- Expenditure of revenues -- Unexpended revenues lapse into**
421 **the General Fund.**

422 (1) As used in this section:

423 (a) "Emergency medical services" is as defined in Section [~~26-8a-102~~] [53-2d-101](#).

424 (b) "Federally qualified health center" is as defined in 42 U.S.C. Sec. 1395x.

425 (c) "Fiscal year" means a one-year period beginning on July 1 of each year.

426 (d) "Freestanding urgent care center" is as defined in Section [59-12-801](#).

427 (e) "Nursing care facility" is as defined in Section [26-21-2](#).

428 (f) "Rural city hospital" is as defined in Section [59-12-801](#).

429 (g) "Rural county health care facility" is as defined in Section [59-12-801](#).

430 (h) "Rural county hospital" is as defined in Section [59-12-801](#).

- 431 (i) "Rural county nursing care facility" is as defined in Section 59-12-801.
- 432 (j) "Rural emergency medical services" is as defined in Section 59-12-801.
- 433 (k) "Rural health clinic" is as defined in 42 U.S.C. Sec. 1395x.
- 434 (2) There is created a restricted account within the General Fund known as the "Rural
435 Health Care Facilities Account."
- 436 (3) (a) The restricted account shall be funded by amounts appropriated by the
437 Legislature.
- 438 (b) Any interest earned on the restricted account shall be deposited into the General
439 Fund.
- 440 (4) Subject to Subsections (5) and (6), the State Tax Commission shall for a fiscal year
441 distribute money deposited into the restricted account to each:
- 442 (a) county legislative body of a county that, on January 1, 2007, imposes a tax in
443 accordance with Section 59-12-802 and has not repealed the tax; or
- 444 (b) city legislative body of a city that, on January 1, 2007, imposes a tax in accordance
445 with Section 59-12-804 and has not repealed the tax.
- 446 (5) (a) Subject to Subsection (6), for purposes of the distribution required by
447 Subsection (4), the State Tax Commission shall:
- 448 (i) estimate for each county and city described in Subsection (4) the amount by which
449 the revenues collected from the taxes imposed under Sections 59-12-802 and 59-12-804 for
450 fiscal year 2005-06 would have been reduced had:
- 451 (A) the amendments made by Laws of Utah 2007, Chapter 288, Sections 25 and 26, to
452 Sections 59-12-802 and 59-12-804 been in effect for fiscal year 2005-06; and
- 453 (B) each county and city described in Subsection (4) imposed the tax under Sections
454 59-12-802 and 59-12-804 for the entire fiscal year 2005-06;
- 455 (ii) (A) for fiscal years ending before fiscal year 2018, calculate a percentage for each
456 county and city described in Subsection (4) by dividing the amount estimated for each county
457 and city in accordance with Subsection (5)(a)(i) by \$555,000; and
- 458 (B) beginning in fiscal year 2018, calculate a percentage for each county and city
459 described in Subsection (4) by dividing the amount estimated for each county and city in
460 accordance with Subsection (5)(a)(i) by \$218,809.33;
- 461 (iii) distribute to each county and city described in Subsection (4) an amount equal to

462 the product of:

463 (A) the percentage calculated in accordance with Subsection (5)(a)(ii); and

464 (B) the amount appropriated by the Legislature to the restricted account for the fiscal
465 year.

466 (b) The State Tax Commission shall make the estimations, calculations, and
467 distributions required by Subsection (5)(a) on the basis of data collected by the State Tax
468 Commission.

469 (6) If a county legislative body repeals a tax imposed under Section 59-12-802 or a city
470 legislative body repeals a tax imposed under Section 59-12-804:

471 (a) the commission shall determine in accordance with Subsection (5) the distribution
472 that, but for this Subsection (6), the county legislative body or city legislative body would
473 receive; and

474 (b) after making the determination required by Subsection (6)(a), the commission shall:

475 (i) if the effective date of the repeal of a tax imposed under Section 59-12-802 or
476 59-12-804 is October 1:

477 (A) (I) distribute to the county legislative body or city legislative body 25% of the
478 distribution determined in accordance with Subsection (6)(a); and

479 (II) deposit 75% of the distribution determined in accordance with Subsection (6)(a)
480 into the General Fund; and

481 (B) beginning with the first fiscal year after the effective date of the repeal and for each
482 subsequent fiscal year, deposit the entire amount of the distribution determined in accordance
483 with Subsection (6)(a) into the General Fund;

484 (ii) if the effective date of the repeal of a tax imposed under Section 59-12-802 or
485 59-12-804 is January 1:

486 (A) (I) distribute to the county legislative body or city legislative body 50% of the
487 distribution determined in accordance with Subsection (6)(a); and

488 (II) deposit 50% of the distribution determined in accordance with Subsection (6)(a)
489 into the General Fund; and

490 (B) beginning with the first fiscal year after the effective date of the repeal and for each
491 subsequent fiscal year, deposit the entire amount of the distribution determined in accordance
492 with Subsection (6)(a) into the General Fund;

493 (iii) if the effective date of the repeal of a tax imposed under Section 59-12-802 or
494 59-12-804 is April 1:

495 (A) (I) distribute to the county legislative body or city legislative body 75% of the
496 distribution determined in accordance with Subsection (6)(a); and

497 (II) deposit 25% of the distribution determined in accordance with Subsection (6)(a)
498 into the General Fund; and

499 (B) beginning with the first fiscal year after the effective date of the repeal and for each
500 subsequent fiscal year, deposit the entire amount of the distribution determined in accordance
501 with Subsection (6)(a) into the General Fund; or

502 (iv) if the effective date of the repeal of a tax imposed under Section 59-12-802 or
503 59-12-804 is July 1, beginning on that effective date and for each subsequent fiscal year,
504 deposit the entire amount of the distribution determined in accordance with Subsection (6)(a)
505 into the General Fund.

506 (7) (a) Subject to Subsection (7)(b) and Section 59-12-802, a county legislative body
507 shall distribute the money the county legislative body receives in accordance with Subsection
508 (5) or (6):

509 (i) for a county of the third or fourth class, to fund rural county health care facilities in
510 that county; and

511 (ii) for a county of the fifth or sixth class, to fund:

512 (A) rural emergency medical services in that county;

513 (B) federally qualified health centers in that county;

514 (C) freestanding urgent care centers in that county;

515 (D) rural county health care facilities in that county;

516 (E) rural health clinics in that county; or

517 (F) a combination of Subsections (7)(a)(ii)(A) through (E).

518 (b) A county legislative body shall distribute the money the county legislative body
519 receives in accordance with Subsection (5) or (6) to a center, clinic, facility, or service
520 described in Subsection (7)(a) as determined by the county legislative body.

521 (c) A center, clinic, facility, or service that receives a distribution in accordance with
522 this Subsection (7) shall expend that distribution for the same purposes for which money
523 collected from a tax under Section 59-12-802 may be expended.

524 (8) (a) Subject to Subsection (8)(b), a city legislative body shall distribute the money
525 the city legislative body receives in accordance with Subsection (5) or (6) to fund rural city
526 hospitals in that city.

527 (b) A city legislative body shall distribute a percentage of the money the city legislative
528 body receives in accordance with Subsection (5) or (6) to each rural city hospital described in
529 Subsection (8)(a) equal to the same percentage that the city legislative body distributes to that
530 rural city hospital in accordance with Section 59-12-805 for the calendar year ending on the
531 December 31 immediately preceding the first day of the fiscal year for which the city
532 legislative body receives the distribution in accordance with Subsection (5) or (6).

533 (c) A rural city hospital that receives a distribution in accordance with this Subsection
534 (8) shall expend that distribution for the same purposes for which money collected from a tax
535 under Section 59-12-804 may be expended.

536 (9) Any money remaining in the Rural Health Care Facilities Account at the end of a
537 fiscal year after the State Tax Commission makes the distributions required by this section
538 shall lapse into the General Fund.

539 Section 6. Section 26-18-26 is amended to read:

540 **26-18-26. Reimbursement for nonemergency secured behavioral health transport**
541 **providers.**

542 The department may not reimburse a nonemergency secured behavioral health transport
543 provider that is designated under Section [~~26-8a-303~~] 53-2d-403.

544 Section 7. Section 26-21-32 is amended to read:

545 **26-21-32. Notification of air ambulance policies and charges.**

546 (1) For any patient who is in need of air medical transport provider services, a health
547 care facility shall:

548 (a) provide the patient or the patient's representative with the information described in
549 Subsection [~~26-8a-107(7)(a)~~] 53-2d-107(8)(a) before contacting an air medical transport
550 provider; and

551 (b) if multiple air medical transport providers are capable of providing the patient with
552 services, provide the patient or the patient's representative with an opportunity to choose the air
553 medical transport provider.

554 (2) Subsection (1) does not apply if the patient:

555 (a) is unconscious and the patient's representative is not physically present with the
556 patient; or

557 (b) is unable, due to a medical condition, to make an informed decision about the
558 choice of an air medical transport provider, and the patient's representative is not physically
559 present with the patient.

560 Section 8. Section **26-21-209** is amended to read:

561 **26-21-209. Direct Access Clearance System database -- Contents -- Use.**

562 (1) The department shall create and maintain a Direct Access Clearance System
563 database, which:

564 (a) includes the names of individuals for whom [~~the department has received~~]:

565 (i) the department has received an application for clearance under this part; or

566 (ii) the Bureau of Emergency Medical Services has received an application for
567 background clearance under Section [~~26-8a-310~~] 53-2d-410; and

568 (b) indicates whether an application is pending and whether clearance has been granted
569 and retained for:

570 (i) an applicant under this part; and

571 (ii) an applicant for background clearance under Section [~~26-8a-310~~] 53-2d-410.

572 (2) (a) The department shall allow covered providers and covered contractors to access
573 the database electronically.

574 (b) Data accessible to a covered provider or covered contractor is limited to the
575 information under Subsections (1)(a)(i) and (1)(b)(i) for:

576 (i) covered individuals engaged by the covered provider or covered contractor; and

577 (ii) individuals:

578 (A) whom the covered provider or covered contractor could engage as covered
579 individuals; and

580 (B) who have provided the covered provider or covered contractor with sufficient
581 personal identification information to uniquely identify the individual in the database.

582 (c) (i) The department may establish fees, in accordance with Section 63J-1-504, for
583 use of the database by a covered contractor.

584 (ii) The fees may include, in addition to any fees established by the department under
585 Subsection 26-21-204(9), an initial set-up fee, an ongoing access fee, and a per-use fee.

586 Section 9. Section **26-23-6** is amended to read:

587 **26-23-6. Criminal and civil penalties and liability for violations.**

588 (1) (a) Any person, association, corporation, or an officer of a person, an association, or
589 a corporation, who violates any provision of this chapter or lawful orders of the department or a
590 local health department in a criminal proceeding is guilty of a class B misdemeanor for the first
591 violation, and for any subsequent similar violation within two years, is guilty of a class A
592 misdemeanor, except this section does not establish the criminal penalty for a violation of
593 Section ~~26-23-5.5~~ ~~[or Section 26-8a-502.1]~~.

594 (b) Conviction in a criminal proceeding does not preclude the department or a local
595 health department from assessment of any civil penalty, administrative civil money penalty or
596 to deny, revoke, condition, or refuse to renew a permit, license, or certificate or to seek other
597 injunctive or equitable remedies.

598 (2) (a) Subject to Subsections (2)(c) and (d), any association, corporation, or an officer
599 of an association or a corporation, who violates any provision of this title or lawful orders of
600 the department or a local health department, or rules adopted under this title by the department:

601 (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
602 \$5,000 per violation; or

603 (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter
604 4, Administrative Procedures Act, or similar procedures adopted by local or county
605 government, a penalty not to exceed the sum of \$5,000 per violation.

606 (b) Subject to Subsections (2)(c) and (d), an individual who violates any provision of
607 this title or lawful orders of the department or a local health department, or rules adopted under
608 this title by the department:

609 (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
610 \$150 per violation; or

611 (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter
612 4, Administrative Procedures Act, or similar procedures adopted by local or county
613 government, a penalty not to exceed the sum of \$150 per violation.

614 (c) (i) Except as provided in Subsection (2)(c)(ii), a penalty described in Subsection
615 (2)(a) or (b) may only be assessed against the same individual, association, or corporation one
616 time in a calendar week.

617 (ii) Notwithstanding Subsection (2)(c)(i), an individual, an association, a corporation,
618 or an officer of an association or a corporation, who willfully disregards or recklessly violates a
619 provision of this title or lawful orders of the department or a local health department, or rules
620 adopted under this title by the department, may be assessed a penalty as described in
621 Subsection (2)(a) for each day of violation if it is determined that the violation is likely to result
622 in a serious threat to public health.

623 (d) Upon reasonable cause shown in judicial civil proceeding or an administrative
624 action, a penalty imposed under this Subsection (2) may be waived or reduced.

625 (3) Assessment of any civil penalty or administrative penalty does not preclude the
626 department or a local health department from seeking criminal penalties or to deny, revoke,
627 impose conditions on, or refuse to renew a permit, license, or certificate or to seek other
628 injunctive or equitable remedies.

629 (4) In addition to any penalties imposed under Subsection (1), a person, association,
630 corporation, or an officer of a person, an association, or a corporation, is liable for any expense
631 incurred by the department in removing or abating any health or sanitation violations, including
632 any nuisance, source of filth, cause of sickness, or dead animal.

633 Section 10. Section **26-37a-102** is amended to read:

634 **26-37a-102. Definitions.**

635 As used in this chapter:

636 (1) "Ambulance service provider" means:

637 (a) an ambulance provider as defined in Section [26-8a-102](#); or

638 (b) a non-911 service provider as defined in Section [26-8a-102](#).

639 (2) "Assessment" means the Medicaid ambulance service provider assessment
640 established by this chapter.

641 (3) "Division" means the Division of Health Care Financing within the department.

642 (4) "Non-federal portion" means the non-federal share the division needs to seed
643 amounts that will support fee-for-service ambulance service provider rates, as described in
644 Section [26-37a-105](#).

645 (5) "Total transports" means the number of total ambulance transports applicable to a
646 given fiscal year, as determined under Subsection [~~26-37a-104(5)~~] [26-37a-104\(5\)](#).

647 Section 11. Section **26-55-102** is amended to read:

648 **26-55-102. Definitions.**

649 As used in this chapter:

650 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter
651 37, Utah Controlled Substances Act.

652 (2) "Dispense" means the same as that term is defined in Section 58-17b-102.

653 (3) "Health care facility" means a hospital, a hospice inpatient residence, a nursing
654 facility, a dialysis treatment facility, an assisted living residence, an entity that provides home-
655 and community-based services, a hospice or home health care agency, or another facility that
656 provides or contracts to provide health care services, which facility is licensed under Chapter
657 21, Health Care Facility Licensing and Inspection Act.

658 (4) "Health care provider" means:

659 (a) a physician, as defined in Section 58-67-102;

660 (b) an advanced practice registered nurse, as defined in Section 58-31b-102;

661 (c) a physician assistant, as defined in Section 58-70a-102; or

662 (d) an individual licensed to engage in the practice of dentistry, as defined in Section
663 58-69-102.664 (5) "Increased risk" means risk exceeding the risk typically experienced by an
665 individual who is not using, and is not likely to use, an opiate.

666 (6) "Local health department" means:

667 (a) a local health department, as defined in Section 26A-1-102; or

668 (b) a multicounty local health department, as defined in Section 26A-1-102.

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

670 (8) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that
671 is not a controlled substance and that is approved by the federal Food and Drug Administration
672 for the diagnosis or treatment of an opiate-related drug overdose.673 (9) "Opiate-related drug overdose event" means an acute condition, including a
674 decreased level of consciousness or respiratory depression resulting from the consumption or
675 use of a controlled substance, or another substance with which a controlled substance was
676 combined, and that a person would reasonably believe to require medical assistance.

677 (10) "Overdose outreach provider" means:

678 (a) a law enforcement agency;

- 679 (b) a fire department;
- 680 (c) an emergency medical service provider, as defined in Section ~~26-8a-102~~
- 681 [53-2d-101](#);
- 682 (d) emergency medical service personnel, as defined in Section ~~26-8a-102~~ [53-2d-101](#);
- 683 (e) an organization providing treatment or recovery services for drug or alcohol use;
- 684 (f) an organization providing support services for an individual, or a family of an
- 685 individual, with a substance use disorder;
- 686 (g) an organization providing substance use or mental health services under contract
- 687 with a local substance abuse authority, as defined in Section [62A-15-102](#), or a local mental
- 688 health authority, as defined in Section [62A-15-102](#);
- 689 (h) an organization providing services to the homeless;
- 690 (i) a local health department;
- 691 (j) an individual licensed to practice pharmacy under Title 58, Chapter 17b, Pharmacy
- 692 Practice Act; or
- 693 (k) an individual.

694 (11) "Patient counseling" means the same as that term is defined in Section

695 [58-17b-102](#).

696 (12) "Pharmacist" means the same as that term is defined in Section [58-17b-102](#).

697 (13) "Pharmacy intern" means the same as that term is defined in Section [58-17b-102](#).

698 (14) "Prescribe" means the same as that term is defined in Section [58-17b-102](#).

699 Section 12. Section **26B-1-204** is amended to read:

700 **26B-1-204. Creation of boards, divisions, and offices -- Power to organize**

701 **department.**

702 (1) The executive director shall make rules in accordance with Title 63G, Chapter 3,

703 Utah Administrative Rulemaking Act, and not inconsistent with law for:

- 704 (a) the administration and government of the department;
- 705 (b) the conduct of the department's employees; and
- 706 (c) the custody, use, and preservation of the records, papers, books, documents, and
- 707 property of the department.

708 (2) The following policymaking boards, councils, and committees are created within

709 the Department of Health and Human Services:

- 710 (a) Board of Aging and Adult Services;
- 711 (b) Utah State Developmental Center Board;
- 712 (c) Health Advisory Council;
- 713 (d) Health Facility Committee;
- 714 [~~(e) State Emergency Medical Services Committee;~~]
- 715 [~~(f) Air Ambulance Committee;~~]
- 716 [~~(g)~~ (e) Health Data Committee;
- 717 [~~(h)~~ (f) Utah Health Care Workforce Financial Assistance Program Advisory
- 718 Committee;
- 719 [(~~i~~) (g) Residential Child Care Licensing Advisory Committee;
- 720 [(~~j~~) (h) Child Care Center Licensing Committee;
- 721 [(~~k~~) (i) Primary Care Grant Committee;
- 722 [(~~l~~) (j) Adult Autism Treatment Program Advisory Committee;
- 723 [(~~m~~) (k) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
- 724 Committee; and
- 725 [(~~n~~) (l) any boards, councils, or committees that are created by statute in:
- 726 (i) this title;
- 727 (ii) Title 26, Utah Health Code; or
- 728 (iii) Title 62A, Utah Human Services Code.
- 729 (3) The following divisions are created within the Department of Health and Human
- 730 Services:
- 731 (a) relating to operations:
- 732 (i) the Division of Finance and Administration;
- 733 (ii) the Division of Licensing and Background Checks;
- 734 (iii) the Division of Customer Experience;
- 735 (iv) the Division of Data, Systems, and Evaluation; and
- 736 (v) the Division of Continuous Quality Improvement;
- 737 (b) relating to healthcare administration:
- 738 (i) the Division of Integrated Healthcare, which shall include responsibility for:
- 739 (A) the state's medical assistance programs; and
- 740 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse

- 741 and Mental Health Act;
- 742 (ii) the Division of Aging and Adult Services; and
- 743 (iii) the Division of Services for People with Disabilities; and
- 744 (c) relating to community health and well-being:
- 745 (i) the Division of Child and Family Services;
- 746 (ii) the Division of Family Health;
- 747 (iii) the Division of Population Health;
- 748 (iv) the Division of Juvenile Justice and Youth Services; and
- 749 (v) the Office of Recovery Services.
- 750 (4) The executive director may establish offices and bureaus to facilitate management
- 751 of the department as required by, and in accordance with:
- 752 (a) this title;
- 753 (b) Title 26, Utah Health Code; and
- 754 (c) Title 62A, Utah Human Services Code.
- 755 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
- 756 organizational structure relating to the department, including the organization of the
- 757 department's divisions and offices, notwithstanding the organizational structure described in:
- 758 (a) this title;
- 759 (b) Title 26, Utah Health Code; or
- 760 (c) Title 62A, Utah Human Services Code.
- 761 Section 13. Section **34-55-102** is amended to read:
- 762 **34-55-102. Definitions.**
- 763 (1) "Emergency" means a condition in any part of this state that requires state
- 764 government emergency assistance to supplement the local efforts of the affected political
- 765 subdivision to save lives and to protect property, public health, welfare, or safety in the event
- 766 of a disaster, or to avoid or reduce the threat of a disaster.
- 767 (2) "Emergency services volunteer" means:
- 768 (a) a volunteer firefighter as defined in Section [49-16-102](#);
- 769 (b) an individual licensed under Section [\[26-8a-302\]](#) [53-2d-402](#); or
- 770 (c) an individual mobilized as part of a posse comitatus.
- 771 (3) "Employer" means a person, including the state or a political subdivision of the

772 state, that has one or more workers employed in the same business, or in or about the same
773 establishment, under any contract of hire, express or implied, oral or written.

774 (4) "Public safety agency" means a governmental entity that provides fire protection,
775 law enforcement, ambulance, medical, or other emergency services.

776 Section 14. Section 34A-2-102 is amended to read:

777 **34A-2-102. Definition of terms.**

778 (1) As used in this chapter:

779 (a) "Average weekly wages" means the average weekly wages as determined under
780 Section 34A-2-409.

781 (b) "Award" means a final order of the commission as to the amount of compensation
782 due:

783 (i) an injured employee; or

784 (ii) a dependent of a deceased employee.

785 (c) "Compensation" means the payments and benefits provided for in this chapter or
786 Chapter 3, Utah Occupational Disease Act.

787 (d) (i) "Decision" means a ruling of:

788 (A) an administrative law judge; or

789 (B) in accordance with Section 34A-2-801:

790 (I) the commissioner; or

791 (II) the Appeals Board.

792 (ii) "Decision" includes:

793 (A) an award or denial of a medical, disability, death, or other related benefit under this
794 chapter or Chapter 3, Utah Occupational Disease Act; or

795 (B) another adjudicative ruling in accordance with this chapter or Chapter 3, Utah
796 Occupational Disease Act.

797 (e) "Director" means the director of the division, unless the context requires otherwise.

798 (f) "Disability" means an administrative determination that may result in an entitlement
799 to compensation as a consequence of becoming medically impaired as to function. Disability
800 can be total or partial, temporary or permanent, industrial or nonindustrial.

801 (g) "Division" means the Division of Industrial Accidents.

802 (h) "First responder" means:

- 803 (i) a law enforcement officer, as defined in Section [53-13-103](#);
- 804 (ii) an emergency medical technician, as defined in Section [~~26-8c-102~~] [53-2e-101](#);
- 805 (iii) an advanced emergency medical technician, as defined in Section [~~26-8c-102~~]
- 806 [53-2e-101](#);
- 807 (iv) a paramedic, as defined in Section [~~26-8c-102~~] [53-2e-101](#);
- 808 (v) a firefighter, as defined in Section [34A-3-113](#);
- 809 (vi) a dispatcher, as defined in Section [53-6-102](#); or
- 810 (vii) a correctional officer, as defined in Section [53-13-104](#).

811 (i) "Impairment" is a purely medical condition reflecting an anatomical or functional
 812 abnormality or loss. Impairment may be either temporary or permanent, industrial or
 813 nonindustrial.

814 (j) "Order" means an action of the commission that determines the legal rights, duties,
 815 privileges, immunities, or other interests of one or more specific persons, but not a class of
 816 persons.

817 (k) (i) "Personal injury by accident arising out of and in the course of employment"
 818 includes an injury caused by the willful act of a third person directed against an employee
 819 because of the employee's employment.

820 (ii) "Personal injury by accident arising out of and in the course of employment" does
 821 not include a disease, except as the disease results from the injury.

822 (l) "Safe" and "safety," as applied to employment or a place of employment, means the
 823 freedom from danger to the life or health of employees reasonably permitted by the nature of
 824 the employment.

825 (2) As used in this chapter and Chapter 3, Utah Occupational Disease Act:

826 (a) "Brother or sister" includes a half brother or sister.

827 (b) "Child" includes:

828 (i) a posthumous child; or

829 (ii) a child legally adopted prior to an injury.

830 Section 15. Section **39-1-64** is amended to read:

831 **39-1-64. Extension of licenses for members of National Guard and reservists.**

832 (1) As used in this section, "license" means any license issued under:

833 (a) Title 58, Occupations and Professions; and

834 (b) Section [~~26-8a-302~~] 53-2d-402.

835 (2) Any license held by a member of the National Guard or reserve component of the
836 armed forces that expires while the member is on active duty shall be extended until 90 days
837 after the member is discharged from active duty status.

838 (3) The licensing agency shall renew a license extended under Subsection (2) until the
839 next date that the license expires or for the period that the license is normally issued, at no cost
840 to the member of the National Guard or reserve component of the armed forces if all of the
841 following conditions are met:

842 (a) the National Guard member or reservist requests renewal of the license within 90
843 days after being discharged;

844 (b) the National Guard member or reservist provides the licensing agency with a copy
845 of the member's or reservist's official orders calling the member or reservist to active duty, and
846 official orders discharging the member or reservist from active duty; and

847 (c) the National Guard member or reservist meets all the requirements necessary for the
848 renewal of the license, except the member or reservist need not meet the requirements, if any,
849 that relate to continuing education or training.

850 (4) The provisions of this section do not apply to regularly scheduled annual training.

851 Section 16. Section **41-1a-230.7** is amended to read:

852 **41-1a-230.7. Registration checkoff for supporting emergency medical services**
853 **and search and rescue operations.**

854 (1) A person who applies for a motor vehicle registration or registration renewal may
855 designate a voluntary contribution of \$3 for the purpose of supporting:

- 856 (a) the Emergency Medical Services Grant Program; and
- 857 (b) the Search and Rescue Financial Assistance Program.

858 (2) This contribution shall be:

- 859 (a) collected by the division;
- 860 (b) treated as a voluntary contribution and not as a motor vehicle or off-highway
861 vehicle registration fee; and

862 (c) distributed equally to the Emergency Medical Services System Account created in
863 Section [~~26-8a-108~~] 53-2d-108 and the Search and Rescue Financial Assistance Program
864 created in Section 53-2a-1102 at least monthly, less actual administrative costs associated with

865 collecting and transferring the contributions.

866 (3) In addition to the administrative costs deducted under Subsection (2)(c), the
867 division may deduct the first \$1,000 collected to cover costs incurred to change the registration
868 form.

869 Section 17. Section **41-6a-523** is amended to read:

870 **41-6a-523. Persons authorized to draw blood -- Immunity from liability.**

871 (1) (a) Only the following, acting at the request of a peace officer, may draw blood to
872 determine its alcohol or drug content:

873 (i) a physician;

874 (ii) a physician assistant;

875 (iii) a registered nurse;

876 (iv) a licensed practical nurse;

877 (v) a paramedic;

878 (vi) as provided in Subsection (1)(b), emergency medical service personnel other than
879 paramedics; or

880 (vii) a person with a valid permit issued by the Department of Health under Section
881 [26-1-30](#).

882 (b) The [~~Department of Health~~] Bureau of Emergency Medical Services may designate
883 by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which
884 emergency medical service personnel, as defined in Section [~~26-8a-102~~] [53-2d-101](#), are
885 authorized to draw blood under Subsection (1)(a)(vi), based on the type of license under
886 Section [~~26-8a-302~~] [53-2d-402](#).

887 (c) Subsection (1)(a) does not apply to taking a urine, breath, or oral fluid specimen.

888 (2) The following are immune from civil or criminal liability arising from drawing a
889 blood sample from a person whom a peace officer has reason to believe is driving in violation
890 of this chapter, if the sample is drawn in accordance with standard medical practice:

891 (a) a person authorized to draw blood under Subsection (1)(a); and

892 (b) if the blood is drawn at a hospital or other medical facility, the medical facility.

893 Section 18. Section **53-1-104** is amended to read:

894 **53-1-104. Boards, bureaus, councils, divisions, and offices.**

895 (1) The following are the policymaking boards and committees within the department:

896 (a) the State Emergency Medical Services Committee created in Section [53-2d-104](#);

897 (b) the Air Ambulance Committee created in Section [53-2d-107](#);

898 (c) the Driver License Medical Advisory Board, created in Section [53-3-303](#);

899 [~~(b)~~] (d) the Concealed Firearm Review Board, created in Section [53-5-703](#);

900 [~~(c)~~] (e) the Utah Fire Prevention Board, created in Section [53-7-203](#);

901 [~~(d)~~] (f) the Liquified Petroleum Gas Board, created in Section [53-7-304](#); and

902 [~~(e)~~] (g) the Private Investigator Hearing and Licensure Board, created in Section

903 [53-9-104](#).

904 (2) The following are the councils within the department:

905 (a) the Peace Officer Standards and Training Council, created in Section [53-6-106](#); and

906 (b) the Motor Vehicle Safety Inspection Advisory Council, created in Section

907 [53-8-203](#).

908 (3) The following are the divisions within the department:

909 (a) the Administrative Services Division, created in Section [53-1-203](#);

910 (b) the Management Information Services Division, created in Section [53-1-303](#);

911 (c) the Division of Emergency Management, created in Section [53-2a-103](#);

912 (d) the Driver License Division, created in Section [53-3-103](#);

913 (e) the Criminal Investigations and Technical Services Division, created in Section

914 [53-10-103](#);

915 (f) the Peace Officer Standards and Training Division, created in Section [53-6-103](#);

916 (g) the State Fire Marshal Division, created in Section [53-7-103](#); and

917 (h) the Utah Highway Patrol Division, created in Section [53-8-103](#).

918 (4) The Office of Executive Protection is created in Section [53-1-112](#).

919 (5) The following are the bureaus within the department:

920 (a) the Bureau of Emergency Medical Services, created in Section [53-2d-102](#);

921 (b) the Bureau of Criminal Identification, created in Section [53-10-201](#);

922 [~~(b)~~] (c) the State Bureau of Investigation, created in Section [53-10-301](#);

923 [~~(c)~~] (d) the Bureau of Forensic Services, created in Section [53-10-401](#); and

924 [~~(d)~~] (e) the Bureau of Communications, created in Section [53-10-501](#).

925 Section 19. Section **53-2d-101**, which is renumbered from Section 26-8a-102 is

926 renumbered and amended to read:

CHAPTER 2d. Emergency Medical Services Act

Part 1. General Provisions

~~[26-8a-102].~~ 53-2d-101. Definitions.

As used in this chapter:

(1) (a) "911 ambulance or paramedic services" means:

(i) either:

(A) 911 ambulance service;

(B) 911 paramedic service; or

(C) both 911 ambulance and paramedic service; and

(ii) a response to a 911 call received by a designated dispatch center that receives 911 or E911 calls.

(b) "911 ambulance or paramedic services" does not mean a seven or 10 digit telephone call received directly by an ambulance provider licensed under this chapter.

(2) "Account" means the Automatic External Defibrillator Restricted Account, created in Section 53-2d-809.

~~[(2)]~~ (3) "Ambulance" means a ground, air, or water vehicle that:

(a) transports patients and is used to provide emergency medical services; and

(b) is required to obtain a permit under Section ~~[26-8a-304]~~ 53-2d-404 to operate in the state.

~~[(3)]~~ (4) "Ambulance provider" means an emergency medical service provider that:

(a) transports and provides emergency medical care to patients; and

(b) is required to obtain a license under ~~[Part 4, Ambulance and Paramedic Providers]~~ Part 5, Ambulance and Paramedic Providers.

(5) "Automatic external defibrillator" or "AED" means an automated or automatic computerized medical device that:

(a) has received pre-market notification approval from the United States Food and Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);

(b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(c) is capable of determining, without intervention by an operator, whether defibrillation should be performed; and

958 (d) upon determining that defibrillation should be performed, automatically charges,
959 enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and
960 to an individual's heart.

961 ~~[(4)]~~ (6) (a) "Behavioral emergency services" means delivering a behavioral health
962 intervention to a patient in an emergency context within a scope and in accordance with
963 guidelines established by the department.

964 (b) "Behavioral emergency services" does not include engaging in the:

965 (i) practice of mental health therapy as defined in Section 58-60-102;

966 (ii) practice of psychology as defined in Section 58-61-102;

967 (iii) practice of clinical social work as defined in Section 58-60-202;

968 (iv) practice of certified social work as defined in Section 58-60-202;

969 (v) practice of marriage and family therapy as defined in Section 58-60-302;

970 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or

971 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.

972 (7) "Bureau" means the Bureau of Emergency Medical Services created in Section
973 53-2d-102.

974 (8) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external
975 chest compression applied to a person who is unresponsive and not breathing.

976 ~~[(5)]~~ (9) "Committee" means the State Emergency Medical Services Committee
977 created by Section ~~[26B-1-204]~~ 53-2d-104.

978 ~~[(6)]~~ (10) "Community paramedicine" means medical care:

979 (a) provided by emergency medical service personnel; and

980 (b) provided to a patient who is not:

981 (i) in need of ambulance transportation; or

982 (ii) located in a health care facility as defined in Section 26-21-2.

983 ~~[(7)]~~ (11) "Direct medical observation" means in-person observation of a patient by a
984 physician, registered nurse, physician's assistant, or individual licensed under Section
985 26-8a-302.

986 ~~[(8)]~~ (12) "Emergency medical condition" means:

987 (a) a medical condition that manifests itself by symptoms of sufficient severity,

988 including severe pain, that a prudent layperson, who possesses an average knowledge of health

989 and medicine, could reasonably expect the absence of immediate medical attention to result in:

990 (i) placing the individual's health in serious jeopardy;

991 (ii) serious impairment to bodily functions; or

992 (iii) serious dysfunction of any bodily organ or part; or

993 (b) a medical condition that in the opinion of a physician or the physician's designee
994 requires direct medical observation during transport or may require the intervention of an
995 individual licensed under Section [~~26-8a-302~~] [53-2d-402](#) during transport.

996 (13) "Emergency medical dispatch center" means a public safety answering point, as
997 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by
998 the bureau.

999 [~~(9)~~] (14) (a) "Emergency medical service personnel" means an individual who
1000 provides emergency medical services or behavioral emergency services to a patient and is
1001 required to be licensed or certified under Section [~~26-8a-302~~] [53-2d-402](#).

1002 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
1003 licensed emergency medical service provider, emergency medical service instructor, behavioral
1004 emergency services technician, other categories established by the committee, and a certified
1005 emergency medical dispatcher.

1006 [~~(10)~~] (15) "Emergency medical service providers" means:

1007 (a) licensed ambulance providers and paramedic providers;

1008 (b) a facility or provider that is required to be designated under Subsection
1009 [~~26-8a-303(1)(a)~~]; [53-2d-403\(1\)\(a\)](#); and

1010 (c) emergency medical service personnel.

1011 [~~(11)~~] (16) "Emergency medical services" means:

1012 (a) medical services;

1013 (b) transportation services;

1014 (c) behavioral emergency services; or

1015 (d) any combination of the services described in Subsections [~~(11)~~] (16)(a) through (c).

1016 [~~(12)~~] (17) "Emergency medical service vehicle" means a land, air, or water vehicle
1017 that is:

1018 (a) maintained and used for the transportation of emergency medical personnel,
1019 equipment, and supplies to the scene of a medical emergency; and

- 1020 (b) required to be permitted under Section ~~[26-8a-304]~~ [53-2d-404](#).
- 1021 ~~[(13)]~~ (18) "Governing body":
- 1022 (a) means the same as that term is defined in Section [11-42-102](#); and
- 1023 (b) for purposes of a "special service district" under Section [11-42-102](#), means a
- 1024 special service district that has been delegated the authority to select a provider under this
- 1025 chapter by the special service district's legislative body or administrative control board.
- 1026 ~~[(14)]~~ (19) "Interested party" means:
- 1027 (a) a licensed or designated emergency medical services provider that provides
- 1028 emergency medical services within or in an area that abuts an exclusive geographic service area
- 1029 that is the subject of an application submitted pursuant to ~~[Part 4, Ambulance and Paramedic~~
- 1030 ~~Providers]~~ [Part 5, Ambulance and Paramedic Providers](#);
- 1031 (b) any municipality, county, or fire district that lies within or abuts a geographic
- 1032 service area that is the subject of an application submitted pursuant to ~~[Part 4, Ambulance and~~
- 1033 ~~Paramedic Providers]~~ [Part 5, Ambulance and Paramedic Providers](#); or
- 1034 (c) the department when acting in the interest of the public.
- 1035 ~~[(15)]~~ (20) "Level of service" means the level at which an ambulance provider type of
- 1036 service is licensed as:
- 1037 (a) emergency medical technician;
- 1038 (b) advanced emergency medical technician; or
- 1039 (c) paramedic.
- 1040 ~~[(16)]~~ (21) "Medical control" means a person who provides medical supervision to an
- 1041 emergency medical service provider.
- 1042 ~~[(17)]~~ (22) "Non-911 service" means transport of a patient that is not 911 transport
- 1043 under Subsection (1).
- 1044 ~~[(18)]~~ (23) "Nonemergency secured behavioral health transport" means an entity that:
- 1045 (a) provides nonemergency secure transportation services for an individual who:
- 1046 (i) is not required to be transported by an ambulance under Section ~~[26-8a-305]~~
- 1047 [53-2d-405](#); and
- 1048 (ii) requires behavioral health observation during transport between any of the
- 1049 following facilities:
- 1050 (A) a licensed acute care hospital;

- 1051 (B) an emergency patient receiving facility;
- 1052 (C) a licensed mental health facility; and
- 1053 (D) the office of a licensed health care provider; and
- 1054 (b) is required to be designated under Section ~~[26-8a-303]~~ [53-2d-403](#).
- 1055 ~~[(19)]~~ (24) "Paramedic provider" means an entity that:
- 1056 (a) employs emergency medical service personnel; and
- 1057 (b) is required to obtain a license under ~~[Part 4, Ambulance and Paramedic Providers]~~
- 1058 Part 5, Ambulance and Paramedic Providers.
- 1059 ~~[(20)]~~ (25) "Patient" means an individual who, as the result of illness, injury, or a
- 1060 behavioral emergency condition, meets any of the criteria in Section [26-8a-305](#).
- 1061 ~~[(21)]~~ (26) "Political subdivision" means:
- 1062 (a) a city, town, or metro township;
- 1063 (b) a county;
- 1064 (c) a special service district created under Title 17D, Chapter 1, Special Service
- 1065 District Act, for the purpose of providing fire protection services under Subsection
- 1066 [17D-1-201\(9\)](#);
- 1067 (d) a local district created under Title 17B, Limited Purpose Local Government Entities
- 1068 - Local Districts, for the purpose of providing fire protection, paramedic, and emergency
- 1069 services;
- 1070 (e) areas coming together as described in Subsection ~~[26-8a-405.2(2)(b)(ii);]~~
- 1071 [53-2d-505.2\(2\)\(b\)\(ii\)](#); or
- 1072 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 1073 (27) "Sudden cardiac arrest" means a life-threatening condition that results when a
- 1074 person's heart stops or fails to produce a pulse.
- 1075 ~~[(22)]~~ (28) "Trauma" means an injury requiring immediate medical or surgical
- 1076 intervention.
- 1077 ~~[(23)]~~ (29) "Trauma system" means a single, statewide system that:
- 1078 (a) organizes and coordinates the delivery of trauma care within defined geographic
- 1079 areas from the time of injury through transport and rehabilitative care; and
- 1080 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
- 1081 delivering care for trauma patients, regardless of severity.

1082 ~~[(24)]~~ (30) "Triage" means the sorting of patients in terms of disposition, destination,
1083 or priority. For prehospital trauma victims, triage requires a determination of injury severity to
1084 assess the appropriate level of care according to established patient care protocols.

1085 ~~[(25)]~~ (31) "Triage, treatment, transportation, and transfer guidelines" means written
1086 procedures that:

1087 (a) direct the care of patients; and

1088 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
1089 center, or an emergency medical service provider.

1090 ~~[(26)]~~ (32) "Type of service" means the category at which an ambulance provider is
1091 licensed as:

1092 (a) ground ambulance transport;

1093 (b) ground ambulance interfacility transport; or

1094 (c) both ground ambulance transport and ground ambulance interfacility transport.

1095 Section 20. Section **53-2d-102** is enacted to read:

1096 **53-2d-102. Bureau of Emergency Medical Services -- Creation -- Bureau chief**
1097 **appointment, qualifications, and compensation.**

1098 (1) There is created within the division the Bureau of Emergency Medical Services.

1099 (2) The bureau shall be administered by a bureau chief appointed by the division
1100 director with the approval of the commissioner.

1101 (3) The bureau chief shall be experienced in administration and possess additional
1102 qualifications as determined by the division director and as provided by law.

1103 (4) The bureau chief acts under the supervision and control of the division director and
1104 may be removed from the position at the will of the commissioner.

1105 (5) The bureau chief shall receive compensation as provided by Title 63A, Chapter 17,
1106 Utah State Personnel Management Act.

1107 Section 21. Section **53-2d-103**, which is renumbered from Section 26-8a-105 is
1108 renumbered and amended to read:

1109 ~~[26-8a-105].~~ **53-2d-103. Bureau duties.**

1110 The ~~[department]~~ bureau shall:

1111 (1) coordinate the emergency medical services within the state;

1112 (2) ~~[administer this chapter and the rules established pursuant to it;]~~ administer any

1113 programs and applicable rules created under this chapter

1114 (3) establish a voluntary task force representing a diversity of emergency medical
1115 service providers to advise the [~~department~~] bureau and the committee on rules;

1116 (4) establish an emergency medical service personnel peer review board to advise the
1117 [~~department~~] bureau concerning discipline of emergency medical service personnel under this
1118 chapter; and

1119 (5) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
1120 Rulemaking Act, to:

1121 (a) license ambulance providers and paramedic providers;

1122 (b) permit ambulances, emergency medical response vehicles, and nonemergency
1123 secured behavioral health transport vehicles, including approving an emergency vehicle
1124 operator's course in accordance with Section [~~26-8a-304~~] 53-2d-404;

1125 (c) establish:

1126 (i) the qualifications for membership of the peer review board created by this section;

1127 (ii) a process for placing restrictions on a license while an investigation is pending;

1128 (iii) the process for the investigation and recommendation by the peer review board;

1129 and

1130 (iv) the process for determining the status of a license while a peer review board
1131 investigation is pending;

1132 (d) establish application, submission, and procedural requirements for licenses,
1133 designations, and permits; and

1134 (e) establish and implement the programs, plans, and responsibilities as specified in
1135 other sections of this chapter.

1136 Section 22. Section **53-2d-104**, which is renumbered from Section 26-8a-103 is
1137 renumbered and amended to read:

1138 [~~26-8a-103~~]. **53-2d-104. State Emergency Medical Services Committee --**
1139 **Membership -- Expenses.**

1140 (1) [~~The~~] There is created the State Emergency Medical Services Committee [~~created~~
1141 ~~by Section 26B-1-204 shall~~].

1142 (2) The committee shall be composed of the following 19 members appointed by the
1143 governor, at least six of whom shall reside in a county of the third, fourth, fifth, or sixth class:

1144 (a) five physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1145 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as follows:

1146 (i) one surgeon who actively provides trauma care at a hospital;

1147 (ii) one rural physician involved in emergency medical care;

1148 (iii) two physicians who practice in the emergency department of a general acute
1149 hospital; and

1150 (iv) one pediatrician who practices in the emergency department or critical care unit of
1151 a general acute hospital or a children's specialty hospital;

1152 (b) two representatives from private ambulance providers;

1153 (c) one representative from an ambulance provider that is neither privately owned nor
1154 operated by a fire department;

1155 (d) two chief officers from fire agencies operated by the following classes of licensed
1156 or designated emergency medical services providers: municipality, county, and fire district,
1157 provided that no class of medical services providers may have more than one representative
1158 under this Subsection [~~(1)(d)~~] (2)(d);

1159 (e) one director of a law enforcement agency that provides emergency medical
1160 services;

1161 (f) one hospital administrator;

1162 (g) one emergency care nurse;

1163 (h) one paramedic in active field practice;

1164 (i) one emergency medical technician in active field practice;

1165 (j) one certified emergency medical dispatcher affiliated with an emergency medical
1166 dispatch center;

1167 (k) one licensed mental health professional with experience as a first responder;

1168 (l) one licensed behavioral emergency services technician; and

1169 (m) one consumer.

1170 [~~(2)~~] (3) (a) Except as provided in Subsection [~~(2)(b)~~] (3)(b), members shall be
1171 appointed to a four-year term beginning July 1.

1172 (b) Notwithstanding Subsection [~~(2)(a)~~] (3)(a), the governor:

1173 (i) shall, at the time of appointment or reappointment, adjust the length of terms to
1174 ensure that the terms of committee members are staggered so that approximately half of the

1175 committee is appointed every two years;

1176 (ii) may not reappoint a member for more than two consecutive terms; and

1177 (iii) shall:

1178 (A) initially appoint the second member under Subsection ~~[(1)(b)]~~ (2)(b) from a
1179 different private provider than the private provider currently serving under Subsection ~~[(1)(b)]~~
1180 (2)(b); and

1181 (B) thereafter stagger each replacement of a member in Subsection ~~[(1)(b)]~~ (2)(b) so
1182 that the member positions under Subsection ~~[(1)(b)]~~ (2)(b) are not held by representatives of
1183 the same private provider.

1184 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1185 appointed by the governor for the unexpired term.

1186 ~~[(3)]~~ (4) (a) (i) Each January, the committee shall organize and select one of the
1187 committee's members as chair and one member as vice chair.

1188 (ii) The committee may organize standing or ad hoc subcommittees, which shall
1189 operate in accordance with guidelines established by the committee.

1190 (b) (i) The chair shall convene a minimum of four meetings per year.

1191 (ii) The chair may call special meetings.

1192 (iii) The chair shall call a meeting upon request of five or more members of the
1193 committee.

1194 (c) (i) Nine members of the committee constitute a quorum for the transaction of
1195 business.

1196 (ii) The action of a majority of the members present is the action of the committee.

1197 ~~[(4)]~~ (5) A member may not receive compensation or benefits for the member's service,
1198 but may receive per diem and travel expenses in accordance with:

1199 (a) Section [63A-3-106](#);

1200 (b) Section [63A-3-107](#); and

1201 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1202 [63A-3-107](#).

1203 ~~[(5)]~~ (6) Administrative services for the committee shall be provided by the
1204 ~~[department]~~ bureau.

1205 Section 23. Section **53-2d-105**, which is renumbered from Section 26-8a-104 is

1206 renumbered and amended to read:

1207 ~~[26-8a-104]~~. **53-2d-105. Committee advisory duties.**

1208 The committee shall adopt rules, with the concurrence of the ~~[department]~~ bureau, in
1209 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

1210 (1) establish licensure, certification, and reciprocity requirements under Section
1211 ~~[26-8a-302]~~ [53-2d-402](#);

1212 (2) establish designation requirements under Section ~~[26-8a-303]~~ [53-2d-403](#);

1213 (3) promote the development of a statewide emergency medical services system under
1214 Section ~~[26-8a-203]~~ [53-2d-403](#);

1215 (4) establish insurance requirements for ambulance providers;

1216 (5) provide guidelines for requiring patient data under Section ~~[26-8a-203]~~ [53-2d-203](#);

1217 (6) establish criteria for awarding grants under Section ~~[26-8a-207]~~ [53-2d-207](#);

1218 (7) establish requirements for the coordination of emergency medical services and the
1219 medical supervision of emergency medical service providers under Section ~~[26-8a-306]~~

1220 [53-2d-403](#);

1221 (8) select appropriate vendors to establish certification requirements for emergency
1222 medical dispatchers;

1223 (9) establish the minimum level of service for 911 ambulance services provided under
1224 Section [11-48-103](#); and

1225 (10) are necessary to carry out the responsibilities of the committee as specified in
1226 other sections of this chapter.

1227 Section 24. Section **53-2d-106**, which is renumbered from Section 26-8a-106 is
1228 renumbered and amended to read:

1229 ~~[26-8a-106]~~. **53-2d-106. Waiver of rules, education, and licensing**
1230 **requirements.**

1231 (1) Upon application, the ~~[department]~~ bureau, or the committee with the concurrence
1232 of the ~~[department]~~ bureau, may waive the requirements of a rule the ~~[department]~~ bureau, or
1233 the committee with the concurrence of the ~~[department]~~ bureau, has adopted if:

1234 (a) the person applying for the waiver satisfactorily demonstrates that:

1235 (i) the waiver is necessary for a pilot project to be undertaken by the applicant;

1236 (ii) in the particular situation, the requirement serves no beneficial public purpose; or

1237 (iii) circumstances warrant that waiver of the requirement outweighs the public benefit
 1238 to be gained by adherence to the rule; and

1239 (b) for a waiver granted under Subsection (1)(a)(ii) or (iii):

1240 (i) the committee or ~~[department]~~ bureau extends the waiver to similarly situated
 1241 persons upon application; or

1242 (ii) the ~~[department]~~ bureau, or the committee with the concurrence of the ~~[department]~~
 1243 bureau, amends the rule to be consistent with the waiver.

1244 (2) A waiver of education or licensing requirements may be granted to a veteran, as
 1245 defined in Section 68-3-12.5, if the veteran:

1246 (a) provides to the committee or ~~[department]~~ bureau documentation showing military
 1247 education and training in the field in which licensure is sought; and

1248 (b) successfully passes any examination required.

1249 (3) No waiver may be granted under this section that is inconsistent with the provisions
 1250 of this chapter.

1251 Section 25. Section **53-2d-107**, which is renumbered from Section 26-8a-107 is
 1252 renumbered and amended to read:

1253 ~~[26-8a-107]~~. **53-2d-107. Air Ambulance Committee -- Membership --**
 1254 **Duties.**

1255 (1) ~~[The] There is created the Air Ambulance Committee [created by Section~~
 1256 ~~26B-1-204 shall be composed of the following members:].~~

1257 (2) The Air Ambulance Committee is composed of the following members:

1258 (a) the state emergency medical services medical director;

1259 (b) one physician who:

1260 (i) is licensed under:

1261 (A) Title 58, Chapter 67, Utah Medical Practice Act;

1262 (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or

1263 (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1264 (ii) actively provides trauma or emergency care at a Utah hospital; and

1265 (iii) has experience and is actively involved in state and national air medical transport
 1266 issues;

1267 (c) one member from each level 1 and level 2 trauma center in the state of Utah,

1268 selected by the trauma center the member represents;

1269 (d) one registered nurse who:

1270 (i) is licensed under Title 58, Chapter 31b, Nurse Practice Act; and

1271 (ii) currently works as a flight nurse for an air medical transport provider in the state of

1272 Utah;

1273 (e) one paramedic who:

1274 (i) is licensed under this chapter; and

1275 (ii) currently works for an air medical transport provider in the state of Utah; and

1276 (f) two members, each from a different for-profit air medical transport company

1277 operating in the state of Utah.

1278 ~~[(2)]~~ (3) The state emergency medical services medical director shall appoint the

1279 physician member under Subsection ~~[(1)(b)]~~ (2)(b), and the physician shall serve as the chair of

1280 the Air Ambulance Committee.

1281 ~~[(3)]~~ (4) The chair of the Air Ambulance Committee shall:

1282 (a) appoint the Air Ambulance Committee members under Subsections ~~[(1)(c)]~~ (2)(c)

1283 through (f);

1284 (b) designate the member of the Air Ambulance Committee to serve as the vice chair

1285 of the committee; and

1286 (c) set the agenda for Air Ambulance Committee meetings.

1287 ~~[(4)]~~ (5) (a) Except as provided in Subsection ~~[(4)(b)]~~ (5)(b), members shall be

1288 appointed to a two-year term.

1289 (b) Notwithstanding Subsection ~~[(4)(a)]~~ (5)(a), the Air Ambulance Committee chair

1290 shall, at the time of appointment or reappointment, adjust the length of the terms of committee

1291 members to ensure that the terms of the committee members are staggered so that

1292 approximately half of the committee is reappointed every two years.

1293 ~~[(5)]~~ (6) (a) A majority of the members of the Air Ambulance Committee constitutes a

1294 quorum.

1295 (b) The action of a majority of a quorum constitutes the action of the Air Ambulance

1296 Committee.

1297 ~~[(6)]~~ (7) The Air Ambulance Committee shall, before November 30, 2019, and before

1298 November 30 of every odd-numbered year thereafter, provide recommendations to the Health

1299 and Human Services Interim Committee regarding the development of state standards and
1300 requirements related to:

- 1301 (a) air medical transport provider licensure and accreditation;
- 1302 (b) air medical transport medical personnel qualifications and training; and
- 1303 (c) other standards and requirements to ensure patients receive appropriate and
1304 high-quality medical attention and care by air medical transport providers operating in the state
1305 of Utah.

1306 ~~[(7)]~~ (8) (a) The ~~[committee]~~ Air Ambulance Committee shall prepare an annual
1307 report, using any data available to the ~~[department]~~ bureau and in consultation with the
1308 Insurance Department, that includes the following information for each air medical transport
1309 provider that operates in the state:

- 1310 (i) which health insurers in the state the air medical transport provider contracts with;
- 1311 (ii) if sufficient data is available to the ~~[committee]~~ Air Ambulance Committee, the
1312 average charge for air medical transport services for a patient who is uninsured or out of
1313 network; and
- 1314 (iii) whether the air medical transport provider balance bills a patient for any charge
1315 not paid by the patient's health insurer.

1316 (b) When calculating the average charge under Subsection ~~[(7)(a)(ii)]~~ (8)(a)(iii), the
1317 ~~[committee]~~ Air Ambulance Committee shall distinguish between:

- 1318 (i) a rotary wing provider and a fixed wing provider; and
- 1319 (ii) any other differences between air medical transport service providers that may
1320 substantially affect the cost of the air medical transport service, as determined by the
1321 ~~[committee]~~ Air Ambulance Committee.

1322 (c) The ~~[department]~~ bureau shall:

- 1323 (i) post the ~~[committee's]~~ Air Ambulance Committee's findings under Subsection
1324 ~~[(7)(a)]~~ (8)(a) on the ~~[department's]~~ bureau's website; and
- 1325 (ii) send the ~~[committee's]~~ Air Ambulance Committee's findings under Subsection
1326 ~~[(7)(a)]~~ (8)(a) to each emergency medical service provider, health care facility, and other entity
1327 that has regular contact with patients in need of air medical transport provider services.

1328 ~~[(8)]~~ (9) An Air Ambulance Committee member may not receive compensation,
1329 benefits, per diem, or travel expenses for the member's service on the ~~[committee]~~ Air

1330 Ambulance Committee.

1331 [~~(9)~~] (10) The Office of the Attorney General shall provide staff support to the Air
1332 Ambulance Committee.

1333 [~~(10)~~] (11) The Air Ambulance Committee shall report to the Health and Human
1334 Services Interim Committee before November 30, 2023, regarding the sunset of this section in
1335 accordance with Section [63I-2-226](#).

1336 Section 26. Section **53-2d-108**, which is renumbered from Section 26-8a-108 is
1337 renumbered and amended to read:

1338 ~~[26-8a-108].~~ **53-2d-108. Emergency Medical Services System Account.**

1339 (1) There is created within the General Fund a restricted account known as the
1340 Emergency Medical Services System Account.

1341 (2) The account consists of:

1342 (a) interest earned on the account;

1343 (b) appropriations made by the Legislature; and

1344 (c) contributions deposited into the account in accordance with Section [41-1a-230.7](#).

1345 (3) The ~~[department]~~ bureau shall use:

1346 (a) an amount equal to 25% of the money in the account for administrative costs
1347 related to this chapter;

1348 (b) an amount equal to 75% of the money in the account for grants awarded in
1349 accordance with Subsection ~~[26-8a-207(3)]~~; [53-2d-207\(3\)](#); and

1350 (c) all money received from the revenue source in Subsection (2)(c) for grants awarded
1351 in accordance with Subsection ~~[26-8a-207(3)]~~; [53-2d-207\(3\)](#).

1352 Section 27. Section **53-2d-201**, which is renumbered from Section 26-8a-201 is
1353 renumbered and amended to read:

1354 **Part 2. Programs, Plans, and Duties**

1355 ~~[26-8a-201].~~ **53-2d-201. Public awareness efforts.**

1356 The ~~[department]~~ bureau may:

1357 (1) develop programs to inform the public of the emergency medical service system;
1358 and

1359 (2) develop and disseminate emergency medical training programs for the public,
1360 which emphasize the prevention and treatment of injuries and illnesses.

1361 Section 28. Section **53-2d-202**, which is renumbered from Section 26-8a-202 is
1362 renumbered and amended to read:

1363 ~~[26-8a-202]~~. **53-2d-202. Emergency medical communications.**

1364 Consistent with federal law, the [department] bureau is the lead agency for coordinating
1365 the statewide emergency medical service communication systems under which emergency
1366 medical personnel, dispatch centers, and treatment facilities provide medical control and
1367 coordination between emergency medical service providers.

1368 Section 29. Section **53-2d-203**, which is renumbered from Section 26-8a-203 is
1369 renumbered and amended to read:

1370 ~~[26-8a-203]~~. **53-2d-203. Data collection.**

1371 (1) The committee shall specify the information that shall be collected for the
1372 emergency medical services data system established pursuant to Subsection (2).

1373 (2) (a) The [department] bureau shall establish an emergency medical services data
1374 system, which shall provide for the collection of information, as defined by the committee,
1375 relating to the treatment and care of patients who use or have used the emergency medical
1376 services system.

1377 (b) The committee shall coordinate with the Health Data Authority created in Title 26,
1378 Chapter 33a, Utah Health Data Authority Act, to create a report of data collected by the Health
1379 Data Committee under Section 26-33a-106.1 regarding:

1380 (i) appropriate analytical methods;
1381 (ii) the total amount of air ambulance flight charges in the state for a one-year period;
1382 and

1383 (iii) of the total number of flights in a one-year period under Subsection (2)(b)(ii):

1384 (A) the number of flights for which a patient had no personal responsibility for paying
1385 part of the flight charges;

1386 (B) the number of flights for which a patient had personal responsibility to pay all or
1387 part of the flight charges;

1388 (C) the range of flight charges for which patients had personal responsibility under
1389 Subsection (2)(b)(iii)(B), including the median amount for paid patient personal responsibility;
1390 and

1391 (D) the name of any air ambulance provider that received a median paid amount for

1392 patient responsibility in excess of the median amount for all paid patient personal responsibility
1393 during the reporting year.

1394 (c) The ~~[department]~~ bureau may share, with the Department of Public Safety,
1395 information from the emergency medical services data system that:

1396 (i) relates to traffic incidents; and

1397 (ii) is for the improvement of traffic safety[;];

1398 [~~(iii) may not be used for the prosecution of criminal matters; and]~~

1399 [~~(iv) may not include any personally identifiable information.~~]

1400 (d) Information shared under Subsection (2)(c) may not:

1401 (i) be used for the prosecution of criminal matters; or

1402 (ii) include any personally identifiable information.

1403 (3) (a) On or before October 1, the department shall make the information in
1404 Subsection (2)(b) public and send the information in Subsection (2)(b) to public safety
1405 dispatchers and first responders in the state.

1406 (b) Before making the information in Subsection (2)(b) public, the committee shall
1407 provide the air ambulance providers named in the report with the opportunity to respond to the
1408 accuracy of the information in the report under Section [26-33a-107](#).

1409 (4) Persons providing emergency medical services:

1410 (a) shall provide information to the department for the emergency medical services
1411 data system established pursuant to Subsection (2)(a);

1412 (b) are not required to provide information to the department under Subsection (2)(b);
1413 and

1414 (c) may provide information to the department under Subsection (2)(b) or (3)(b).

1415 Section 30. Section **53-2d-204**, which is renumbered from Section 26-8a-204 is
1416 renumbered and amended to read:

1417 ~~[26-8a-204].~~ **53-2d-204. Disaster coordination plan.**

1418 The ~~[department]~~ bureau shall develop and implement, in cooperation with state,
1419 federal, and local agencies empowered to oversee disaster response activities, plans to provide
1420 emergency medical services during times of disaster or emergency.

1421 Section 31. Section **53-2d-205**, which is renumbered from Section 26-8a-205 is
1422 renumbered and amended to read:

1423 ~~[26-8a-205]~~. **53-2d-205. Pediatric quality improvement program.**

1424 The [department] bureau shall establish a pediatric quality improvement resource
1425 program.

1426 Section 32. Section **53-2d-206**, which is renumbered from Section 26-8a-206 is
1427 renumbered and amended to read:

1428 ~~[26-8a-206]~~. **53-2d-206. Personnel stress management program.**

1429 (1) The [department] bureau shall develop and implement a statewide program to
1430 provide support and counseling for personnel who have been exposed to one or more stressful
1431 incidents in the course of providing emergency services.

1432 (2) This program shall include:

1433 (a) ongoing training for agencies providing emergency services and counseling
1434 program volunteers;

1435 (b) critical incident stress debriefing for personnel at no cost to the emergency
1436 provider; and

1437 (c) advising the department on training requirements for licensure as a behavioral
1438 emergency services technician.

1439 Section 33. Section **53-2d-207**, which is renumbered from Section 26-8a-207 is
1440 renumbered and amended to read:

1441 ~~[26-8a-207]~~. **53-2d-207. Emergency Medical Services Grant Program.**

1442 (1) Funds appropriated to the department for the Emergency Medical Services Grant
1443 Program shall be used for improvement of delivery of emergency medical services and
1444 administrative costs as described in Subsection (2)(a).

1445 (2) From the total amount of funds appropriated to the [department] bureau under
1446 Subsection (1), the [department] bureau shall use:

1447 (a) an amount equal to 50% of the funds:

1448 (i) to provide staff support; and

1449 (ii) for other expenses incurred in:

1450 (A) administration of grant funds; and

1451 (B) other [department] bureau administrative costs under this chapter; and

1452 (b) an amount equal to 50% of the funds to provide emergency medical services grants
1453 in accordance with Subsection (3).

1454 (3) (a) A recipient of a grant under this section shall actively provide emergency
1455 medical services within the state.

1456 (b) From the total amount of funds used to provide grants under Subsection (3), the
1457 [~~department~~] bureau shall distribute an amount equal to 21% as per capita block grants for use
1458 specifically related to the provision of emergency medical services to nonprofit prehospital
1459 emergency medical services providers that are either licensed or designated and to emergency
1460 medical services that are the primary emergency medical services for a service area. The
1461 [~~department~~] bureau shall determine the grant amounts by prorating available funds on a per
1462 capita basis by county as described in [~~department~~] bureau rule.

1463 (c) Subject to Subsections (3)(d) through (f), the committee shall use the remaining
1464 grant funds to award competitive grants to licensed emergency medical services providers that
1465 provide emergency medical services within counties of the third through sixth class, in
1466 accordance with rules made by the committee.

1467 (d) A grant awarded under Subsection (3)(c) shall be used:

1468 (i) for the purchase of equipment, subject to Subsection (3)(e); or

1469 (ii) for the recruitment, training, or retention of licensed emergency medical services
1470 providers.

1471 (e) A recipient of a grant under Subsection (3)(c) may not use more than \$100,000 in
1472 grant proceeds for the purchase of vehicles.

1473 (f) A grant awarded for the purpose described in Subsection (3)(d)(ii) is ongoing for a
1474 period of up to three years.

1475 (g) (i) If, after providing grants under Subsections (3)(c) through (f), any grant funds
1476 are unallocated at the end of the fiscal year, the committee shall distribute the unallocated grant
1477 funds as per capita block grants as described in Subsection (3)(b).

1478 (ii) Any grant funds distributed as per capita grants under Subsection (3)(g)(i) are in
1479 addition to the amount described in Subsection (3)(b).

1480 Section 34. Section **53-2d-208**, which is renumbered from Section 26-8a-208 is
1481 renumbered and amended to read:

1482 ~~[26-8a-208]~~. **53-2d-208. Fees for training equipment rental, testing, and**
1483 **quality assurance reviews.**

1484 (1) The [~~department~~] bureau may charge fees, established pursuant to Section

1485 [~~26B-1-209~~] 63J-1-504:

1486 (a) for the use of [~~department~~] bureau-owned training equipment;

1487 (b) to administer tests and conduct quality assurance reviews; and

1488 (c) to process an application for a designation, permit, or license.

1489 (2) (a) Fees collected under Subsections (1)(a) and (b) shall be separate dedicated
1490 credits.

1491 (b) Fees under Subsection (1)(a) may be used to purchase training equipment.

1492 (c) Fees under Subsection (1)(b) may be used to administer tests and conduct quality
1493 assurance reviews.

1494 Section 35. Section **53-2d-209**, which is renumbered from Section 26-8a-210 is
1495 renumbered and amended to read:

1496 [~~26-8a-210~~]. **53-2d-209**. **Regional Emergency Medical Services Liaisons --**

1497 **Qualifications -- Duties.**

1498 (1) As used in this section:

1499 (a) "Liaison" means a regional emergency medical services liaison hired under this
1500 section.

1501 (b) "Rural county" means a county of the third, fourth, fifth, or sixth class.

1502 (2) The [~~department~~] bureau shall hire five individuals to serve as regional emergency
1503 medical services liaisons to:

1504 (a) serve the needs of rural counties in providing emergency medical services in
1505 accordance with this chapter;

1506 (b) act as a liaison between the [~~department~~] bureau and individuals or entities
1507 responsible for emergency medical services in rural counties, including:

1508 (i) emergency medical services providers;

1509 (ii) local officials; and

1510 (iii) local health departments or agencies;

1511 (c) provide support and training to emergency medical services providers in rural
1512 counties;

1513 (d) assist rural counties in utilizing state and federal grant programs for financing
1514 emergency medical services; and

1515 (e) serve as emergency medical service personnel to assist licensed providers with

1516 ambulance staffing needs within rural counties.

1517 (3) Each liaison hired under Subsection (2):

1518 (a) shall reside in a rural county; and

1519 (b) shall be licensed as:

1520 (i) an advanced emergency medical technician as defined in Section [~~26-8c-102~~]

1521 [53-2e-101](#); or

1522 (ii) a paramedic as defined in Section [~~26-8c-102~~] [53-2e-101](#).

1523 (4) The department shall provide each liaison with a vehicle and other equipment in

1524 accordance with rules established by the department.

1525 Section 36. Section **53-2d-210**, which is renumbered from Section 26-8a-211 is

1526 renumbered and amended to read:

1527 ~~[26-8a-211]~~. **53-2d-210. Report.**

1528 The [~~department~~] bureau shall report to the Health and Human Services Interim

1529 Committee before November 30, 2022, regarding:

1530 (1) the activities and accomplishments of the regional medical services liaisons hired

1531 under Section [~~26-8a-210~~] [53-2d-209](#);

1532 (2) the efficacy of the emergency medical services grant program established in Section

1533 [~~26-8a-207~~] [53-2d-207](#), including grant distribution;

1534 (3) the condition of emergency medical services within the state, including emergency

1535 medical services provider response times and personnel numbers; and

1536 (4) the financial condition of the department, including department operational costs

1537 under this chapter.

1538 Section 37. Section **53-2d-211**, which is renumbered from Section 26-8a-212 is

1539 renumbered and amended to read:

1540 ~~[26-8a-212]~~. **53-2d-211. Community paramedicine program.**

1541 (1) A ground ambulance provider or a designated quick response provider, as

1542 designated in accordance with Section [~~26-8a-303~~] [53-2d-403](#), may develop and implement a

1543 community paramedicine program.

1544 (2) (a) Before providing services, a community paramedicine program shall:

1545 (i) implement training requirements as determined by the committee; and

1546 (ii) submit a written community paramedicine operational plan to the [~~department~~]

1547 bureau that meets requirements established by the committee.

1548 (b) A community paramedicine program shall report data, as determined by the
1549 committee, related to community paramedicine to the [~~department~~] bureau.

1550 (3) A service provided as part of a community paramedicine program may not be billed
1551 to an individual or a health benefit plan as defined in Section 31A-1-301 unless:

1552 (a) the service is provided in partnership with a health care facility as defined in
1553 Section 26-21-2; and

1554 (b) the partnering health care facility is the person that bills the individual or health
1555 benefit plan.

1556 (4) Nothing in this section affects any billing authorized under Section [~~26-8a-403~~]
1557 53-2d-503.

1558 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
1559 Section 53-2d-105, the committee shall make rules to implement this section.

1560 Section 38. Section **53-2d-301**, which is renumbered from Section 26-8a-250 is
1561 renumbered and amended to read:

Part 3. Statewide Trauma System

1562 [~~26-8a-250~~]. **53-2d-301. Establishment of statewide trauma system.**

1563 The [~~department~~] bureau shall establish and actively supervise a statewide trauma
1564 system to:

- 1566 (1) promote optimal care for trauma patients;
- 1567 (2) alleviate unnecessary death and disability from trauma and emergency illness;
- 1568 (3) inform health care providers about trauma system capabilities;
- 1569 (4) encourage the efficient and effective continuum of patient care, including
1570 prevention, prehospital care, hospital care, and rehabilitative care; and
- 1571 (5) minimize the overall cost of trauma care.

1572 Section 39. Section **53-2d-302**, which is renumbered from Section 26-8a-251 is
1573 renumbered and amended to read:

1574 [~~26-8a-251~~]. **53-2d-302. Trauma system advisory committee.**

1575 (1) There is created within the [~~department~~] bureau the trauma system advisory
1576 committee.

1577 (2) (a) The committee shall be comprised of individuals knowledgeable in adult or

1578 pediatric trauma care, including physicians, physician assistants, nurses, hospital
1579 administrators, emergency medical services personnel, government officials, consumers, and
1580 persons affiliated with professional health care associations.

1581 (b) Representation on the committee shall be broad and balanced among the health care
1582 delivery systems in the state with no more than three representatives coming from any single
1583 delivery system.

1584 (3) The committee shall:

1585 (a) advise the [department] bureau regarding trauma system needs throughout the state;

1586 (b) assist the [department] bureau in evaluating the quality and outcomes of the overall
1587 trauma system;

1588 (c) review and comment on proposals and rules governing the statewide trauma
1589 system; and

1590 (d) make recommendations for the development of statewide triage, treatment,
1591 transportation, and transfer guidelines.

1592 (4) The [department] bureau shall:

1593 (a) determine, by rule, the term and causes for removal of committee members;

1594 (b) establish committee procedures and administration policies consistent with this
1595 chapter and department rule; and

1596 (c) provide administrative support to the committee.

1597 Section 40. Section **53-2d-303**, which is renumbered from Section 26-8a-252 is
1598 renumbered and amended to read:

1599 ~~[26-8a-252]~~. **53-2d-303. Department duties.**

1600 In connection with the statewide trauma system established in Section ~~[26-8a-250]~~
1601 53-2d-301, the [department] bureau shall:

1602 (1) establish a statewide trauma system plan that:

1603 (a) identifies statewide trauma care needs, objectives, and priorities;

1604 (b) identifies the equipment, facilities, personnel training, and other things necessary to
1605 create and maintain a statewide trauma system; and

1606 (c) organizes and coordinates trauma care within defined geographic areas;

1607 (2) support the statewide trauma system by:

1608 (a) facilitating the coordination of prehospital, acute care, and rehabilitation services

1609 and providers through state regulation and oversight;

1610 (b) facilitating the ongoing evaluation and refinement of the statewide trauma system;

1611 (c) providing educational programs;

1612 (d) encouraging cooperation between community organizations, health care facilities,
1613 public health officials, emergency medical service providers, and rehabilitation facilities for the
1614 development of a statewide trauma system;

1615 (e) implementing a quality assurance program using information from the statewide
1616 trauma registry established pursuant to Section [~~26-8a-253~~] [53-2d-304](#);

1617 (f) establishing trauma center designation requirements in accordance with Section
1618 [~~26-8a-254~~] [53-2d-305](#); and

1619 (g) developing standards so that:

1620 (i) trauma centers are categorized according to their capability to provide care;

1621 (ii) trauma victims are triaged at the initial point of patient contact; and

1622 (iii) trauma patients are sent to appropriate health care facilities.

1623 Section 41. Section **53-2d-304**, which is renumbered from Section 26-8a-253 is
1624 renumbered and amended to read:

1625 [~~26-8a-253~~]. **53-2d-304. Statewide trauma registry and quality assurance**
1626 **program.**

1627 (1) The [~~department~~] bureau shall:

1628 (a) establish and fund a statewide trauma registry to collect and analyze information on
1629 the incidence, severity, causes, and outcomes of trauma;

1630 (b) establish, by rule, the data elements, the medical care providers that shall report,
1631 and the time frame and format for reporting;

1632 (c) use the data collected to:

1633 (i) improve the availability and delivery of prehospital and hospital trauma care;

1634 (ii) assess trauma care delivery, patient care outcomes, and compliance with the
1635 requirements of this chapter and applicable department rules; and

1636 (iii) regularly produce and disseminate reports to data providers, state government, and
1637 the public; and

1638 (d) support data collection and abstraction by providing:

1639 (i) a data collection system and technical assistance to each hospital that submits data;

1640 and

1641 (ii) funding or, at the discretion of the [department] bureau, personnel for collection
1642 and abstraction for each hospital not designated as a trauma center under the standards
1643 established pursuant to Section [~~26-8a-254~~] 53-2d-305.

1644 (2) (a) Each hospital shall submit trauma data in accordance with rules established
1645 under Subsection (1).

1646 (b) A hospital designated as a trauma center shall submit data as part of the ongoing
1647 quality assurance program established in Section [~~26-8a-252~~] 53-2d-303.

1648 (3) The department shall assess:

1649 (a) the effectiveness of the data collected pursuant to Subsection (1); and

1650 (b) the impact of the statewide trauma system on the provision of trauma care.

1651 (4) Data collected under this section shall be subject to Title 26, Chapter 3, Health
1652 Statistics.

1653 (5) No person may be held civilly liable for having provided data to the department in
1654 accordance with this section.

1655 Section 42. Section **53-2d-305**, which is renumbered from Section 26-8a-254 is
1656 renumbered and amended to read:

1657 [~~26-8a-254~~]. **53-2d-305. Trauma center designations and guidelines.**

1658 (1) The [department] bureau, after seeking the advice of the trauma system advisory
1659 committee, shall establish by rule:

1660 (a) trauma center designation requirements; and

1661 (b) model state guidelines for triage, treatment, transportation, and transfer of trauma
1662 patients to the most appropriate health care facility.

1663 (2) The [department] bureau shall designate as a trauma center each hospital that:

1664 (a) voluntarily requests a trauma center designation; and

1665 (b) meets the applicable requirements established pursuant to Subsection (1).

1666 Section 43. Section **53-2d-401**, which is renumbered from Section 26-8a-301 is
1667 renumbered and amended to read:

Part 4. Certificates, Designations, Permits, and Licenses

1668 [~~26-8a-301~~]. **53-2d-401. General requirement.**

1670 (1) Except as provided in Section [~~26-8a-308~~] 53-2d-408 or [~~26-8b-201~~] 53-2d-801:

1671 (a) an individual may not provide emergency medical services without a license or
1672 certification issued under Section [~~26-8a-302~~] 53-2d-402;

1673 (b) a facility or provider may not hold itself out as a designated emergency medical
1674 service provider or nonemergency secured behavioral health transport provider without a
1675 designation issued under Section [~~26-8a-303~~] 53-2d-403;

1676 (c) a vehicle may not operate as an ambulance, emergency response vehicle, or
1677 nonemergency secured behavioral health transport vehicle without a permit issued under
1678 Section [~~26-8a-304~~] 53-2d-404; and

1679 (d) an entity may not respond as an ambulance or paramedic provider without the
1680 appropriate license issued under [~~Part 4, Ambulance and Paramedic Providers~~] Part 5,
1681 Ambulance and Paramedic Providers.

1682 (2) Section [~~26-8a-502~~] 53-2d-602 applies to violations of this section.

1683 Section 44. Section **53-2d-402**, which is renumbered from Section 26-8a-302 is
1684 renumbered and amended to read:

1685 [~~26-8a-302~~]. **53-2d-402. Licensure of emergency medical service**
1686 **personnel.**

1687 (1) To promote the availability of comprehensive emergency medical services
1688 throughout the state, the committee shall establish:

1689 (a) initial and ongoing licensure and training requirements for emergency medical
1690 service personnel in the following categories:

1691 (i) paramedic;

1692 (ii) advanced emergency medical services technician;

1693 (iii) emergency medical services technician;

1694 (iv) behavioral emergency services technician; and

1695 (v) advanced behavioral emergency services technician;

1696 (b) a method to monitor the certification status and continuing medical education hours
1697 for emergency medical dispatchers; and

1698 (c) guidelines for giving credit for out-of-state training and experience.

1699 (2) The [~~department~~] bureau shall, based on the requirements established in Subsection
1700 (1):

1701 (a) develop, conduct, and authorize training and testing for emergency medical service

1702 personnel;

1703 (b) issue a license and license renewals to emergency medical service personnel other
1704 than emergency medical dispatchers; and

1705 (c) verify the certification of emergency medical dispatchers.

1706 (3) The ~~[department]~~ bureau shall coordinate with local mental health authorities
1707 described in Section [17-43-301](#) to develop and authorize initial and ongoing licensure and
1708 training requirements for licensure as a:

1709 (a) behavioral emergency services technician; and

1710 (b) advanced behavioral emergency services technician.

1711 (4) As provided in Section ~~[26-8a-502]~~ [53-2d-602](#), an individual issued a license or
1712 certified under this section may only provide emergency medical services to the extent allowed
1713 by the license or certification.

1714 (5) An individual may not be issued or retain a license under this section unless the
1715 individual obtains and retains background clearance under Section ~~[26-8a-310]~~ [53-2d-410](#).

1716 (6) An individual may not be issued or retain a certification under this section unless
1717 the individual obtains and retains background clearance in accordance with Section
1718 ~~[26-8a-310.5]~~ [53-2d-410.5](#).

1719 Section 45. Section **53-2d-403**, which is renumbered from Section 26-8a-303 is
1720 renumbered and amended to read:

1721 ~~[26-8a-303]~~. **53-2d-403. Designation of emergency medical service**
1722 **providers and nonemergency secured behavioral health transport providers.**

1723 (1) To ensure quality emergency medical services, the committee shall establish
1724 designation requirements for:

1725 (a) emergency medical service providers in the following categories:

1726 (i) quick response provider;

1727 (ii) resource hospital for emergency medical providers;

1728 (iii) emergency medical service dispatch center;

1729 (iv) emergency patient receiving facilities; and

1730 (v) other types of emergency medical service providers as the committee considers
1731 necessary; and

1732 (b) nonemergency secured behavioral health transport providers.

1733 (2) The ~~[department]~~ bureau shall, based on the requirements in Subsection (1), issue
1734 designations to emergency medical service providers and nonemergency secured behavioral
1735 health transport providers listed in Subsection (1).

1736 (3) As provided in Section ~~[26-8a-502]~~ 53-2d-602, an entity issued a designation under
1737 Subsection (2) may only function and hold itself out in accordance with its designation.

1738 Section 46. Section **53-2d-404**, which is renumbered from Section 26-8a-304 is
1739 renumbered and amended to read:

1740 ~~[26-8a-304]~~. **53-2d-404. Permits for emergency medical service vehicles**
1741 **and nonemergency secured behavioral health transport vehicles.**

1742 (1) (a) To ensure that emergency medical service vehicles and nonemergency secured
1743 behavioral health transport vehicles are adequately staffed, safe, maintained, properly
1744 equipped, and safely operated, the committee shall establish permit requirements at levels it
1745 considers appropriate in the following categories:

1746 (i) ambulance;

1747 (ii) emergency medical response vehicle; and

1748 (iii) nonemergency secured behavioral health transport vehicle.

1749 (b) The permit requirements under Subsections (1)(a)(i) and (ii) shall include a
1750 requirement that beginning on or after January 31, 2014, every operator of an ambulance or
1751 emergency medical response vehicle annually provide proof of the successful completion of an
1752 emergency vehicle operator's course approved by the ~~[department]~~ bureau for all ambulances
1753 and emergency medical response vehicle operators.

1754 (2) The ~~[department]~~ bureau shall, based on the requirements established in Subsection
1755 (1), issue permits to emergency medical service vehicles and nonemergency secured behavioral
1756 health transport vehicles.

1757 Section 47. Section **53-2d-405**, which is renumbered from Section 26-8a-305 is
1758 renumbered and amended to read:

1759 ~~[26-8a-305]~~. **53-2d-405. Ambulance license required for emergency**
1760 **medical transport.**

1761 Except as provided in Section ~~[26-8a-308]~~ 53-2d-408, only an ambulance operating
1762 under a permit issued under Section ~~[26-8a-304]~~ 53-2d-404 may transport an individual who:

1763 (1) is in an emergency medical condition;

1764 (2) is medically or mentally unstable, requiring direct medical observation during
1765 transport;

1766 (3) is physically incapacitated because of illness or injury and in need of immediate
1767 transport by emergency medical service personnel;

1768 (4) is likely to require medical attention during transport;

1769 (5) is being maintained on any type of emergency medical electronic monitoring;

1770 (6) is receiving or has recently received medications that could cause a sudden change
1771 in medical condition that might require emergency medical services;

1772 (7) requires IV administration or maintenance, oxygen that is not patient-operated, or
1773 other emergency medical services during transport;

1774 (8) needs to be immobilized during transport to a hospital, an emergency patient
1775 receiving facility, or mental health facility due to a mental or physical condition, unless the
1776 individual is in the custody of a peace officer and the primary purpose of the restraint is to
1777 prevent escape;

1778 (9) needs to be immobilized due to a fracture, possible fracture, or other medical
1779 condition; or

1780 (10) otherwise requires or has the potential to require a level of medical care that the
1781 committee establishes as requiring direct medical observation.

1782 Section 48. Section **53-2d-406**, which is renumbered from Section 26-8a-306 is
1783 renumbered and amended to read:

1784 ~~[26-8a-306]~~. **53-2d-406. Medical control.**

1785 (1) The committee shall establish requirements for the coordination of emergency
1786 medical services rendered by emergency medical service providers, including the coordination
1787 between prehospital providers, hospitals, emergency patient receiving facilities, and other
1788 appropriate destinations.

1789 (2) The committee shall establish requirements for the medical supervision of
1790 emergency medical service providers to assure adequate physician oversight of emergency
1791 medical services and quality improvement.

1792 Section 49. Section **53-2d-407**, which is renumbered from Section 26-8a-307 is
1793 renumbered and amended to read:

1794 ~~[26-8a-307]~~. **53-2d-407. Patient destination.**

1795 (1) If an individual being transported by a ground or air ambulance is in a critical or
1796 unstable medical condition, the ground or air ambulance shall transport the patient to the
1797 trauma center or closest emergency patient receiving facility appropriate to adequately treat the
1798 patient.

1799 (2) If the patient's condition is not critical or unstable as determined by medical
1800 control, the ground or air ambulance may transport the patient to the:

1801 (a) hospital, emergency patient receiving facility, licensed mental health facility, or
1802 other medical provider chosen by the patient and approved by medical control as appropriate
1803 for the patient's condition and needs; or

1804 (b) nearest hospital, emergency patient receiving facility, licensed mental health
1805 facility, or other medical provider approved by medical control as appropriate for the patient's
1806 condition and needs if the patient expresses no preference.

1807 Section 50. Section **53-2d-408**, which is renumbered from Section 26-8a-308 is
1808 renumbered and amended to read:

1809 ~~[26-8a-308]~~. **53-2d-408. Exemptions.**

1810 (1) The following persons may provide emergency medical services to a patient
1811 without being licensed under this chapter:

1812 (a) out-of-state emergency medical service personnel and providers in time of disaster;

1813 (b) an individual who gratuitously acts as a Good Samaritan;

1814 (c) a family member;

1815 (d) a private business if emergency medical services are provided only to employees at
1816 the place of business and during transport;

1817 (e) an agency of the United States government if compliance with this chapter would
1818 be inconsistent with federal law; and

1819 (f) police, fire, and other public service personnel if:

1820 (i) emergency medical services are rendered in the normal course of the person's duties;

1821 and

1822 (ii) medical control, after being apprised of the circumstances, directs immediate
1823 transport.

1824 (2) An ambulance or emergency response vehicle may operate without a permit issued
1825 under Section ~~[26-8a-304]~~ 53-2d-404 in time of disaster.

1826 (3) Nothing in this chapter or Title 58, Occupations and Professions, may be construed
1827 as requiring a license for an individual to administer cardiopulmonary resuscitation or to use a
1828 fully automated external defibrillator under Section [~~26-8b-201~~] [53-2d-801](#).

1829 (4) Nothing in this chapter may be construed as requiring a license, permit, or
1830 designation for an acute care hospital, medical clinic, physician's office, or other fixed medical
1831 facility that:

1832 (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered
1833 nurse; and

1834 (b) treats an individual who has presented himself or was transported to the hospital,
1835 clinic, office, or facility.

1836 Section 51. Section **53-2d-409**, which is renumbered from Section 26-8a-309 is
1837 renumbered and amended to read:

1838 [~~26-8a-309~~]. **53-2d-409. Out-of-state vehicles.**

1839 (1) An ambulance or emergency response vehicle from another state may not pick up a
1840 patient in Utah to transport that patient to another location in Utah or to another state without a
1841 permit issued under Section [~~26-8a-304~~] [53-2d-404](#) and, in the case of an ambulance, a license
1842 issued under [~~Part 4, Ambulance and Paramedic Providers~~] Part 5, Ambulance and Paramedic
1843 Providers.

1844 (2) Notwithstanding Subsection (1), an ambulance or emergency response vehicle from
1845 another state may, without a permit or license:

1846 (a) transport a patient into Utah; and

1847 (b) provide assistance in time of disaster.

1848 (3) The [~~department~~] bureau may enter into agreements with ambulance and paramedic
1849 providers and their respective licensing agencies from other states to assure the expeditious
1850 delivery of emergency medical services beyond what may be reasonably provided by licensed
1851 ambulance and paramedic providers, including the transportation of patients between states.

1852 Section 52. Section **53-2d-410**, which is renumbered from Section 26-8a-310 is
1853 renumbered and amended to read:

1854 [~~26-8a-310~~]. **53-2d-410. Background clearance for emergency medical**
1855 **service personnel.**

1856 (1) Subject to Section [~~26-8a-310.5~~] [53-2d-410.5](#), the [~~department~~] bureau shall

1857 determine whether to grant background clearance for an individual seeking licensure or
1858 certification under Section [~~26-8a-302~~] [53-2d-402](#) from whom the [~~department~~] bureau
1859 receives:

1860 (a) the individual's social security number, fingerprints, and other personal
1861 identification information specified by the department under Subsection (4); and

1862 (b) any fees established by the department under Subsection (10).

1863 (2) The [~~department~~] bureau shall determine whether to deny or revoke background
1864 clearance for individuals for whom the department has previously granted background
1865 clearance.

1866 (3) The [~~department~~] bureau shall determine whether to grant, deny, or revoke
1867 background clearance for an individual based on an initial and ongoing evaluation of
1868 information the [~~department~~] bureau obtains under Subsections (5) and (11), which, at a
1869 minimum, shall include an initial criminal background check of state, regional, and national
1870 databases using the individual's fingerprints.

1871 (4) The [~~department~~] bureau shall make rules, in accordance with Title 63G, Chapter 3,
1872 Utah Administrative Rulemaking Act, that specify:

1873 (a) the criteria the [~~department~~] bureau will use under Subsection (3) to determine
1874 whether to grant, deny, or revoke background clearance; and

1875 (b) the other personal identification information an individual seeking licensure or
1876 certification under Section [~~26-8a-302~~] [53-2d-402](#) must submit under Subsection (1).

1877 (5) To determine whether to grant, deny, or revoke background clearance, the
1878 [~~department~~] bureau may access and evaluate any of the following:

1879 (a) Department of Public Safety arrest, conviction, and disposition records described in
1880 [~~Title 53, Chapter 10, Criminal Investigations and Technical Services Act~~] Chapter 10,
1881 Criminal Investigations and Technical Services Act, including information in state, regional,
1882 and national records files;

1883 (b) adjudications by a juvenile court of committing an act that if committed by an adult
1884 would be a felony or misdemeanor, if:

1885 (i) the applicant is under 28 years old; or

1886 (ii) the applicant:

1887 (A) is over 28 years old; and

1888 (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in
1889 abeyance or diversion agreement for a felony or misdemeanor;

1890 (c) juvenile court arrest, adjudication, and disposition records, other than those under
1891 Subsection (5)(b), as allowed under Section [78A-6-209](#);

1892 (d) child abuse or neglect findings described in Section [80-3-404](#);

1893 (e) the department's Licensing Information System described in Section [80-2-1002](#);

1894 (f) the department's database of reports of vulnerable adult abuse, neglect, or
1895 exploitation, described in Section [62A-3-311.1](#);

1896 (g) Division of Professional Licensing records of licensing and certification under Title
1897 58, Occupations and Professions;

1898 (h) records in other federal criminal background databases available to the state; and

1899 (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance,
1900 pending diversion agreements, or dispositions.

1901 (6) Except for the Department of Public Safety, an agency may not charge the
1902 ~~[department]~~ bureau for information accessed under Subsection (5).

1903 (7) When evaluating information under Subsection (3), the ~~[department]~~ bureau shall
1904 classify a crime committed in another state according to the closest matching crime under Utah
1905 law, regardless of how the crime is classified in the state where the crime was committed.

1906 (8) The ~~[department]~~ bureau shall adopt measures to protect the security of information
1907 the department accesses under Subsection (5), which shall include limiting access by
1908 department employees to those responsible for acquiring, evaluating, or otherwise processing
1909 the information.

1910 (9) The ~~[department]~~ bureau may disclose personal identification information the
1911 ~~[department]~~ bureau receives under Subsection (1) to the department to verify that the subject
1912 of the information is not identified as a perpetrator or offender in the information sources
1913 described in Subsections (5)(d) through (f).

1914 (10) The ~~[department]~~ bureau may charge fees, in accordance with Section [63J-1-504](#),
1915 to pay for:

1916 (a) the cost of obtaining, storing, and evaluating information needed under Subsection
1917 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke
1918 background clearance; and

1919 (b) other [department] bureau costs related to granting, denying, or revoking
1920 background clearance.

1921 (11) The Criminal Investigations and Technical Services Division within the
1922 Department of Public Safety shall:

1923 (a) retain, separate from other division records, personal information under Subsection
1924 (1), including any fingerprints sent to it by the department; and

1925 (b) notify the [department] bureau upon receiving notice that an individual for whom
1926 personal information has been retained is the subject of:

1927 (i) a warrant for arrest;

1928 (ii) an arrest;

1929 (iii) a conviction, including a plea in abeyance; or

1930 (iv) a pending diversion agreement.

1931 (12) The [department] bureau shall use the Direct Access Clearance System database
1932 created under Section 26-21-209 to manage information about the background clearance status
1933 of each individual for whom the [department] bureau is required to make a determination under
1934 Subsection (1).

1935 (13) Clearance granted for an individual licensed or certified under Section
1936 [26-8a-302] 53-2d-402 is valid until two years after the day on which the individual is no
1937 longer licensed or certified in Utah as emergency medical service personnel.

1938 Section 53. Section 53-2d-410.5, which is renumbered from Section 26-8a-310.5 is
1939 renumbered and amended to read:

1940 ~~[26-8a-310.5].~~ **53-2d-410.5. Background check requirements for emergency**
1941 **medical dispatchers.**

1942 An emergency medical dispatcher seeking certification under Section [26-8a-302]
1943 53-2d-402 shall undergo the background clearance process described in Section [26-8a-310]
1944 53-2d-410 unless the emergency medical dispatcher can demonstrate that the emergency
1945 medical dispatcher has received and currently holds an approved Department of Public Safety
1946 background clearance.

1947 Section 54. Section 53-2d-501, which is renumbered from Section 26-8a-401 is
1948 renumbered and amended to read:

1949 **Part 5. Ambulance and Paramedic Providers**

1950 ~~[26-8a-401]~~. **53-2d-501**. State regulation of emergency medical services
1951 market -- License term.

1952 (1) To ensure emergency medical service quality and minimize unnecessary
1953 duplication, the ~~[department]~~ bureau shall regulate the emergency medical services market by
1954 creating and operating a statewide system that:

1955 (a) consists of exclusive geographic service areas as provided in Section ~~[26-8a-402]~~
1956 [53-2d-502](#); and

1957 (b) establishes maximum rates as provided in Section ~~[26-8a-403]~~ [53-2d-503](#).

1958 (2) A license issued or renewed under this part is valid for four years.

1959 Section 55. Section **53-2d-502**, which is renumbered from Section 26-8a-402 is
1960 renumbered and amended to read:

1961 ~~[26-8a-402]~~. **53-2d-502**. Exclusive geographic service areas.

1962 (1) (a) Each ground ambulance provider license issued under this part shall be for an
1963 exclusive geographic service area as described in the license.

1964 (b) Only the licensed ground ambulance provider may respond to an ambulance request
1965 that originates within the provider's exclusive geographic service area, except as provided in
1966 Subsection (5) and Section ~~[26-8a-416]~~ [53-2d-516](#).

1967 (2) (a) Each paramedic provider license issued under this part shall be for an exclusive
1968 geographic service area as described in the license.

1969 (b) Only the licensed paramedic provider may respond to a paramedic request that
1970 originates within the exclusive geographic service area, except as provided in Subsection (6)
1971 and Section ~~[26-8a-416]~~ [53-2d-516](#).

1972 (3) Nothing in this section may be construed as either requiring or prohibiting that the
1973 formation of boundaries in a given location be the same for a licensed paramedic provider and
1974 a licensed ambulance provider.

1975 (4) (a) A licensed ground ambulance or paramedic provider may, as necessary, enter
1976 into a mutual aid agreement to allow another licensed provider to give assistance in times of
1977 unusual demand, as that term is defined by the committee in rule.

1978 (b) A mutual aid agreement shall include a formal written plan detailing the type of
1979 assistance and the circumstances under which it would be given.

1980 (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the

1981 department.

1982 (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with
1983 another entity to provide services in the licensed provider's exclusive geographic service area.

1984 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may
1985 respond to an ambulance request that originates from the exclusive geographic area of another
1986 provider:

1987 (a) pursuant to a mutual aid agreement;

1988 (b) to render assistance on a case-by-case basis to that provider; and

1989 (c) as necessary to meet needs in time of disaster or other major emergency.

1990 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
1991 paramedic request that originates from the exclusive geographic area of another provider:

1992 (a) pursuant to a mutual aid agreement;

1993 (b) to render assistance on a case-by-case basis to that provider; and

1994 (c) as necessary to meet needs in time of disaster or other major emergency.

1995 (7) The [~~department~~] bureau may, upon the renewal of a license, align the boundaries
1996 of an exclusive geographic area with the boundaries of a political subdivision:

1997 (a) if the alignment is practical and in the public interest;

1998 (b) if each licensed provider that would be affected by the alignment agrees to the
1999 alignment; and

2000 (c) taking into consideration the requirements of:

2001 (i) Section [11-48-103](#); and

2002 (ii) Section [~~26-8a-408~~] [53-2d-508](#).

2003 Section 56. Section **53-2d-503**, which is renumbered from Section 26-8a-403 is
2004 renumbered and amended to read:

2005 ~~[26-8a-403]~~. **53-2d-503. Establishment of maximum rates.**

2006 (1) The [~~department~~] bureau shall, after receiving recommendations under Subsection
2007 (2), establish maximum rates for ground ambulance providers and paramedic providers that are
2008 just and reasonable.

2009 (2) The committee may make recommendations to the [~~department~~] bureau on the
2010 maximum rates that should be set under Subsection (1).

2011 (3) (a) The [~~department~~] bureau shall prohibit ground ambulance providers and

2012 paramedic providers from charging fees for transporting a patient when the provider does not
2013 transport the patient.

2014 (b) The provisions of Subsection (3)(a) do not apply to ambulance providers or
2015 paramedic providers in a geographic service area which contains a town as defined in
2016 Subsection [10-2-301](#)(2)(f).

2017 Section 57. Section ~~53-2d-504~~, which is renumbered from Section 26-8a-404 is
2018 renumbered and amended to read:

2019 ~~[26-8a-404]~~. 53-2d-504. **Ground ambulance and paramedic licenses --**
2020 **Application and department review.**

2021 (1) Except as provided in Section ~~[26-8a-413]~~ [53-2d-513](#), an applicant for a ground
2022 ambulance or paramedic license shall apply to the ~~[department]~~ bureau for a license only by:

- 2023 (a) submitting a completed application;
- 2024 (b) providing information in the format required by the department; and
- 2025 (c) paying the required fees, including the cost of the hearing officer.

2026 (2) The ~~[department]~~ bureau shall make rules establishing minimum qualifications and
2027 requirements for:

- 2028 (a) personnel;
- 2029 (b) capital reserves;
- 2030 (c) equipment;
- 2031 (d) a business plan;
- 2032 (e) operational procedures;
- 2033 (f) medical direction agreements;
- 2034 (g) management and control; and
- 2035 (h) other matters that may be relevant to an applicant's ability to provide ground
2036 ambulance or paramedic service.

2037 (3) An application for a license to provide ground ambulance service or paramedic
2038 service shall be for all ground ambulance services or paramedic services arising within the
2039 geographic service area, except that an applicant may apply for a license for less than all
2040 ground ambulance services or all paramedic services arising within an exclusive geographic
2041 area if it can demonstrate how the remainder of that area will be served.

2042 (4) (a) A ground ambulance service licensee may apply to the ~~[department]~~ bureau for

2043 a license to provide a higher level of service as defined by [~~department~~] bureau rule if the
 2044 application includes:

2045 (i) a copy of the new treatment protocols for the higher level of service approved by the
 2046 off-line medical director;

2047 (ii) an assessment of field performance by the applicant's off-line director; and

2048 (iii) an updated plan of operation demonstrating the ability of the applicant to provide
 2049 the higher level of service.

2050 (b) If the [~~department~~] bureau determines that the applicant has demonstrated the
 2051 ability to provide the higher level of service in accordance with Subsection (4)(a), the
 2052 [~~department~~] bureau shall issue a revised license reflecting the higher level of service and the
 2053 requirements of Section ~~26-8a-408~~ do not apply.

2054 (c) A revised license issued under Subsection (4)(b):

2055 (i) may only affect the level of service that the licensee may provide; and

2056 (ii) may not affect any other terms, conditions, or limitations of the original license.

2057 (5) Upon receiving a completed application and the required fees, the [~~department~~]
 2058 bureau shall review the application and determine whether the application meets the minimum
 2059 qualifications and requirements for licensure.

2060 (6) The [~~department~~] bureau may deny an application if it finds that it contains any
 2061 materially false or misleading information, is incomplete, or if the application demonstrates
 2062 that the applicant fails to meet the minimum qualifications and requirements for licensure
 2063 under Subsection (2).

2064 (7) If the department denies an application, it shall notify the applicant in writing
 2065 setting forth the grounds for the denial. A denial may be appealed under Title 63G, Chapter 4,
 2066 Administrative Procedures Act.

2067 Section 58. Section ~~53-2d-505~~, which is renumbered from Section 26-8a-405 is
 2068 renumbered and amended to read:

2069 ~~[26-8a-405]~~. 53-2d-505. Ground ambulance and paramedic licenses --
 2070 Agency notice of approval.

2071 (1) [~~Beginning January 1, 2004, if~~] If the [~~department~~] bureau determines that the
 2072 application meets the minimum requirements for licensure under Section [~~26-8a-404~~]
 2073 53-2d-504, the [~~department~~] bureau shall issue a notice of the approved application to the

2074 applicant.

2075 (2) A current license holder responding to a request for proposal under Section
2076 ~~[26-8a-405.2]~~ 53-2d-505.2 is considered an approved applicant for purposes of Section
2077 ~~[26-8a-405.2]~~ 53-2d-505.2 if the current license holder, prior to responding to the request for
2078 proposal, submits the following to the department:

2079 (a) the information described in Subsections ~~[26-8a-404(4)(a)(i)]~~ 53-2d-504(4)(a)(i)
2080 through (iii); and

2081 (b) (i) if the license holder is a private entity, a financial statement, a pro forma budget
2082 and necessary letters of credit demonstrating a financial ability to expand service to a new
2083 service area; or

2084 (ii) if the license holder is a governmental entity, a letter from the governmental entity's
2085 governing body demonstrating the governing body's willingness to financially support the
2086 application.

2087 Section 59. Section **53-2d-505.1**, which is renumbered from Section 26-8a-405.1 is
2088 renumbered and amended to read:

2089 ~~[26-8a-405.1]~~. **53-2d-505.1. Selection of provider by political subdivision.**

2090 (1) (a) Only an applicant approved under Section ~~[26-8a-405]~~ 53-2d-505.1 may
2091 respond to a request for a proposal issued in accordance with Section ~~[26-8a-405.2]~~
2092 53-2d-505.2 or ~~[Section 26-8a-405.4]~~ 53-2d-505.4 by a political subdivision.

2093 (b) A response to a request for proposal is subject to the maximum rates established by
2094 the ~~[department]~~ bureau under Section ~~[26-8a-403]~~ 53-2d-503.

2095 (c) A political subdivision may award a contract to an applicant in response to a
2096 request for proposal:

2097 (i) in accordance with Section ~~[26-8a-405.2]~~ 53-2d-505.2; and

2098 (ii) subject to Subsections (2) and (3).

2099 (2) (a) The ~~[department]~~ bureau shall issue a license to an applicant selected by a
2100 political subdivision under Subsection (1) unless the ~~[department]~~ bureau finds that issuing a
2101 license to that applicant would jeopardize the health, safety, and welfare of the citizens of the
2102 geographic service area.

2103 (b) A license issued under this Subsection (2):

2104 (i) is for the exclusive geographic service area approved by the ~~[department]~~ bureau in

2105 accordance with Subsection [~~26-8a-405.2(2)~~] [53-2d-505.2\(2\)](#);

2106 (ii) is valid for four years;

2107 (iii) is not subject to a request for license from another applicant under the provisions

2108 of Sections [~~26-8a-406~~] [53-2d-506](#) through [~~26-8a-409~~] [53-2d-509](#) during the four-year term,

2109 unless the applicant's license is revoked under Section [~~26-8a-504~~] [53-2d-604](#);

2110 (iv) is subject to revocation or revision under Subsection (3)(d); and

2111 (v) is subject to supervision by the department under Sections [~~26-8a-503~~] [53-2d-603](#)

2112 and [~~26-8a-504~~] [53-2d-604](#).

2113 (3) Notwithstanding Subsection (2)(b), a political subdivision may terminate a contract

2114 described in Subsection (1)(c), with or without cause, if:

2115 (a) the contract:

2116 (i) is entered into on or after May 5, 2021; and

2117 (ii) allows an applicant to provide 911 ambulance services;

2118 (b) the political subdivision provides written notice to the applicant described in

2119 Subsection (3)(a)(ii) and the [~~department~~] bureau:

2120 (i) at least 18 months before the day on which the contract is terminated; or

2121 (ii) within a period of time shorter than 18 months before the day on which the contract

2122 is terminated, if otherwise agreed to by the applicant and the department;

2123 (c) the political subdivision selects another applicant to provide 911 ambulance

2124 services for the political subdivision in accordance with Section [~~26-8a-405.2~~] [53-2d-505.2](#);

2125 (d) the [~~department~~] bureau:

2126 (i) revokes the license of the applicant described in Subsection (3)(a)(ii), or issues a

2127 new or revised license for the applicant described in Subsection (3)(a)(ii):

2128 (A) in order to remove the area that is subject to the contract from the applicant's

2129 exclusive geographic service area; and

2130 (B) to take effect the day on which the contract is terminated; and

2131 (ii) issues a new or revised license for the applicant described in Subsection (3)(c):

2132 (A) in order to allow the applicant to provide 911 ambulance services for the area

2133 described in Subsection (3)(d)(i)(A); and

2134 (B) to take effect the day on which the contract is terminated; and

2135 (e) the termination does not create an orphaned area.

2136 (4) Except as provided in Subsection [~~26-8a-405.3(4)(a)~~], 53-2d-505.3(4)(a) the
2137 provisions of Sections [~~26-8a-406~~] 53-2d-506 through [~~26-8a-409~~] 53-2d-509 do not apply to a
2138 license issued under this section.

2139 Section 60. Section **53-2d-505.2**, which is renumbered from Section 26-8a-405.2 is
2140 renumbered and amended to read:

2141 [~~26-8a-405.2~~]. **53-2d-505.2. Selection of provider -- Request for competitive**
2142 **sealed proposal -- Public convenience and necessity.**

2143 (1) (a) A political subdivision may contract with an applicant approved under Section
2144 [~~26-8a-404~~] 53-2d-504 to provide services for the geographic service area that is approved by
2145 the department in accordance with Subsection (2), if:

2146 (i) the political subdivision complies with the provisions of this section and Section
2147 [~~26-8a-405.3~~] 53-2d-505.3 if the contract is for 911 ambulance or paramedic services; or

2148 (ii) the political subdivision complies with Sections [~~26-8a-405.3~~] 53-2d-505.3 and
2149 [~~26-8a-405.4~~] 53-2d-505.4, if the contract is for non-911 services.

2150 (b) (i) The provisions of this section and Sections [~~26-8a-405.1~~] 53-2d-505.1,
2151 [~~26-8a-405.3~~] 53-2d-505.3, and [~~26-8a-405.4~~] 53-2d-505.4 do not require a political
2152 subdivision to issue a request for proposal for ambulance or paramedic services or non-911
2153 services.

2154 (ii) If a political subdivision does not contract with an applicant in accordance with this
2155 section and Section [~~26-8a-405.3~~] 53-2d-505.3, the provisions of Sections [~~26-8a-406~~]
2156 53-2d-506 through [~~26-8a-409~~] 53-2d-509 apply to the issuance of a license for ambulance or
2157 paramedic services in the geographic service area that is within the boundaries of the political
2158 subdivision.

2159 (iii) If a political subdivision does not contract with an applicant in accordance with
2160 this section, Section [~~26-8a-405.3~~] 53-2d-505.3, and Section [~~26-8a-405.4~~] 53-2d-505.4, a
2161 license for the non-911 services in the geographic service area that is within the boundaries of
2162 the political subdivision may be issued:

2163 (A) under the public convenience and necessity provisions of Sections [~~26-8a-406~~]
2164 53-2d-506 through [~~26-8a-409~~] 53-2d-509; or

2165 (B) by a request for proposal issued by the department under Section [~~26-8a-405.5~~]
2166 53-2d-505.5.

2167 (c) (i) For purposes of this Subsection (1)(c):

2168 (A) "Fire district" means a local district under Title 17B, Limited Purpose Local
2169 Government Entities - Local Districts, that:

2170 (I) is located in a county of the first or second class; and

2171 (II) provides fire protection, paramedic, and emergency services.

2172 (B) "Participating municipality" means a city or town whose area is partly or entirely
2173 included within a county service area or fire district.

2174 (C) "Participating county" means a county whose unincorporated area is partly or
2175 entirely included within a fire district.

2176 (ii) A participating municipality or participating county may as provided in this section
2177 and Section [~~26-8a-405.3~~] 53-2d-505.3, contract with a provider for 911 ambulance or
2178 paramedic service.

2179 (iii) If the participating municipality or participating county contracts with a provider
2180 for services under this section and Section [~~26-8a-405.3~~] 53-2d-505.3:

2181 (A) the fire district is not obligated to provide the services that are included in the
2182 contract between the participating municipality or the participating county and the provider;

2183 (B) the fire district may impose taxes and obligations within the fire district in the same
2184 manner as if the participating municipality or participating county were receiving all services
2185 offered by the fire district; and

2186 (C) the participating municipality's and participating county's obligations to the fire
2187 district are not diminished.

2188 (2) (a) The political subdivision shall submit the request for proposal and the exclusive
2189 geographic service area to be included in a request for proposal issued under [~~Subsections~~]
2190 Subsection (1)(a)(i) or (ii) to the [~~department~~] bureau for approval prior to issuing the request
2191 for proposal.

2192 (b) The department shall approve the request for proposal and the exclusive geographic
2193 service area:

2194 (i) unless the geographic service area creates an orphaned area; and

2195 (ii) in accordance with Subsections [~~(2)(b)~~] (2)(c) and [~~(c)~~] (d).

2196 [~~(b)~~] (c) The exclusive geographic service area may:

2197 (i) include the entire geographic service area that is within the political subdivision's

2198 boundaries;

2199 (ii) include islands within or adjacent to other peripheral areas not included in the
2200 political subdivision that governs the geographic service area; or

2201 (iii) exclude portions of the geographic service area within the political subdivision's
2202 boundaries if another political subdivision or licensed provider agrees to include the excluded
2203 area within their license.

2204 ~~[(e)]~~ (d) (i) The proposed geographic service area for 911 ambulance or paramedic
2205 service shall demonstrate that non-911 ambulance or paramedic service will be provided in the
2206 geographic service area, either by the current provider, the applicant, or some other method
2207 acceptable to the ~~[department]~~ bureau.

2208 (ii) The ~~[department]~~ bureau may consider the effect of the proposed geographic
2209 service area on the costs to the non-911 provider and that provider's ability to provide only
2210 non-911 services in the proposed area.

2211 Section 61. Section **53-2d-505.3**, which is renumbered from Section 26-8a-405.3 is
2212 renumbered and amended to read:

2213 ~~[26-8a-405.3]~~. **53-2d-505.3. Use of competitive sealed proposals --**

2214 **Procedure -- Appeal rights.**

2215 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under
2216 Section ~~[26-8a-405.2]~~ 53-2d-505.2, or for non-911 services under Section ~~[26-8a-405.4]~~
2217 53-2d-505.4, shall be solicited through a request for proposal and the provisions of this section.

2218 (b) The governing body of the political subdivision shall approve the request for
2219 proposal prior to the notice of the request for proposals under Subsection (1)(c).

2220 (c) Notice of the request for proposals shall be published:

2221 (i) by posting the notice for at least 20 days in at least five public places in the county;

2222 and

2223 (ii) by posting the notice on the Utah Public Notice Website, created in Section
2224 63A-16-601, for at least 20 days.

2225 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
2226 offerors during the process of negotiations.

2227 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
2228 political subdivision shall hold a presubmission conference with interested applicants for the

2229 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

2230 (ii) A political subdivision shall allow at least 90 days from the presubmission
2231 conference for the proposers to submit proposals.

2232 (c) (i) Subsequent to the presubmission conference, the political subdivision may issue
2233 addenda to the request for proposals.

2234 (ii) An [~~addenda~~] addendum to a request for proposal shall be finalized and posted by
2235 the political subdivision at least 45 days before the day on which the proposal must be
2236 submitted.

2237 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
2238 respect to any opportunity for discussion and revisions of proposals, and revisions may be
2239 permitted after submission and before a contract is awarded for the purpose of obtaining best
2240 and final offers.

2241 (e) In conducting discussions, there shall be no disclosures of any information derived
2242 from proposals submitted by competing offerors.

2243 (3) (a) (i) A political subdivision may select an applicant approved by the [~~department~~]
2244 bureau under Section [~~26-8a-404~~] 53-2d-504 to provide 911 ambulance or paramedic services
2245 by contract to the most responsible offeror as defined in Section 63G-6a-103.

2246 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
2247 proposal is determined in writing to be the most advantageous to the political subdivision,
2248 taking into consideration price and the evaluation factors set forth in the request for proposal.

2249 (b) The applicants who are approved under Section [~~26-8a-405~~] 53-2d-505 and who
2250 are selected under this section may be the political subdivision issuing the request for
2251 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2252 or any combination thereof.

2253 (c) A political subdivision may reject all of the competitive proposals.

2254 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2255 a political subdivision:

2256 (a) shall apply the public convenience and necessity factors listed in Subsections
2257 [~~26-8a-408(2)~~] 53-2d-508(2) through (6);

2258 (b) shall require the applicant responding to the proposal to disclose how the applicant
2259 will meet performance standards in the request for proposal;

2260 (c) may not require or restrict an applicant to a certain method of meeting the
2261 performance standards, including:

- 2262 (i) requiring ambulance medical personnel to also be a firefighter; or
- 2263 (ii) mandating that offerors use fire stations or dispatch services of the political
2264 subdivision;
- 2265 (d) shall require an applicant to submit the proposal:
 - 2266 (i) based on full cost accounting in accordance with generally accepted accounting
2267 principals; and
 - 2268 (ii) if the applicant is a governmental entity, in addition to the requirements of
2269 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
2270 in compliance with the State of Utah Legal Compliance Audit Guide; and
 - 2271 (e) shall set forth in the request for proposal:
 - 2272 (i) the method for determining full cost accounting in accordance with generally
2273 accepted accounting principles, and require an applicant to submit the proposal based on such
2274 full cost accounting principles;
 - 2275 (ii) guidelines established to further competition and provider accountability; and
 - 2276 (iii) a list of the factors that will be considered by the political subdivision in the award
2277 of the contract, including by percentage, the relative weight of the factors established under this
2278 Subsection (4)(e), which may include such things as:
 - 2279 (A) response times;
 - 2280 (B) staging locations;
 - 2281 (C) experience;
 - 2282 (D) quality of care; and
 - 2283 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).
 - 2284 (5) (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement
2285 Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply
2286 to the procurement process required by this section, except as provided in Subsection (5)(c).
 - 2287 (b) A procurement appeals panel described in Section [63G-6a-1702](#) shall have
2288 jurisdiction to review and determine an appeal of an offeror under this section.
 - 2289 (c) (i) (A) An offeror may appeal the solicitation or award as provided by the political
2290 subdivision's procedures.

2291 (B) After all political subdivision appeal rights are exhausted, the offeror may appeal
2292 under ~~[the provisions of]~~ Subsections (5)(a) and (b).

2293 (ii) A procurement appeals panel described in Section [63G-6a-1702](#) shall determine
2294 whether the solicitation or award was made in accordance with the procedures set forth in this
2295 section and Section ~~[26-8a-405.2]~~ [53-2d-505.2](#).

2296 (d) The determination of an issue of fact by the appeals board shall be final and
2297 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
2298 [63G-6a-1705](#).

2299 Section 62. Section [53-2d-505.4](#), which is renumbered from Section 26-8a-405.4 is
2300 renumbered and amended to read:

2301 ~~[26-8a-405.4]~~. [53-2d-505.4](#). **Non-911 provider -- Finding of meritorious**
2302 **complaint -- Request for proposals.**

2303 (1) (a) This section applies to a non-911 provider license under this chapter.

2304 (b) The ~~[department]~~ bureau shall, in accordance with Subsections (3) and (4):

2305 (i) receive a complaint about a non-911 provider;

2306 (ii) determine whether the complaint has merit;

2307 (iii) issue a finding of:

2308 (A) a meritorious complaint; or

2309 (B) a non-meritorious complaint; and

2310 (iv) forward a finding of a meritorious complaint to the governing body of the political
2311 subdivision:

2312 (A) in which the non-911 provider is licensed; or

2313 (B) that provides the non-911 services, if different from Subsection (1)(b)(iv)(A).

2314 (2) (a) A political subdivision that receives a finding of a meritorious complaint from
2315 ~~[the department:]~~ the bureau shall take corrective action that the political subdivision
2316 determines is appropriate.

2317 ~~[(i) shall take corrective action that the political subdivision determines is appropriate;~~
2318 ~~and]~~

2319 ~~[(ii)]~~ (b) ~~[shall, if the]~~ A political subdivision that determines corrective action will not
2320 resolve the complaint or is not appropriate shall:

2321 ~~[(A)]~~ (i) subject to Subsection (2)(c), issue a request for proposal for non-911 service

2322 in the geographic service area [~~if the political subdivision will not respond to the request for~~
2323 ~~proposal~~]; or

2324 ~~[(B)]~~ (ii) ~~[(F)]~~ (A) make a finding that a request for proposal for non-911 services is
2325 appropriate [~~and the political subdivision intends to respond to a request for proposal~~]; and

2326 ~~[(H)]~~ (B) submit the political subdivision's findings to the [~~department~~] bureau with a
2327 request that the [~~department~~] bureau issue a request for proposal in accordance with Section
2328 [~~26-8a-405.5~~] 53-2d-505.5.

2329 ~~[(b)]~~ (c) A political subdivision that issues a request for proposal under Subsection
2330 (2)(b)(i):

2331 (i) may not respond to the request for proposal; and

2332 (ii) shall issue the request for proposal in accordance with Sections 53-2d-505.1
2333 through 53-2d-505.3.

2334 ~~[(i) If Subsection (2)(a)(ii)(A) applies, the political subdivision shall issue the request~~
2335 ~~for proposal in accordance with Sections 26-8a-405.1 through 26-8a-405.3.]~~

2336 ~~[(ii)]~~ (d) If [~~Subsection (2)(a)(ii)(B) applies~~] a political subdivision submits a request to
2337 the bureau described Subsection (2)(b)(ii), the [~~department~~] bureau shall issue a request for
2338 proposal for non-911 services in accordance with Section 26-8a-405.5.

2339 (3) The [~~department~~] bureau shall make a determination under Subsection (1)(b) if:

2340 (a) the [~~department~~] bureau receives a written complaint from any of the following in
2341 the geographic service area:

2342 (i) a hospital;

2343 (ii) a health care facility;

2344 (iii) a political subdivision; or

2345 (iv) an individual; and

2346 (b) the [~~department~~] bureau determines, in accordance with Subsection (1)(b), that the
2347 complaint has merit.

2348 (4) (a) If the [~~department~~] bureau receives a complaint under Subsection (1)(b), the
2349 department shall request a written response from the non-911 provider concerning the
2350 complaint.

2351 (b) The [~~department~~] bureau shall make a determination under Subsection (1)(b) based
2352 on:

2353 (i) the written response from the non-911 provider; and
 2354 (ii) other information that the department may have concerning the quality of service of
 2355 the non-911 provider.

2356 (c) (i) The [~~department's~~] bureau's determination under Subsection (1)(b) is not subject
 2357 to an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

2358 (ii) The [~~department~~] bureau shall adopt administrative rules in accordance with Title
 2359 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of
 2360 Subsection (1)(b).

2361 Section 63. Section **53-2d-505.5**, which is renumbered from Section 26-8a-405.5 is
 2362 renumbered and amended to read:

2363 ~~[26-8a-405.5]~~. **53-2d-505.5. Use of competitive sealed proposals --**

2364 **Procedure -- Appeal rights.**

2365 (1) (a) The [~~department~~] bureau shall issue a request for proposal for non-911 services
 2366 in a geographic service area if the [~~department~~] bureau receives a request from a political
 2367 subdivision under Subsection [~~26-8a-405.4(2)(a)(ii)(B)~~] 53-2d-505.4(2)(d) to issue a request
 2368 for proposal for non-911 services.

2369 (b) Competitive sealed proposals for non-911 services under Subsection (1)(a) shall be
 2370 solicited through a request for proposal and the provisions of this section.

2371 (c) (i) Notice of the request for proposals shall be published:

2372 (A) at least once a week for three consecutive weeks in a newspaper of general
 2373 circulation published in the county; or

2374 (B) if there is no such newspaper, then notice shall be posted for at least 20 days in at
 2375 least five public places in the county; and

2376 (ii) in accordance with Section 45-1-101 for at least 20 days.

2377 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
 2378 offerors during the process of negotiations.

2379 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
 2380 department shall hold a presubmission conference with interested applicants for the purpose of
 2381 assuring full understanding of, and responsiveness to, solicitation requirements.

2382 (ii) The department shall allow at least 90 days from the presubmission conference for
 2383 the proposers to submit proposals.

2384 (c) (i) Subsequent to the presubmission conference, the department may issue addenda
2385 to the request for proposals.

2386 (ii) An ~~addenda~~ addendum to a request for proposal shall be finalized and posted by
2387 the department at least 45 days before the day on which the proposal must be submitted.

2388 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
2389 respect to any opportunity for discussion and revisions of proposals, and revisions may be
2390 permitted after submission and before a contract is awarded for the purpose of obtaining best
2391 and final offers.

2392 (e) In conducting discussions, there shall be no disclosures of any information derived
2393 from proposals submitted by competing offerors.

2394 (3) (a) (i) The ~~department~~ bureau may select an applicant approved by the
2395 ~~department~~ bureau under Section ~~[26-8a-404]~~ 53-2d-504 to provide non-911 services by
2396 contract to the most responsible offeror as defined in Section 63G-6a-103.

2397 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
2398 proposal is determined in writing to be the most advantageous to the public, taking into
2399 consideration price and the evaluation factors set forth in the request for proposal.

2400 (b) The applicants who are approved under Section ~~[26-8a-405]~~ 53-2d-504 and who
2401 are selected under this section may be the political subdivision responding to the request for
2402 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2403 or any combination thereof.

2404 (c) The ~~department~~ bureau may reject all of the competitive proposals.

2405 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2406 the ~~department~~ bureau:

2407 (a) shall consider the public convenience and necessity factors listed in Subsections
2408 ~~[26-8a-408(2)]~~ 53-2d-508(2) through (6);

2409 (b) shall require the applicant responding to the proposal to disclose how the applicant
2410 will meet performance standards in the request for proposal;

2411 (c) may not require or restrict an applicant to a certain method of meeting the
2412 performance standards, including:

2413 (i) requiring ambulance medical personnel to also be a firefighter; or

2414 (ii) mandating that offerors use fire stations or dispatch services of the political

2415 subdivision;

2416 (d) shall require an applicant to submit the proposal:

2417 (i) based on full cost accounting in accordance with generally accepted accounting
2418 principals; and

2419 (ii) if the applicant is a governmental entity, in addition to the requirements of
2420 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
2421 in compliance with the State of Utah Legal Compliance Audit Guide; and

2422 (e) shall set forth in the request for proposal:

2423 (i) the method for determining full cost accounting in accordance with generally
2424 accepted accounting principles, and require an applicant to submit the proposal based on such
2425 full cost accounting principles;

2426 (ii) guidelines established to further competition and provider accountability; and

2427 (iii) a list of the factors that will be considered by the department in the award of the
2428 contract, including by percentage, the relative weight of the factors established under this
2429 Subsection (4)(e), which may include:

2430 (A) response times;

2431 (B) staging locations;

2432 (C) experience;

2433 (D) quality of care; and

2434 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

2435 (5) A license issued under this section:

2436 (a) is for the exclusive geographic service area approved by the department;

2437 (b) is valid for four years;

2438 (c) is not subject to a request for license from another applicant under the provisions of
2439 Sections [~~26-8a-406~~] [53-2d-506](#) through [~~26-8a-409~~] [53-2d-509](#) during the four-year term,
2440 unless the applicant's license is revoked under Section [~~26-8a-504~~] [53-2d-604](#);

2441 (d) is subject to supervision by the department under Sections [~~26-8a-503~~] [53-2d-603](#)
2442 and [~~26-8a-504~~] [53-2d-604](#); and

2443 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections
2444 [~~26-8a-406~~] [53-2d-506](#) through [~~26-8a-409~~] [53-2d-509](#).

2445 Section 64. Section **53-2d-506**, which is renumbered from Section 26-8a-406 is

2446 renumbered and amended to read:

2447 ~~[26-8a-406]~~. 53-2d-506. **Ground ambulance and paramedic licenses --**

2448 **Parties.**

2449 (1) When an applicant approved under Section ~~[26-8a-404]~~ 53-2d-504 seeks licensure
2450 under the provisions of Sections ~~[26-8a-406]~~ 53-2d-506 through ~~[26-8a-409]~~ 53-2d-509, the
2451 ~~[department]~~ bureau shall:

2452 (a) issue a notice of agency action to the applicant to commence an informal
2453 administrative proceeding;

2454 (b) provide notice of the application to all interested parties; and

2455 (c) publish notice of the application, at the applicant's expense:

2456 (i) once a week for four consecutive weeks, in a newspaper of general circulation in the
2457 geographic service area that is the subject of the application; and

2458 (ii) in accordance with Section 45-1-101 for four weeks.

2459 (2) An interested party has 30 days to object to an application.

2460 (3) If an interested party objects, the presiding officer shall join the interested party as
2461 an indispensable party to the proceeding.

2462 (4) The ~~[department]~~ bureau may join the proceeding as a party to represent the public
2463 interest.

2464 (5) Others who may be affected by the grant of a license to the applicant may join the
2465 proceeding, if the presiding officer determines that they meet the requirement of legal standing.

2466 Section 65. Section 53-2d-507, which is renumbered from Section 26-8a-407 is
2467 renumbered and amended to read:

2468 ~~[26-8a-407]~~. 53-2d-507. **Ground ambulance and paramedic licenses --**

2469 **Proceedings.**

2470 (1) The presiding officer shall:

2471 (a) commence an informal adjudicative proceeding within 120 days of receiving a
2472 completed application;

2473 (b) meet with the applicant and objecting interested parties and provide no less than
2474 120 days for a negotiated resolution, consistent with the criteria in Section ~~[26-8a-408]~~
2475 53-2d-508;

2476 (c) set aside a separate time during the proceedings to accept public comment on the

2477 application; and

2478 (d) present a written decision to the executive director if a resolution has been reached
2479 that satisfies the criteria in Section [~~26-8a-408~~] [53-2d-508](#).

2480 (2) At any time during an informal adjudicative proceeding under Subsection (1), any
2481 party may request conversion of the informal adjudicative proceeding to a formal adjudicative
2482 proceeding in accordance with Section [63G-4-202](#).

2483 (3) (a) Upon conversion to a formal adjudicative proceeding, a hearing officer shall be
2484 assigned to the application as provided in Section [~~26-8a-409~~] [53-2d-509](#).

2485 (b) The hearing office shall:

2486 [~~(a)~~] (i) set aside a separate time during the proceedings to accept public comment on
2487 the application;

2488 [~~(b)~~] (ii) apply the criteria established in Section [~~26-8a-408~~] [53-2d-508](#); and

2489 [~~(c)~~] (iii) present a recommended decision to the executive director in writing.

2490 (4) The executive director may, as set forth in a final written order, accept, modify,
2491 reject, or remand the decision of a presiding or hearing officer after:

2492 (a) reviewing the record;

2493 (b) giving due deference to the officer's decision; and

2494 (c) determining whether the criteria in Section [~~26-8a-408~~] [53-2d-508](#) have been
2495 satisfied.

2496 Section 66. Section **53-2d-508**, which is renumbered from Section 26-8a-408 is
2497 renumbered and amended to read:

2498 [~~26-8a-408~~]. **53-2d-508. Criteria for determining public convenience and**
2499 **necessity.**

2500 (1) The criteria for determining public convenience and necessity is set forth in
2501 Subsections (2) through (6).

2502 (2) (a) Access to emergency medical services shall be maintained or improved.

2503 (b) The officer shall consider the impact on existing services, including the impact on
2504 response times, call volumes, populations and exclusive geographic service areas served, and
2505 the ability of surrounding licensed providers to service their exclusive geographic service areas.

2506 (c) The issuance or amendment of a license may not create an orphaned area.

2507 (3) (a) The quality of service in the area shall be maintained or improved.

2508 (b) The officer shall consider the:
2509 [(a)] (i) staffing and equipment standards of the current licensed provider and the
2510 applicant;
2511 [(b)] (ii) training and licensure levels of the current licensed provider's staff and the
2512 applicant's staff;
2513 [(c)] (iii) continuing medical education provided by the current licensed provider and
2514 the applicant;
2515 [(d)] (iv) levels of care as defined by department rule;
2516 [(e)] (v) plan of medical control; and
2517 [(f)] (vi) the negative or beneficial impact on the regional emergency medical service
2518 system to provide service to the public.
2519 (4) (a) The cost to the public shall be justified.
2520 (b) The officer shall consider:
2521 [(a)] (i) the financial solvency of the applicant;
2522 [(b)] (ii) the applicant's ability to provide services within the rates established under
2523 Section [~~26-8a-403~~] [53-2d-503](#);
2524 [(c)] (iii) the applicant's ability to comply with cost reporting requirements;
2525 [(d)] (iv) the cost efficiency of the applicant; and
2526 [(e)] (v) the cost effect of the application on the public, interested parties, and the
2527 emergency medical services system.
2528 (5) (a) Local desires concerning cost, quality, and access shall be considered.
2529 (b) The officer shall assess and consider:
2530 [(a)] (i) the existing provider's record of providing services and the applicant's record
2531 and ability to provide similar or improved services;
2532 [(b)] (ii) locally established emergency medical services goals, including those
2533 established in Subsection (7);
2534 [(c)] (iii) comment by local governments on the applicant's business and operations
2535 plans;
2536 [(d)] (iv) comment by interested parties that are providers on the impact of the
2537 application on the parties' ability to provide emergency medical services;
2538 [(e)] (v) comment by interested parties that are local governments on the impact of the

2539 application on the citizens it represents; and

2540 [(f)] (vi) public comment on any aspect of the application or proposed license.

2541 (6) Other related criteria:

2542 (a) the officer considers necessary; or

2543 (b) established by [~~department~~] bureau rule.

2544 (7) Local governments shall establish cost, quality, and access goals for the ground
2545 ambulance and paramedic services that serve their areas.

2546 (8) In a formal adjudicative proceeding, the applicant bears the burden of establishing
2547 that public convenience and necessity require the approval of the application for all or part of
2548 the exclusive geographic service area requested.

2549 Section 67. Section **53-2d-509**, which is renumbered from Section 26-8a-409 is
2550 renumbered and amended to read:

2551 [~~26-8a-409~~]. **53-2d-509. Ground ambulance and paramedic licenses --**
2552 **Hearing and presiding officers.**

2553 (1) The [~~department~~] bureau shall set training standards for hearing officers and
2554 presiding officers.

2555 (2) At a minimum, a presiding officer shall:

2556 (a) be familiar with the theory and application of public convenience and necessity; and

2557 (b) have a working knowledge of the emergency medical service system in the state.

2558 (3) In addition to the requirements in Subsection (2), a hearing officer shall also be
2559 licensed to practice law in the state.

2560 (4) The [~~department~~] bureau shall provide training for hearing officer and presiding
2561 officer candidates in the theory and application of public convenience and necessity and on the
2562 emergency medical system in the state.

2563 (5) The [~~department~~] bureau shall maintain a roster of no less than five individuals who
2564 meet the minimum qualifications for both presiding and hearing officers and the standards set
2565 by the [~~department~~] bureau.

2566 (6) The parties may mutually select an officer from the roster if the officer is available.

2567 (7) If the parties cannot agree upon an officer under Subsection (4), the [~~department~~]
2568 bureau shall randomly select an officer from the roster or from a smaller group of the roster
2569 agreed upon by the applicant and the objecting interested parties.

2570 Section 68. Section **53-2d-510**, which is renumbered from Section 26-8a-410 is
2571 renumbered and amended to read:

2572 ~~[26-8a-410]~~. **53-2d-510. Local approvals.**

2573 (1) Licensed ambulance providers and paramedic providers shall meet all local zoning
2574 and business licensing standards generally applicable to businesses operating within the
2575 jurisdiction.

2576 (2) Publicly subsidized providers shall demonstrate approval of the taxing authority
2577 that will provide the subsidy.

2578 (3) A publicly operated service shall demonstrate that the governing body has approved
2579 the provision of services to the entire exclusive geographic service area that is the subject of
2580 the license, including those areas that may lie outside the territorial or jurisdictional boundaries
2581 of the governing body.

2582 Section 69. Section **53-2d-511**, which is renumbered from Section 26-8a-411 is
2583 renumbered and amended to read:

2584 ~~[26-8a-411]~~. **53-2d-511. Limitation on repetitive applications.**

2585 A person who has previously applied for a license under Sections ~~[26-8a-406]~~
2586 [53-2d-506](#) through ~~[26-8a-409]~~ [53-2d-509](#) may not apply for a license for the same service that
2587 covers any exclusive geographic service area that was the subject of the prior application
2588 unless:

2589 (1) one year has passed from the date of the issuance of a final decision under Section
2590 ~~[26-8a-407]~~ [53-2d-507](#); or

2591 (2) all interested parties and the department agree that a new application is in the public
2592 interest.

2593 Section 70. Section **53-2d-512**, which is renumbered from Section 26-8a-412 is
2594 renumbered and amended to read:

2595 ~~[26-8a-412]~~. **53-2d-512. License for air ambulance providers.**

2596 (1) An applicant for an air ambulance provider shall apply to the ~~[department]~~ bureau
2597 for a license only by:

2598 (a) submitting a complete application;

2599 (b) providing information in the format required by the ~~[department]~~ bureau; and

2600 (c) paying the required fees.

2601 (2) The [department] bureau may make rules establishing minimum qualifications and
2602 requirements for:

2603 (a) personnel;

2604 (b) capital reserves;

2605 (c) equipment;

2606 (d) business plan;

2607 (e) operational procedures;

2608 (f) resource hospital and medical direction agreements;

2609 (g) management and control qualifications and requirements; and

2610 (h) other matters that may be relevant to an applicant's ability to provide air ambulance
2611 services.

2612 (3) Upon receiving a completed application and the required fees, the [department]
2613 bureau shall review the application and determine whether the application meets the minimum
2614 requirements for licensure.

2615 (4) The [department] bureau may deny an application for an air ambulance if:

2616 (a) the [department] bureau finds that the application contains any materially false or
2617 misleading information or is incomplete;

2618 (b) the application demonstrates that the applicant fails to meet the minimum
2619 requirements for licensure; or

2620 (c) the [department] bureau finds after inspection that the applicant does not meet the
2621 minimum requirements for licensure.

2622 (5) If the [department] bureau denies an application under this section, it shall notify
2623 the applicant in writing setting forth the grounds for the denial.

2624 Section 71. Section **53-2d-513**, which is renumbered from Section 26-8a-413 is
2625 renumbered and amended to read:

2626 ~~**26-8a-413**~~. **53-2d-513. License renewals.**

2627 (1) A licensed provider desiring to renew its license shall meet the renewal
2628 requirements established by [department] bureau rule.

2629 (2) The [department] bureau shall issue a renewal license for a ground ambulance
2630 provider or a paramedic provider upon the licensee's application for a renewal and without a
2631 public hearing if:

2632 (a) the applicant was licensed under the provisions of Sections [~~26-8a-406~~] [53-2d-506](#)
2633 through [~~26-8a-409~~] [53-2d-509](#); and

2634 (b) there has been:

2635 (i) no change in controlling interest in the ownership of the licensee as defined in
2636 Section [~~26-8a-415~~] [53-2d-515](#);

2637 (ii) no serious, substantiated public complaints filed with the department against the
2638 licensee during the term of the previous license;

2639 (iii) no material or substantial change in the basis upon which the license was
2640 originally granted;

2641 (iv) no reasoned objection from the committee or the department; and

2642 (v) no change to the license type.

2643 (3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the
2644 provisions of Sections [~~26-8a-405.1~~] [53-2d-505.1](#) and [~~26-8a-405.2~~] [53-2d-505.2](#).

2645 (ii) A provider may renew its license if the provisions of Subsections (1) and (2) and
2646 this Subsection (3) are met.

2647 (b) (i) The [~~department~~] bureau shall issue a renewal license to a provider upon the
2648 provider's application for renewal for one additional four-year term if the political subdivision
2649 certifies to the [~~department~~] bureau that the provider has met all of the specifications of the
2650 original bid.

2651 (ii) If the political subdivision does not certify to the [~~department~~] bureau that the
2652 provider has met all of the specifications of the original bid, the [~~department~~] bureau may not
2653 issue a renewal license and the political subdivision shall enter into a public bid process under
2654 Sections [~~26-8a-405.1~~] [53-2d-505.1](#) and [~~26-8a-405.2~~] [53-2d-505.2](#).

2655 (c) (i) The [~~department~~] bureau shall issue an additional renewal license to a provider
2656 who has already been issued a one-time renewal license under the provisions of Subsection
2657 (3)(b)(i) if the [~~department~~] bureau and the political subdivision do not receive, prior to the
2658 expiration of the provider's license, written notice from an approved applicant informing the
2659 political subdivision of the approved applicant's desire to submit a bid for ambulance or
2660 paramedic service.

2661 (ii) If the [~~department~~] bureau and the political subdivision receive the notice in
2662 accordance with Subsection (3)(c)(i), the [~~department~~] bureau may not issue a renewal license

2663 and the political subdivision shall enter into a public bid process under Sections [~~26-8a-405.1~~]
2664 [53-2d-505.1](#) and [~~26-8a-405.2~~] [53-2d-505.2](#).

2665 (4) The [~~department~~] bureau shall issue a renewal license for an air ambulance provider
2666 upon the licensee's application for renewal and completion of the renewal requirements
2667 established by [~~department~~] bureau rule.

2668 Section 72. Section **53-2d-514**, which is renumbered from Section 26-8a-414 is
2669 renumbered and amended to read:

2670 [~~26-8a-414~~]. **53-2d-514. Annexations.**

2671 (1) A municipality shall comply with the provisions of this section if the municipality
2672 is licensed under this chapter and desires to provide service to an area that is:

2673 (a) included in a petition for annexation under Title 10, Chapter 2, Part 4, Annexation;
2674 and

2675 (b) currently serviced by another provider licensed under this chapter.

2676 (2) (a) (i) At least 45 days prior to approving a petition for annexation, the municipality
2677 shall certify to the [~~department~~] bureau that by the time of the approval of the annexation the
2678 municipality can meet or exceed the current level of service provided by the existing licensee
2679 for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and

2680 (ii) no later than three business days after the municipality files a petition for
2681 annexation in accordance with Section [10-2-403](#), provide written notice of the petition for
2682 annexation to:

2683 (A) the existing licensee providing service to the area included in the petition of
2684 annexation; and

2685 (B) the [~~department~~] bureau.

2686 (b) (i) After receiving a certification under Subsection (2)(a), but prior to the
2687 municipality approving a petition for annexation, the [~~department~~] bureau may audit the
2688 municipality only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).

2689 (ii) If the [~~department~~] bureau elects to conduct an audit, the [~~department~~] bureau shall
2690 make a finding that the municipality can meet or exceed the current level of service provided
2691 by the existing licensee for the annexed area if the [~~department~~] bureau finds that the
2692 municipality has or will have by the time of the approval of the annexation:

2693 (A) adequate trained personnel to deliver basic and advanced life support services;

- 2694 (B) adequate apparatus and equipment to deliver emergency medical services;
- 2695 (C) adequate funding for personnel and equipment; and
- 2696 (D) appropriate medical controls, such as a medical director and base hospital.

2697 (iii) The [department] bureau shall submit the results of the audit in writing to the
 2698 municipal legislative body.

2699 (3) (a) If the [department] bureau audit finds that the municipality meets the
 2700 requirements of Subsection (2)(b)(ii), the [department] bureau shall issue an amended license
 2701 to the municipality and all other affected licensees to reflect the municipality's new boundaries
 2702 after the [department] bureau receives notice of the approval of the petition for annexation
 2703 from the municipality in accordance with Section 10-2-425.

2704 (b) (i) Notwithstanding the provisions of Subsection 63G-4-102(2)(k), if the
 2705 [department] bureau audit finds that the municipality fails to meet the requirements of
 2706 Subsection (2)(b)(ii), the municipality may request an adjudicative proceeding under the
 2707 provisions of Title 63G, Chapter 4, Administrative Procedures Act. The municipality may
 2708 approve the petition for annexation while an adjudicative proceeding requested under this
 2709 Subsection (3)(b)(i) is pending.

2710 (ii) The [department] bureau shall conduct an adjudicative proceeding when requested
 2711 under Subsection (3)(b)(i).

2712 (iii) Notwithstanding the provisions of Sections [~~26-8a-404~~] 53-2d-504 through
 2713 [~~26-8a-409~~] 53-2d-509, in any adjudicative proceeding held under the provisions of Subsection
 2714 (3)(b)(i), the [department] bureau bears the burden of establishing that the municipality cannot,
 2715 by the time of the approval of the annexation, meet the requirements of Subsection (2)(b)(ii).

2716 (c) If, at the time of the approval of the annexation, an adjudicative proceeding is
 2717 pending under the provisions of Subsection (3)(b)(i), the [department] bureau shall issue
 2718 amended licenses if the municipality prevails in the adjudicative proceeding.

2719 Section 73. Section 53-2d-515, which is renumbered from Section 26-8a-415 is
 2720 renumbered and amended to read:

~~[26-8a-415]~~. **53-2d-515. Changes in ownership.**

2722 (1) A licensed provider whose ownership or controlling ownership interest has changed
 2723 shall submit information to the [department] bureau, as required by [department] bureau rule:

- 2724 (a) to establish whether the new owner or new controlling party meets minimum

2725 requirements for licensure; and

2726 (b) except as provided in Subsection (2), to commence an administrative proceeding to
2727 determine whether the new owner meets the requirement of public convenience and necessity
2728 under Section [~~26-8a-408~~] 53-2d-508.

2729 (2) An administrative proceeding is not required under Subsection (1)(b) if:

2730 (a) the change in ownership interest is among existing owners of a closely held
2731 corporation and the change does not result in a change in the management of the licensee or in
2732 the name of the licensee;

2733 (b) the change in ownership in a closely held corporation results in the introduction of
2734 new owners, provided that:

2735 (i) the new owners are limited to individuals who would be entitled to the equity in the
2736 closely held corporation by the laws of intestate succession had the transferor died intestate at
2737 the time of the transfer;

2738 (ii) the majority owners on January 1, 1999, have been disclosed to the department by
2739 October 1, 1999, and the majority owners on January 1, 1999, retain a majority interest in the
2740 closely held corporation; and

2741 (iii) the name of the licensed provider remains the same;

2742 (c) the change in ownership is the result of one or more owners transferring their
2743 interests to a trust, limited liability company, partnership, or closely held corporation so long as
2744 the transferors retain control over the receiving entity;

2745 (d) the change in ownership is the result of a distribution of an estate or a trust upon the
2746 death of the testator or the trustor and the recipients are limited to individuals who would be
2747 entitled to the interest by the laws of intestate succession had the transferor died intestate at the
2748 time of the transfer; or

2749 (e) other similar changes that the department establishes, by rule, as having no
2750 significant impact on the cost, quality, or access to emergency medical services.

2751 Section 74. Section **53-2d-516**, which is renumbered from Section 26-8a-416 is
2752 renumbered and amended to read:

2753 [~~26-8a-416~~]. **53-2d-516. Overlapping licenses.**

2754 (1) As used in this section:

2755 (a) "Overlap" means two ground ambulance interfacility transport providers that are

2756 licensed at the same level of service in all or part of a single geographic service area.

2757 (b) "Overlay" means two ground ambulance interfacility transport providers that are
2758 licensed at a different level of service in all or part of a single geographic service area.

2759 (2) Notwithstanding the exclusive geographic service requirement of Section
2760 ~~[26-8a-402]~~ [53-2d-502](#), the ~~[department]~~ bureau shall recognize overlap and overlay ground
2761 ambulance interfacility transport licenses that existed on or before May 4, 2022.

2762 (3) The ~~[department]~~ bureau may, without an adjudicative proceeding but with at least
2763 30 days notice to providers in the same geographic service area, amend an existing overlay
2764 ground ambulance interfacility transport license solely to convert an overlay into an overlap if
2765 the existing ground ambulance interfacility transport licensed provider meets the requirements
2766 described in Subsection ~~[26-8a-404(4)]~~ [53-2d-504\(4\)](#).

2767 (4) An amendment of a license under this section may not alter:

2768 (a) other terms of the original license, including the applicable geographic service area;
2769 or

2770 (b) the license of other providers that provide interfacility transport services in the
2771 geographic service area.

2772 (5) Notwithstanding Subsection (2), any license for an overlap area terminates upon:

2773 (a) relinquishment by the provider; or

2774 (b) revocation by the department.

2775 Section 75. Section **53-2d-601**, which is renumbered from Section 26-8a-501 is
2776 renumbered and amended to read:

Part 6. Enforcement Provisions

~~[26-8a-501].~~ **53-2d-601. Discrimination prohibited.**

2779 (1) No person licensed or designated pursuant to this chapter may discriminate in the
2780 provision of emergency medical services on the basis of race, sex, color, creed, or prior inquiry
2781 as to ability to pay.

2782 (2) This chapter does not authorize or require medical assistance or transportation over
2783 the objection of an individual on religious grounds.

2784 Section 76. Section **53-2d-602**, which is renumbered from Section 26-8a-502 is
2785 renumbered and amended to read:

~~[26-8a-502].~~ **53-2d-602. Illegal activity.**

2787 (1) Except as provided in Section [~~26-8a-308~~] 53-2d-408 or [~~26-8b-201~~] 53-2d-201, a
 2788 person may not:

2789 (a) practice or engage in the practice, represent that the person is practicing or engaging
 2790 in the practice, or attempt to practice or engage in the practice of any activity that requires a
 2791 license, certification, or designation under this chapter unless that person is licensed, certified,
 2792 or designated under this chapter; or

2793 (b) offer an emergency medical service that requires a license, certification, or
 2794 designation under this chapter unless the person is licensed, certified, or designated under this
 2795 chapter.

2796 (2) A person may not:

2797 (a) advertise or represent that the person holds a license, certification, or designation
 2798 required under this chapter, unless that person holds the license, certification, or designation
 2799 under this chapter[.];

2800 [~~(3)~~] (b) [~~A person may not~~] employ or permit any employee to perform any service for
 2801 which a license or certification is required by this chapter, unless the person performing the
 2802 service possesses the required license or certification under this chapter[.];

2803 [~~(4)~~] (c) [~~A person may not wear,~~] display, sell, reproduce, or otherwise use any Utah
 2804 Emergency Medical Services insignia without authorization from the [~~department.~~] bureau;

2805 [~~(5)~~] (d) [~~A person may not~~] reproduce or otherwise use materials developed by the
 2806 department for licensure or certification testing or examination without authorization from the
 2807 [~~department.~~] bureau; or

2808 [~~(6)~~] (e) [~~A person may not~~] willfully summon an ambulance or emergency response
 2809 vehicle or report that one is needed when the person knows that the ambulance or emergency
 2810 response vehicle is not needed.

2811 (3) A violation of Subsection (1) or (2) is a class B misdemeanor.

2812 [~~(7) A person who violates this section is subject to Section 26-23-6.~~]

2813 Section 77. Section **53-2d-602.1**, which is renumbered from Section 26-8a-502.1 is
 2814 renumbered and amended to read:

2815 [~~26-8a-502.1~~]. **53-2d-602.1. Prohibition on the use of "911"**.

2816 (1) As used in this section:

2817 (a) "Emergency services" means services provided by a person in response to an

2818 emergency.

2819 (b) "Emergency services" includes:

2820 (i) fire protection services;

2821 (ii) paramedic services;

2822 (iii) law enforcement services;

2823 (iv) 911 ambulance or paramedic services, as defined in Section [26-8a-102](#); and

2824 (v) any other emergency services.

2825 (2) A person may not use "911" or other similar sequence of numbers in the person's
2826 name with the purpose to deceive the public that the person operates or represents emergency
2827 services, unless the person is authorized to provide emergency services.

2828 (3) A violation of Subsection (2) is:

2829 (a) a class C misdemeanor; and

2830 (b) subject to a fine of up to \$500 per violation.

2831 Section 78. Section **53-2d-603**, which is renumbered from Section 26-8a-503 is
2832 renumbered and amended to read:

2833 ~~[26-8a-503]~~. **53-2d-603. Discipline of emergency medical services**
2834 **personnel.**

2835 (1) The ~~[department]~~ bureau may refuse to issue a license or renewal, or revoke,
2836 suspend, restrict, or place on probation an individual's license if:

2837 (a) the individual does not meet the qualifications for licensure under Section

2838 ~~[26-8a-302]~~ [53-2d-402](#);

2839 (b) the individual has engaged in conduct, as defined by committee rule, that:

2840 (i) is unprofessional;

2841 (ii) is adverse to the public health, safety, morals, or welfare; or

2842 (iii) would adversely affect public trust in the emergency medical service system;

2843 (c) the individual has violated Section ~~[26-8a-502]~~ [53-2d-602](#) or other provision of this
2844 chapter;

2845 (d) the individual has violated Section [58-1-509](#);

2846 (e) a court of competent jurisdiction has determined the individual to be mentally
2847 incompetent for any reason; or

2848 (f) the individual is unable to provide emergency medical services with reasonable skill

2849 and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type
2850 of material, or as a result of any other mental or physical condition, when the individual's
2851 condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers,
2852 or the public health, safety, or welfare that cannot be reasonably mitigated.

2853 (2) (a) An action to revoke, suspend, restrict, or place a license on probation shall be
2854 done in:

2855 (i) consultation with the peer review board created in Section ~~[26-8a-105]~~ 53-2d-103;
2856 and

2857 (ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.

2858 (b) Notwithstanding Subsection (2)(a), the ~~[department]~~ bureau may issue a cease and
2859 desist order under Section ~~[26-8a-507]~~ 53-2d-607 to immediately suspend an individual's
2860 license pending an administrative proceeding to be held within 30 days if there is evidence to
2861 show that the individual poses a clear, immediate, and unjustifiable threat or potential threat to
2862 the public health, safety, or welfare.

2863 (3) An individual whose license has been suspended, revoked, or restricted may apply
2864 for reinstatement of the license at reasonable intervals and upon compliance with any
2865 conditions imposed upon the license by statute, committee rule, or the terms of the suspension,
2866 revocation, or restriction.

2867 ~~[(4) In addition to taking disciplinary action under Subsection (1), the department may~~
2868 ~~impose sanctions in accordance with Section 26-23-6.]~~

2869 Section 79. Section **53-2d-604**, which is renumbered from Section 26-8a-504 is
2870 renumbered and amended to read:

2871 ~~[26-8a-504].~~ **53-2d-604. Discipline of designated and licensed providers.**

2872 (1) The ~~[department]~~ bureau may refuse to issue a license or designation or a renewal,
2873 or revoke, suspend, restrict, or place on probation, an emergency medical service provider's
2874 license or designation if the provider has:

2875 (a) failed to abide by terms of the license or designation;

2876 (b) violated statute or rule;

2877 (c) failed to provide services at the level or in the exclusive geographic service area
2878 required by the license or designation;

2879 (d) failed to submit a renewal application in a timely fashion as required by department

2880 rule;

2881 (e) failed to follow operational standards established by the committee; or

2882 (f) committed an act in the performance of a professional duty that endangered the
2883 public or constituted gross negligence.

2884 (2) (a) An action to revoke, suspend, restrict, or place a license or designation on
2885 probation shall be done in accordance with Title 63G, Chapter 4, Administrative Procedures
2886 Act.

2887 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist
2888 order under Section [~~26-8a-507~~] 53-2d-607 to immediately suspend a license or designation
2889 pending an administrative proceeding to be held within 30 days if there is evidence to show
2890 that the provider or facility poses a clear, immediate, and unjustifiable threat or potential threat
2891 to the public health, safety, or welfare.

2892 [~~(3) In addition to taking disciplinary action under Subsection (1), the department may~~
2893 ~~impose sanctions in accordance with Section 26-23-6.]~~

2894 Section 80. Section **53-2d-605**, which is renumbered from Section 26-8a-505 is
2895 renumbered and amended to read:

2896 [~~26-8a-505~~]. **53-2d-605. Service interruption or cessation -- Receivership**
2897 **-- Default coverage -- Notice.**

2898 (1) Acting in the public interest, the department may petition the district court where an
2899 ambulance or paramedic provider operates or the district court with jurisdiction in Salt Lake
2900 County to appoint the [~~department~~] bureau or an independent receiver to continue the
2901 operations of a provider upon any one of the following conditions:

2902 (a) the provider ceases or intends to cease operations;

2903 (b) the provider becomes insolvent;

2904 (c) the [~~department~~] bureau has initiated proceedings to revoke the provider's license
2905 and has determined that the lives, health, safety, or welfare of the population served within the
2906 provider's exclusive geographic service area are endangered because of the provider's action or
2907 inaction pending a full hearing on the license revocation; or

2908 (d) the [~~department~~] bureau has revoked the provider's license and has been unable to
2909 adequately arrange for another provider to take over the provider's exclusive geographic service
2910 area.

2911 (2) If a licensed or designated provider ceases operations or is otherwise unable to
2912 provide services, the [department] bureau may arrange for another licensed provider to provide
2913 services on a temporary basis until a license is issued.

2914 (3) A licensed provider shall give the department 30 days notice of its intent to cease
2915 operations.

2916 Section 81. Section **53-2d-606**, which is renumbered from Section 26-8a-506 is
2917 renumbered and amended to read:

2918 ~~[26-8a-506]~~. **53-2d-606. Investigations for enforcement of chapter.**

2919 (1) The [department] bureau may, for the purpose of ascertaining compliance with the
2920 provisions of this chapter, enter and inspect on a routine basis the business premises and
2921 equipment of a person:

2922 (a) with a designation, permit, or license; or

2923 (b) who holds himself out to the general public as providing a service for which a
2924 designation, permit, or license is required under Section ~~[26-8a-301]~~ [53-2d-401](#).

2925 (2) Before conducting an inspection under Subsection (1), the [department] bureau
2926 shall, after identifying the person in charge:

2927 (a) give proper identification;

2928 (b) describe the nature and purpose of the inspection; and

2929 (c) if necessary, explain the authority of the department to conduct the inspection.

2930 (3) In conducting an inspection under Subsection (1), the [department] bureau may,
2931 after meeting the requirements of Subsection (2):

2932 (a) inspect records, equipment, and vehicles; and

2933 (b) interview personnel.

2934 (4) An inspection conducted under Subsection (1) shall be during regular operational
2935 hours.

2936 Section 82. Section **53-2d-607**, which is renumbered from Section 26-8a-507 is
2937 renumbered and amended to read:

2938 ~~[26-8a-507]~~. **53-2d-607. Cease and desist orders.**

2939 The [department] bureau may issue a cease and desist order to any person who:

2940 (1) may be disciplined under Section ~~[26-8a-503]~~ [53-2d-603](#) or ~~[26-8a-504]~~ [53-2d-604](#);

2941 or

2942 (2) otherwise violates this chapter or any rules adopted under this chapter.

2943 Section 83. Section **53-2d-701**, which is renumbered from Section 26-8a-601 is
2944 renumbered and amended to read:

2945 **Part 7. Miscellaneous**

2946 ~~[26-8a-601]~~. **53-2d-701. Persons and activities exempt from civil liability.**

2947 (1) (a) Except as provided in Subsection (1)(b), a licensed physician, physician's
2948 assistant, or licensed registered nurse who, gratuitously and in good faith, gives oral or written
2949 instructions to any of the following is not liable for any civil damages as a result of issuing the
2950 instructions:

2951 (i) an individual licensed or certified under Section ~~[26-8a-302]~~ 53-2b-402;

2952 (ii) an individual who uses a fully automated external defibrillator~~[, as defined in~~
2953 ~~Section 26-8b-102]~~; or

2954 (iii) an individual who administers CPR~~[, as defined in Section 26-8b-102]~~.

2955 (b) The liability protection described in Subsection (1)(a) does not apply if the
2956 instructions given were the result of gross negligence or willful misconduct.

2957 (2) An individual licensed or certified under Section ~~[26-8a-302]~~ 53-2d-402, during
2958 either training or after licensure or certification, a licensed physician, a physician assistant, or a
2959 registered nurse who, gratuitously and in good faith, provides emergency medical instructions
2960 or renders emergency medical care authorized by this chapter is not liable for any civil damages
2961 as a result of any act or omission in providing the emergency medical instructions or medical
2962 care, unless the act or omission is the result of gross negligence or willful misconduct.

2963 (3) An individual licensed or certified under Section ~~[26-8a-302]~~ 53-2d-402 is not
2964 subject to civil liability for failure to obtain consent in rendering emergency medical services
2965 authorized by this chapter to any individual who is unable to give his consent, regardless of the
2966 individual's age, where there is no other person present legally authorized to consent to
2967 emergency medical care, provided that the licensed individual acted in good faith.

2968 (4) A principal, agent, contractor, employee, or representative of an agency,
2969 organization, institution, corporation, or entity of state or local government that sponsors,
2970 authorizes, supports, finances, or supervises any functions of an individual licensed or certified
2971 under Section ~~[26-8a-302]~~ 53-2d-402 is not liable for any civil damages for any act or omission
2972 in connection with the sponsorship, authorization, support, finance, or supervision of the

2973 licensed or certified individual where the act or omission occurs in connection with the
2974 licensed or certified individual's training or occurs outside a hospital where the life of a patient
2975 is in immediate danger, unless the act or omission is inconsistent with the training of the
2976 licensed or certified individual, and unless the act or omission is the result of gross negligence
2977 or willful misconduct.

2978 (5) A physician or physician assistant who gratuitously and in good faith arranges for,
2979 requests, recommends, or initiates the transfer of a patient from a hospital to a critical []care
2980 unit in another hospital is not liable for any civil damages as a result of such transfer where:

2981 (a) sound medical judgment indicates that the patient's medical condition is beyond the
2982 care capability of the transferring hospital or the medical community in which that hospital is
2983 located; and

2984 (b) the physician or physician assistant has secured an agreement from the receiving
2985 facility to accept and render necessary treatment to the patient.

2986 (6) An individual who is a registered member of the National Ski Patrol System
2987 [(NSPS)] or a member of a ski patrol who has completed a course in winter emergency care
2988 offered by the [NSPS] National Ski Patrol System combined with CPR for medical technicians
2989 offered by the American Red Cross or American Heart Association, or an equivalent course of
2990 instruction, and who in good faith renders emergency care in the course of ski patrol duties is
2991 not liable for civil damages as a result of any act or omission in rendering the emergency care,
2992 unless the act or omission is the result of gross negligence or willful misconduct.

2993 (7) An emergency medical service provider who, in good faith, transports an individual
2994 against his will but at the direction of a law enforcement officer pursuant to Section
2995 [62A-15-629](#) is not liable for civil damages for transporting the individual.

2996 Section 84. Section **53-2d-702**, which is renumbered from Section 26-8a-602 is
2997 renumbered and amended to read:

2998 ~~[26-8a-602]~~. **53-2d-702. Notification of air ambulance policies and**
2999 **charges.**

3000 (1) For any patient who is in need of air medical transport provider services, an
3001 emergency medical service provider shall:

3002 (a) provide the patient or the patient's representative with the information described in
3003 Subsection ~~[26-8a-107(7)(a)]~~ [53-2d-107\(7\)\(a\)](#) before contacting an air medical transport

3004 provider; and

3005 (b) if multiple air medical transport providers are capable of providing the patient with
3006 services, provide the patient or the patient's representative an opportunity to choose the air
3007 medical transport provider.

3008 (2) Subsection (1) does not apply if the patient:

3009 (a) is unconscious and the patient's representative is not physically present with the
3010 patient; or

3011 (b) is unable, due to a medical condition, to make an informed decision about the
3012 choice of an air medical transport provider, and the patient's representative is not physically
3013 present with the patient.

3014 Section 85. Section **53-2d-703**, which is renumbered from Section 26-8a-603 is
3015 renumbered and amended to read:

3016 ~~[26-8a-603]~~. **53-2d-703. Volunteer Emergency Medical Service Personnel**
3017 **Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits --**
3018 **Rulemaking -- Advisory board.**

3019 (1) As used in this section:

3020 (a) "Health benefit plan" means the same as that term is defined in Section [31A-1-301](#).

3021 (b) "Local government entity" means a political subdivision that:

3022 (i) is licensed as a ground ambulance provider under ~~[Part 4, Ambulance and~~
3023 ~~Paramedic Providers]~~ Part 5, Ambulance and Paramedic Providers; and

3024 (ii) as of January 1, 2022, does not offer health insurance benefits to volunteer
3025 emergency medical service personnel.

3026 (c) "PEHP" means the Public Employees' Benefit and Insurance Program created in
3027 Section [49-20-103](#).

3028 (d) "Political subdivision" means a county, a municipality, a limited purpose
3029 government entity described in Title 17B, Limited Purpose Local Government Entities - Local
3030 Districts, or Title 17D, Limited Purpose Local Government Entities - Other Entities, or an
3031 entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation
3032 Act.

3033 (e) "Qualifying association" means an association that represents two or more political
3034 subdivisions in the state.

3035 (2) The Volunteer Emergency Medical Service Personnel Health Insurance Program
3036 shall promote recruitment and retention of volunteer emergency medical service personnel by
3037 making health insurance available to volunteer emergency medical service personnel.

3038 (3) The ~~[department]~~ bureau shall contract with a qualifying association to create,
3039 implement, and administer the Volunteer Emergency Medical Service Personnel Health
3040 Insurance Program described in this section.

3041 (4) Participation in the program is limited to emergency medical service personnel
3042 who:

3043 (a) are licensed under Section ~~[26-8a-302]~~ 53-2d-402 and are able to perform all
3044 necessary functions associated with the license;

3045 (b) provide emergency medical services under the direction of a local governmental
3046 entity:

3047 (i) by responding to 20% of calls for emergency medical services in a rolling
3048 twelve-month period;

3049 (ii) within a county of the third, fourth, fifth, or sixth class; and

3050 (iii) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R.
3051 Sec. 553.106;

3052 (c) are not eligible for a health benefit plan through an employer or a spouse's
3053 employer;

3054 (d) are not eligible for medical coverage under a government sponsored healthcare
3055 program; and

3056 (e) reside in the state.

3057 (5) (a) A participant in the program is eligible to participate in PEHP in accordance
3058 with Subsection (5)(b) and Subsection 49-20-201(3).

3059 (b) Benefits available to program participants under PEHP are limited to health
3060 insurance that:

3061 (i) covers the program participant and the program participant's eligible dependents on
3062 a July 1 plan year;

3063 (ii) accepts enrollment during an open enrollment period or for a special enrollment
3064 event, including the initial eligibility of a program participant;

3065 (iii) if the program participant is no longer eligible for benefits, terminates on the last

3066 day of the last month for which the individual is a participant in the Volunteer Emergency
3067 Medical Service Personnel Health Insurance Program; and

3068 (iv) is not subject to continuation rights under state or federal law.

3069 (6) (a) The [~~department~~] bureau may make rules in accordance with Title 63G, Chapter
3070 3, Utah Administrative Rulemaking Act, to define additional criteria regarding benefit design
3071 and eligibility for the program.

3072 (b) The [~~department~~] bureau shall convene an advisory board:

3073 (i) to advise the [~~department~~] bureau on making rules under Subsection (6)(a); and

3074 (ii) that includes representation from at least the following entities:

3075 (A) the qualifying association that receives the contract under Subsection (3); and

3076 (B) PEHP.

3077 (7) For purposes of this section, the qualifying association that receives the contract
3078 under Subsection (3) shall be considered the public agency for whom the program participant is
3079 volunteering under 29 C.F.R. Sec. 553.101.

3080 Section 86. Section **53-2d-801**, which is renumbered from Section 26-8b-201 is
3081 renumbered and amended to read:

3082 **Part 8. Utah Sudden Cardiac Arrest Survival Act**

3083 [~~26-8b-201~~]. **53-2d-801. Authority to administer CPR or use an AED.**

3084 [(+)] A person may:

3085 (1) [~~may~~] administer CPR on another [~~person~~] individual without a license, certificate,
3086 or other governmental authorization if the person reasonably believes that the [~~other person~~]
3087 individual is in sudden cardiac arrest[;]; or

3088 [(2)] A person

3089 (2) [~~may~~] use an AED on another [~~person~~] individual without a license, certificate, or
3090 other governmental authorization if the person reasonably believes that the [~~other person~~]
3091 individual is in sudden cardiac arrest.

3092 Section 87. Section **53-2d-802**, which is renumbered from Section 26-8b-202 is
3093 renumbered and amended to read:

3094 [~~26-8b-202~~]. **53-2d-802. Immunity.**

3095 (1) Except as provided in Subsection (3), the following persons are not subject to civil
3096 liability for any act or omission relating to preparing to care for, responding to care for, or

3097 providing care to, another ~~[person]~~ individual who reasonably appears to be in sudden cardiac
3098 arrest:

3099 (a) a person authorized, under Section ~~[26-8b-201]~~ 53-2d-801, to administer CPR,

3100 who:

3101 (i) gratuitously and in good faith attempts to administer or administers CPR to another
3102 person; or

3103 (ii) fails to administer CPR to another person;

3104 (b) a person authorized, under Section ~~[26-8b-201]~~ 53-2d-801, to use an AED who:

3105 (i) gratuitously and in good faith attempts to use or uses an AED; or

3106 (ii) fails to use an AED;

3107 (c) a person that teaches or provides a training course in administering CPR or using an
3108 AED;

3109 (d) a person that acquires an AED;

3110 (e) a person that owns, manages, or is otherwise responsible for the premises or
3111 conveyance where an AED is located;

3112 (f) a person who retrieves an AED in response to a perceived or potential sudden
3113 cardiac arrest;

3114 (g) a person that authorizes, directs, or supervises the installation or provision of an
3115 AED;

3116 (h) a person involved with, or responsible for, the design, management, or operation of
3117 a CPR or AED program;

3118 (i) a person involved with, or responsible for, reporting, receiving, recording, updating,
3119 giving, or distributing information relating to the ownership or location of an AED under ~~[Part~~
3120 ~~3, Automatic External Defibrillator Databases]~~ Section 53-2d-80; or

3121 (j) a physician who gratuitously and in good faith:

3122 (i) provides medical oversight for a public AED program; or

3123 (ii) issues a prescription for a person to acquire or use an AED.

3124 (2) This section does not relieve a manufacturer, designer, developer, marketer, or
3125 commercial distributor of an AED, or an accessory for an AED, of any liability.

3126 (3) The liability protection described in Subsection (1) does not apply to an act or
3127 omission that constitutes gross negligence or willful misconduct.

3128 Section 88. Section **53-2d-803**, which is renumbered from Section 26-8b-301 is
3129 renumbered and amended to read:

3130 ~~[26-8b-301]~~. **53-2d-803. Reporting location of automatic external**
3131 **defibrillators.**

3132 (1) In accordance with Subsection (2) and except as provided in Subsection (3):

3133 (a) a person who owns or leases an AED shall report the person's name, address, and
3134 telephone number, and the exact location of the AED, in writing or by a web-based AED
3135 registration form, if available, to the emergency medical dispatch center that provides
3136 emergency dispatch services for the location where the AED is installed, if the person:

- 3137 (i) installs the AED;
- 3138 (ii) causes the AED to be installed; or
- 3139 (iii) allows the AED to be installed; and

3140 (b) a person who owns or leases an AED that is removed from a location where it is
3141 installed shall report the person's name, address, and telephone number, and the exact location
3142 from which the AED is removed, in writing or by a web-based AED registration form, if
3143 available, to the emergency medical dispatch center that provides emergency dispatch services
3144 for the location from which the AED is removed, if the person:

- 3145 (i) removes the AED;
- 3146 (ii) causes the AED to be removed; or
- 3147 (iii) allows the AED to be removed.

3148 (2) A report required under Subsection (1) shall be made within 14 days after the day
3149 on which the AED is installed or removed.

3150 (3) Subsection (1) does not apply to an AED:

- 3151 (a) at a private residence; or
- 3152 (b) in a vehicle or other mobile or temporary location.

3153 (4) A person who owns or leases an AED that is installed in, or removed from, a
3154 private residence may voluntarily report the location of, or removal of, the AED to the
3155 emergency medical dispatch center that provides emergency dispatch services for the location
3156 where the private residence is located.

3157 (5) The department may not impose a penalty on a person for failing to comply with
3158 the requirements of this section.

3159 Section 89. Section **53-2d-804**, which is renumbered from Section 26-8b-302 is
3160 renumbered and amended to read:

3161 ~~[26-8b-302]~~. **53-2d-804. Distributors to notify of reporting requirements.**

3162 A person in the business of selling or leasing an AED shall, at the time the person
3163 provides, sells, or leases an AED to another person, notify the other person, in writing, of the
3164 reporting requirements described in Section ~~[26-8b-301]~~ 53-2d-803.

3165 Section 90. Section **53-2d-805**, which is renumbered from Section 26-8b-303 is
3166 renumbered and amended to read:

3167 ~~[26-8b-303]~~. **53-2d-805. Duties of emergency medical dispatch centers.**

3168 An emergency medical dispatch center shall:

- 3169 (1) implement a system to receive and manage the information reported to the
3170 emergency medical dispatch center under Section ~~[26-8b-301]~~ 53-2d-803;
- 3171 (2) record in the system described in Subsection (1), all information received under
3172 Section ~~[26-8b-301]~~ 53-2d-803 within 14 days after the day on which the information is
3173 received;
- 3174 (3) inform ~~[a person]~~ an individual who calls to report a potential incident of sudden
3175 cardiac arrest of the location of an AED located at the address of the potential sudden cardiac
3176 arrest;
- 3177 (4) provide verbal instructions to ~~[a person]~~ an individual described in Subsection (3)
3178 to:
- 3179 (a) help ~~[a person]~~ the individual determine if a patient is in cardiac arrest; and
3180 (b) if needed:
- 3181 (i) provide direction to start CPR;
3182 (ii) offer instructions on how to perform CPR; or
3183 (iii) offer instructions on how to use an AED, if one is available; and
- 3184 (5) provide the information contained in the system described in Subsection (1), upon
3185 request, to the bureau.

3186 Section 91. Section **53-2d-806**, which is renumbered from Section 26-8b-401 is
3187 renumbered and amended to read:

3188 ~~[26-8b-401]~~. **53-2d-806. Education and training.**

3189 (1) The bureau shall work in cooperation with federal, state, and local agencies and

3190 schools, to encourage individuals to complete courses on the administration of CPR and the use
3191 of an AED.

3192 (2) A person who owns or leases an AED shall encourage each ~~[person]~~ individual
3193 who is likely to use the AED to complete courses on the administration of CPR and the use of
3194 an AED.

3195 Section 92. Section **53-2d-807**, which is renumbered from Section 26-8b-402 is
3196 renumbered and amended to read:

3197 ~~[26-8b-402]~~. **53-2d-807. AEDs for demonstration purposes.**

3198 (1) Any AED used solely for demonstration or training purposes, which is not
3199 operational for emergency use is, except for the provisions of this section, exempt from the
3200 provisions of this chapter.

3201 (2) The owner of an AED described in Subsection (1) shall clearly mark on the exterior
3202 of the AED that the AED is for demonstration or training use only.

3203 Section 93. Section **53-2d-808**, which is renumbered from Section 26-8b-501 is
3204 renumbered and amended to read:

3205 ~~[26-8b-501]~~. **53-2d-808. Tampering with an AED prohibited -- Penalties.**

3206 A person is guilty of a class C misdemeanor if the person removes, tampers with, or
3207 otherwise disturbs an AED, AED cabinet or enclosure, or AED sign, unless:

3208 (1) the person is authorized by the AED owner for the purpose of:

3209 (a) inspecting the AED or AED cabinet or enclosure; or

3210 (b) performing maintenance or repairs on the AED, the AED cabinet or enclosure, a
3211 wall or structure that the AED cabinet or enclosure is directly attached to, or an AED sign;

3212 (2) the person is responding to, or providing care to, a potential sudden cardiac arrest
3213 patient; or

3214 (3) the person acts in good faith with the intent to support, and not to violate, the
3215 recognized purposes of the AED.

3216 Section 94. Section **53-2d-809**, which is renumbered from Section 26-8b-602 is
3217 renumbered and amended to read:

3218 ~~[26-8b-602]~~. **53-2d-809. Automatic External Defibrillator Restricted**
3219 **Account.**

3220 (1) (a) There is created a restricted account within the General Fund known as the

3221 Automatic External Defibrillator Restricted Account to provide AEDs to entities under
3222 Subsection (4).

3223 (b) The director of the bureau shall administer the account in accordance with rules
3224 made by the bureau in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3225 Act.

3226 (2) The restricted account shall consist of money appropriated to the account by the
3227 Legislature.

3228 (3) The director of the bureau shall distribute funds deposited in the account to eligible
3229 entities, under Subsection (4), for the purpose of purchasing:

3230 (a) an AED;

3231 (b) an AED carrying case;

3232 (c) a wall-mounted AED cabinet; or

3233 (d) an AED sign.

3234 (4) Upon appropriation, the director of the bureau shall distribute funds deposited in
3235 the account, for the purpose of purchasing items under Subsection (3), to:

3236 (a) a municipal department of safety that routinely responds to incidents, or potential
3237 incidents, of sudden cardiac arrest;

3238 (b) a municipal or county law enforcement agency that routinely responds to incidents,
3239 or potential incidents, of sudden cardiac arrest;

3240 (c) a state law enforcement agency that routinely responds to incidents, or potential
3241 incidents, of sudden cardiac arrest;

3242 (d) a school that offers instruction to grades kindergarten through 6;

3243 (e) a school that offers instruction to grades 7 through 12; or

3244 (f) a state institution of higher education.

3245 (5) The director of the bureau shall distribute funds under this section to a municipality
3246 only if the municipality provides a match in funding for the total cost of items under
3247 Subsection (3):

3248 (a) of 50% for the municipality, if the municipality is a city of first, second, or third
3249 class under Section [10-2-301](#); or

3250 (b) of 75% for the municipality, other than a municipality described in Subsection
3251 (5)(a).

3252 (6) The director of the bureau shall distribute funds under this section to a county only
3253 if the county provides a match in funding for the total cost of items under Subsection (3):

3254 (a) of 50% for the county, if the county is a county of first, second, or third class under
3255 Section 17-50-501; or

3256 (b) of 75% for the county, other than a county described in Subsection (6)(a).

3257 (7) In accordance with rules made by the bureau, an entity described in Subsection (4)
3258 may apply to the director of the bureau to receive a distribution of funds from the account by
3259 filing an application with the bureau on or before October 1 of each year.

3260 Section 95. Section 53-2e-101, which is renumbered from Section 26-8c-102 is
3261 renumbered and amended to read:

3262 **CHAPTER 2e. EMS PERSONNEL LICENSURE INTERSTATE COMPACT**

3263 **~~[26-8c-102]~~. 53-2e-101. EMS Personnel Licensure Interstate Compact.**

3264 **EMS PERSONNEL LICENSURE INTERSTATE COMPACT**

3265 **SECTION 1. PURPOSE**

3266 In order to protect the public through verification of competency and ensure
3267 accountability for patient care related activities all states license emergency medical services
3268 (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and
3269 paramedics. This Compact is intended to facilitate the day to day movement of EMS personnel
3270 across state boundaries in the performance of their EMS duties as assigned by an appropriate
3271 authority and authorize state EMS offices to afford immediate legal recognition to EMS
3272 personnel licensed in a member state. This Compact recognizes that states have a vested
3273 interest in protecting the public's health and safety through their licensing and regulation of
3274 EMS personnel and that such state regulation shared among the member states will best protect
3275 public health and safety. This Compact is designed to achieve the following purposes and
3276 objectives:

- 3277 1. Increase public access to EMS personnel;
- 3278 2. Enhance the states' ability to protect the public's health and safety, especially patient
3279 safety;
- 3280 3. Encourage the cooperation of member states in the areas of EMS personnel licensure
3281 and regulation;
- 3282 4. Support licensing of military members who are separating from an active duty tour

3283 and their spouses;

3284 5. Facilitate the exchange of information between member states regarding EMS
3285 personnel licensure, adverse action and significant investigatory information;

3286 6. Promote compliance with the laws governing EMS personnel practice in each
3287 member state; and

3288 7. Invest all member states with the authority to hold EMS personnel accountable
3289 through the mutual recognition of member state licenses.

3290 SECTION 2. DEFINITIONS

3291 In this compact:

3292 A. "Advanced Emergency Medical Technician (AEMT)" means: an individual licensed
3293 with cognitive knowledge and a scope of practice that corresponds to that level in the National
3294 EMS Education Standards and National EMS Scope of Practice Model.

3295 B. "Adverse Action" means: any administrative, civil, equitable or criminal action
3296 permitted by a state's laws which may be imposed against licensed EMS personnel by a state
3297 EMS authority or state court, including, but not limited to, actions against an individual's
3298 license such as revocation, suspension, probation, consent agreement, monitoring or other
3299 limitation or encumbrance on the individual's practice, letters of reprimand or admonition,
3300 fines, criminal convictions and state court judgments enforcing adverse actions by the state
3301 EMS authority.

3302 C. "Alternative program" means: a voluntary, non-disciplinary substance abuse
3303 recovery program approved by a state EMS authority.

3304 D. "Certification" means: the successful verification of entry-level cognitive and
3305 psychomotor competency using a reliable, validated, and legally defensible examination.

3306 E. "Commission" means: the national administrative body of which all states that have
3307 enacted the compact are members.

3308 F. "Emergency Medical Technician (EMT)" means: an individual licensed with
3309 cognitive knowledge and a scope of practice that corresponds to that level in the National EMS
3310 Education Standards and National EMS Scope of Practice Model.

3311 G. "Home State" means: a member state where an individual is licensed to practice
3312 emergency medical services.

3313 H. "License" means: the authorization by a state for an individual to practice as an

3314 EMT, AEMT, paramedic, or a level in between EMT and paramedic.

3315 I. "Medical Director" means: a physician licensed in a member state who is
3316 accountable for the care delivered by EMS personnel.

3317 J. "Member State" means: a state that has enacted this compact.

3318 K. "Privilege to Practice" means: an individual's authority to deliver emergency
3319 medical services in remote states as authorized under this compact.

3320 L. "Paramedic" means: an individual licensed with cognitive knowledge and a scope of
3321 practice that corresponds to that level in the National EMS Education Standards and National
3322 EMS Scope of Practice Model.

3323 M. "Remote State" means: a member state in which an individual is not licensed.

3324 N. "Restricted" means: the outcome of an adverse action that limits a license or the
3325 privilege to practice.

3326 O. "Rule" means: a written statement by the interstate Commission promulgated
3327 pursuant to Section 12 of this compact that is of general applicability; implements, interprets,
3328 or prescribes a policy or provision of the compact; or is an organizational, procedural, or
3329 practice requirement of the Commission and has the force and effect of statutory law in a
3330 member state and includes the amendment, repeal, or suspension of an existing rule.

3331 P. "Scope of Practice" means: defined parameters of various duties or services that may
3332 be provided by an individual with specific credentials. Whether regulated by rule, statute, or
3333 court decision, it tends to represent the limits of services an individual may perform.

3334 Q. "Significant Investigatory Information" means:

3335 1. investigative information that a state EMS authority, after a preliminary inquiry that
3336 includes notification and an opportunity to respond if required by state law, has reason to
3337 believe, if proved true, would result in the imposition of an adverse action on a license or
3338 privilege to practice; or

3339 2. investigative information that indicates that the individual represents an immediate
3340 threat to public health and safety regardless of whether the individual has been notified and had
3341 an opportunity to respond.

3342 R. "State" means: means any state, commonwealth, district, or territory of the United
3343 States.

3344 S. "State EMS Authority" means: the board, office, or other agency with the legislative

3345 mandate to license EMS personnel.

3346 SECTION 3. HOME STATE LICENSURE

3347 A. Any member state in which an individual holds a current license shall be deemed a
3348 home state for purposes of this compact.

3349 B. Any member state may require an individual to obtain and retain a license to be
3350 authorized to practice in the member state under circumstances not authorized by the privilege
3351 to practice under the terms of this compact.

3352 C. A home state's license authorizes an individual to practice in a remote state under
3353 the privilege to practice only if the home state:

3354 1. Currently requires the use of the National Registry of Emergency Medical
3355 Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and
3356 paramedic levels;

3357 2. Has a mechanism in place for receiving and investigating complaints about
3358 individuals;

3359 3. Notifies the Commission, in compliance with the terms herein, of any adverse action
3360 or significant investigatory information regarding an individual;

3361 4. No later than five years after activation of the Compact, requires a criminal
3362 background check of all applicants for initial licensure, including the use of the results of
3363 fingerprint or other biometric data checks compliant with the requirements of the Federal
3364 Bureau of Investigation with the exception of federal employees who have suitability
3365 determination in accordance with 5 C.F.R. Sec. 731.202 and submit documentation of such as
3366 promulgated in the rules of the Commission; and

3367 5. Complies with the rules of the Commission.

3368 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

3369 A. Member states shall recognize the privilege to practice of an individual licensed in
3370 another member state that is in conformance with Section 3.

3371 B. To exercise the privilege to practice under the terms and provisions of this compact,
3372 an individual must:

3373 1. Be at least 18 years of age;

3374 2. Possess a current unrestricted license in a member state as an EMT, AEMT,
3375 paramedic, or state recognized and licensed level with a scope of practice and authority

3376 between EMT and paramedic; and

3377 3. Practice under the supervision of a medical director.

3378 C. An individual providing patient care in a remote state under the privilege to practice
3379 shall function within the scope of practice authorized by the home state unless and until
3380 modified by an appropriate authority in the remote state as may be defined in the rules of the
3381 commission.

3382 D. Except as provided in Section 4 subsection C, an individual practicing in a remote
3383 state will be subject to the remote state's authority and laws. A remote state may, in accordance
3384 with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to
3385 practice in the remote state and may take any other necessary actions to protect the health and
3386 safety of its citizens. If a remote state takes action it shall promptly notify the home state and
3387 the Commission.

3388 E. If an individual's license in any home state is restricted or suspended, the individual
3389 shall not be eligible to practice in a remote state under the privilege to practice until the
3390 individual's home state license is restored.

3391 F. If an individual's privilege to practice in any remote state is restricted, suspended, or
3392 revoked the individual shall not be eligible to practice in any remote state until the individual's
3393 privilege to practice is restored.

3394 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

3395 An individual may practice in a remote state under a privilege to practice only in the
3396 performance of the individual's EMS duties as assigned by an appropriate authority, as defined
3397 in the rules of the Commission, and under the following circumstances:

3398 1. The individual originates a patient transport in a home state and transports the
3399 patient to a remote state;

3400 2. The individual originates in the home state and enters a remote state to pick up a
3401 patient and provide care and transport of the patient to the home state;

3402 3. The individual enters a remote state to provide patient care and/or transport within
3403 that remote state;

3404 4. The individual enters a remote state to pick up a patient and provide care and
3405 transport to a third member state;

3406 5. Other conditions as determined by rules promulgated by the commission.

3407 SECTION 6. RELATIONSHIP TO EMERGENCY
3408 MANAGEMENT ASSISTANCE COMPACT

3409 Upon a member state's governor's declaration of a state of emergency or disaster that
3410 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
3411 provisions of EMAC shall apply and to the extent any terms or provisions of this Compact
3412 conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual
3413 practicing in the remote state in response to such declaration.

3414 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING
3415 FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

3416 A. Member states shall consider a veteran, active military service member, and
3417 member of the National Guard and Reserves separating from an active duty tour, and a spouse
3418 thereof, who holds a current valid and unrestricted NREMT certification at or above the level
3419 of the state license being sought as satisfying the minimum training and examination
3420 requirements for such licensure.

3421 B. Member states shall expedite the processing of licensure applications submitted by
3422 veterans, active military service members, and members of the National Guard and Reserves
3423 separating from an active duty tour, and their spouses.

3424 C. All individuals functioning with a privilege to practice under this Section remain
3425 subject to the Adverse Actions provisions of Section VIII.

3426 SECTION 8. ADVERSE ACTIONS

3427 A. A home state shall have exclusive power to impose adverse action against an
3428 individual's license issued by the home state.

3429 B. If an individual's license in any home state is restricted or suspended, the individual
3430 shall not be eligible to practice in a remote state under the privilege to practice until the
3431 individual's home state license is restored.

3432 1. All home state adverse action orders shall include a statement that the individual's
3433 compact privileges are inactive. The order may allow the individual to practice in remote states
3434 with prior written authorization from both the home state and remote state's EMS authority.

3435 2. An individual currently subject to adverse action in the home state shall not practice
3436 in any remote state without prior written authorization from both the home state and remote
3437 state's EMS authority.

3438 C. A member state shall report adverse actions and any occurrences that the
3439 individual's compact privileges are restricted, suspended, or revoked to the Commission in
3440 accordance with the rules of the Commission.

3441 D. A remote state may take adverse action on an individual's privilege to practice
3442 within that state.

3443 E. Any member state may take adverse action against an individual's privilege to
3444 practice in that state based on the factual findings of another member state, so long as each
3445 state follows its own procedures for imposing such adverse action.

3446 F. A home state's EMS authority shall investigate and take appropriate action with
3447 respect to reported conduct in a remote state as it would if such conduct had occurred within
3448 the home state. In such cases, the home state's law shall control in determining the appropriate
3449 adverse action.

3450 G. Nothing in this Compact shall override a member state's decision that participation
3451 in an alternative program may be used in lieu of adverse action and that such participation shall
3452 remain non-public if required by the member state's laws. Member states must require
3453 individuals who enter any alternative programs to agree not to practice in any other member
3454 state during the term of the alternative program without prior authorization from such other
3455 member state.

3456 SECTION 9. ADDITIONAL POWERS INVESTED
3457 IN A MEMBER STATE'S EMS AUTHORITY

3458 A member state's EMS authority, in addition to any other powers granted under state
3459 law, is authorized under this compact to:

3460 1. Issue subpoenas for both hearings and investigations that require the attendance and
3461 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's
3462 EMS authority for the attendance and testimony of witnesses, and/or the production of
3463 evidence from another member state, shall be enforced in the remote state by any court of
3464 competent jurisdiction, according to that court's practice and procedure in considering
3465 subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any
3466 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
3467 state where the witnesses and/or evidence are located; and

3468 2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege

3469 to practice in the state.

3470 SECTION 10. ESTABLISHMENT OF THE INTERSTATE

3471 COMMISSION FOR EMS PERSONNEL PRACTICE

3472 A. The Compact states hereby create and establish a joint public agency known as the
3473 Interstate Commission for EMS Personnel Practice.

3474 1. The Commission is a body politic and an instrumentality of the Compact states.

3475 2. Venue is proper and judicial proceedings by or against the Commission shall be
3476 brought solely and exclusively in a court of competent jurisdiction where the principal office of
3477 the Commission is located. The Commission may waive venue and jurisdictional defenses to
3478 the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3479 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

3480 B. Membership, Voting, and Meetings

3481 1. Each member state shall have and be limited to one (1) delegate. The responsible
3482 official of the state EMS authority or his designee shall be the delegate to this Compact for
3483 each member state. Any delegate may be removed or suspended from office as provided by the
3484 law of the state from which the delegate is appointed. Any vacancy occurring in the
3485 Commission shall be filled in accordance with the laws of the member state in which the
3486 vacancy exists. In the event that more than one board, office, or other agency with the
3487 legislative mandate to license EMS personnel at and above the level of EMT exists, the
3488 Governor of the state will determine which entity will be responsible for assigning the delegate.

3489 2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of
3490 rules and creation of bylaws and shall otherwise have an opportunity to participate in the
3491 business and affairs of the Commission. A delegate shall vote in person or by such other
3492 means as provided in the bylaws. The bylaws may provide for delegates' participation in
3493 meetings by telephone or other means of communication.

3494 3. The Commission shall meet at least once during each calendar year. Additional
3495 meetings shall be held as set forth in the bylaws.

3496 4. All meetings shall be open to the public, and public notice of meetings shall be
3497 given in the same manner as required under the rulemaking provisions in Section XII.

3498 5. The Commission may convene in a closed, non-public meeting if the Commission
3499 must discuss:

- 3500 a. Non-compliance of a member state with its obligations under the Compact;
- 3501 b. The employment, compensation, discipline or other personnel matters, practices or
- 3502 procedures related to specific employees or other matters related to the Commission's internal
- 3503 personnel practices and procedures;
- 3504 c. Current, threatened, or reasonably anticipated litigation;
- 3505 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- 3506 e. Accusing any person of a crime or formally censuring any person;
- 3507 f. Disclosure of trade secrets or commercial or financial information that is privileged
- 3508 or confidential;
- 3509 g. Disclosure of information of a personal nature where disclosure would constitute a
- 3510 clearly unwarranted invasion of personal privacy;
- 3511 h. Disclosure of investigatory records compiled for law enforcement purposes;
- 3512 i. Disclosure of information related to any investigatory reports prepared by or on
- 3513 behalf of or for use of the Commission or other committee charged with responsibility of
- 3514 investigation or determination of compliance issues pursuant to the compact; or
- 3515 j. Matters specifically exempted from disclosure by federal or member state statute.
- 3516 6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
- 3517 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
- 3518 reference each relevant exempting provision. The Commission shall keep minutes that fully
- 3519 and clearly describe all matters discussed in a meeting and shall provide a full and accurate
- 3520 summary of actions taken, and the reasons therefore, including a description of the views
- 3521 expressed. All documents considered in connection with an action shall be identified in such
- 3522 minutes. All minutes and documents of a closed meeting shall remain under seal, subject to
- 3523 release by a majority vote of the Commission or order of a court of competent jurisdiction.
- 3524 C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or
- 3525 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and
- 3526 exercise the powers of the compact, including but not limited to:
- 3527 1. Establishing the fiscal year of the Commission;
- 3528 2. Providing reasonable standards and procedures:
- 3529 a. for the establishment and meetings of other committees; and
- 3530 b. governing any general or specific delegation of any authority or function of the

3531 Commission;

3532 3. Providing reasonable procedures for calling and conducting meetings of the
3533 Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity
3534 for attendance of such meetings by interested parties, with enumerated exceptions designed to
3535 protect the public's interest, the privacy of individuals, and proprietary information, including
3536 trade secrets. The Commission may meet in closed session only after a majority of the
3537 membership votes to close a meeting in whole or in part. As soon as practicable, the
3538 Commission must make public a copy of the vote to close the meeting revealing the vote of
3539 each member with no proxy votes allowed;

3540 4. Establishing the titles, duties and authority, and reasonable procedures for the
3541 election of the officers of the Commission;

3542 5. Providing reasonable standards and procedures for the establishment of the
3543 personnel policies and programs of the Commission. Notwithstanding any civil service or
3544 other similar laws of any member state, the bylaws shall exclusively govern the personnel
3545 policies and programs of the Commission;

3546 6. Promulgating a code of ethics to address permissible and prohibited activities of
3547 Commission members and employees;

3548 7. Providing a mechanism for winding up the operations of the Commission and the
3549 equitable disposition of any surplus funds that may exist after the termination of the Compact
3550 after the payment and/or reserving of all of its debts and obligations;

3551 8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any
3552 amendment thereto, with the appropriate agency or officer in each of the member states, if
3553 any[-];

3554 9. The Commission shall maintain its financial records in accordance with the
3555 bylaws[-]; and

3556 10. The Commission shall meet and take such actions as are consistent with the
3557 provisions of this Compact and the bylaws.

3558 D. The Commission shall have the following powers:

3559 1. The authority to promulgate uniform rules to facilitate and coordinate
3560 implementation and administration of this Compact. The rules shall have the force and effect
3561 of law and shall be binding in all member states;

3562 2. To bring and prosecute legal proceedings or actions in the name of the Commission,
3563 provided that the standing of any state EMS authority or other regulatory body responsible for
3564 EMS personnel licensure to sue or be sued under applicable law shall not be affected;

3565 3. To purchase and maintain insurance and bonds;

3566 4. To borrow, accept, or contract for services of personnel, including, but not limited
3567 to, employees of a member state;

3568 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
3569 such individuals appropriate authority to carry out the purposes of the compact, and to establish
3570 the Commission's personnel policies and programs relating to conflicts of interest,
3571 qualifications of personnel, and other related personnel matters;

3572 6. To accept any and all appropriate donations and grants of money, equipment,
3573 supplies, materials and services, and to receive, utilize and dispose of the same; provided that
3574 at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict
3575 of interest;

3576 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
3577 hold, improve or use, any property, real, personal or mixed; provided that at all times the
3578 Commission shall strive to avoid any appearance of impropriety;

3579 8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
3580 any property real, personal, or mixed;

3581 9. To establish a budget and make expenditures;

3582 10. To borrow money;

3583 11. To appoint committees, including advisory committees comprised of members,
3584 state regulators, state legislators or their representatives, and consumer representatives, and
3585 such other interested persons as may be designated in this compact and the bylaws;

3586 12. To provide and receive information from, and to cooperate with, law enforcement
3587 agencies;

3588 13. To adopt and use an official seal; and

3589 14. To perform such other functions as may be necessary or appropriate to achieve the
3590 purposes of this Compact consistent with the state regulation of EMS personnel licensure and
3591 practice.

3592 E. Financing of the Commission

3593 1. The Commission shall pay, or provide for the payment of, the reasonable expenses
3594 of its establishment, organization, and ongoing activities.

3595 2. The Commission may accept any and all appropriate revenue sources, donations, and
3596 grants of money, equipment, supplies, materials, and services.

3597 3. The Commission may levy on and collect an annual assessment from each member
3598 state or impose fees on other parties to cover the cost of the operations and activities of the
3599 Commission and its staff, which must be in a total amount sufficient to cover its annual budget
3600 as approved each year for which revenue is not provided by other sources. The aggregate
3601 annual assessment amount shall be allocated based upon a formula to be determined by the
3602 Commission, which shall promulgate a rule binding upon all member states.

3603 4. The Commission shall not incur obligations of any kind prior to securing the funds
3604 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
3605 states, except by and with the authority of the member state.

3606 5. The Commission shall keep accurate accounts of all receipts and disbursements.
3607 The receipts and disbursements of the Commission shall be subject to the audit and accounting
3608 procedures established under its bylaws. However, all receipts and disbursements of funds
3609 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
3610 and the report of the audit shall be included in and become part of the annual report of the
3611 Commission.

3612 F. Qualified Immunity, Defense, and Indemnification

3613 1. The members, officers, executive director, employees and representatives of the
3614 Commission shall be immune from suit and liability, either personally or in their official
3615 capacity, for any claim for damage to or loss of property or personal injury or other civil
3616 liability caused by or arising out of any actual or alleged act, error or omission that occurred, or
3617 that the person against whom the claim is made had a reasonable basis for believing occurred
3618 within the scope of Commission employment, duties or responsibilities; provided that nothing
3619 in this paragraph shall be construed to protect any such person from suit and/or liability for any
3620 damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of
3621 that person.

3622 2. The Commission shall defend any member, officer, executive director, employee or
3623 representative of the Commission in any civil action seeking to impose liability arising out of

3624 any actual or alleged act, error, or omission that occurred within the scope of Commission
3625 employment, duties, or responsibilities, or that the person against whom the claim is made had
3626 a reasonable basis for believing occurred within the scope of Commission employment, duties,
3627 or responsibilities; provided that nothing herein shall be construed to prohibit that person from
3628 retaining his or her own counsel; and provided further, that the actual or alleged act, error, or
3629 omission did not result from that person's intentional or willful or wanton misconduct.

3630 3. The Commission shall indemnify and hold harmless any member, officer, executive
3631 director, employee, or representative of the Commission for the amount of any settlement or
3632 judgment obtained against that person arising out of any actual or alleged act, error or omission
3633 that occurred within the scope of Commission employment, duties, or responsibilities, or that
3634 such person had a reasonable basis for believing occurred within the scope of Commission
3635 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
3636 omission did not result from the intentional or willful or wanton misconduct of that person.

3637 SECTION 11. COORDINATED DATABASE

3638 A. The Commission shall provide for the development and maintenance of a
3639 coordinated database and reporting system containing licensure, adverse action, and significant
3640 investigatory information on all licensed individuals in member states.

3641 B. Notwithstanding any other provision of state law to the contrary, a member state
3642 shall submit a uniform data set to the coordinated database on all individuals to whom this
3643 compact is applicable as required by the rules of the Commission, including:

- 3644 1. Identifying information;
- 3645 2. Licensure data;
- 3646 3. Significant investigatory information;
- 3647 4. Adverse actions against an individual's license;
- 3648 5. An indicator that an individual's privilege to practice is restricted, suspended or
3649 revoked;
- 3650 6. Non-confidential information related to alternative program participation;
- 3651 7. Any denial of application for licensure, and the reason(s) for such denial; and
- 3652 8. Other information that may facilitate the administration of this Compact, as
3653 determined by the rules of the Commission.

3654 C. The coordinated database administrator shall promptly notify all member states of

3655 any adverse action taken against, or significant investigative information on, any individual in a
3656 member state.

3657 D. Member states contributing information to the coordinated database may designate
3658 information that may not be shared with the public without the express permission of the
3659 contributing state.

3660 E. Any information submitted to the coordinated database that is subsequently required
3661 to be expunged by the laws of the member state contributing the information shall be removed
3662 from the coordinated database.

3663 SECTION 12. RULEMAKING

3664 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set
3665 forth in this Section and the rules adopted thereunder. Rules and amendments shall become
3666 binding as of the date specified in each rule or amendment.

3667 B. If a majority of the legislatures of the member states rejects a rule, by enactment of a
3668 statute or resolution in the same manner used to adopt the Compact, then such rule shall have
3669 no further force and effect in any member state.

3670 C. Rules or amendments to the rules shall be adopted at a regular or special meeting of
3671 the Commission.

3672 D. Prior to promulgation and adoption of a final rule or rules by the Commission, and
3673 at least sixty (60) days in advance of the meeting at which the rule will be considered and voted
3674 upon, the Commission shall file a Notice of Proposed Rulemaking:

- 3675 1. On the website of the Commission; and
3676 2. On the website of each member state EMS authority or the publication in which each
3677 state would otherwise publish proposed rules.

3678 E. The Notice of Proposed Rulemaking shall include:

- 3679 1. The proposed time, date, and location of the meeting in which the rule will be
3680 considered and voted upon;
3681 2. The text of the proposed rule or amendment and the reason for the proposed rule;
3682 3. A request for comments on the proposed rule from any interested person; and
3683 4. The manner in which interested persons may submit notice to the Commission of
3684 their intention to attend the public hearing and any written comments.

3685 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit

3686 written data, facts, opinions, and arguments, which shall be made available to the public.

3687 G. The Commission shall grant an opportunity for a public hearing before it adopts a
3688 rule or amendment if a hearing is requested by:

- 3689 1. At least twenty-five (25) persons;
- 3690 2. A governmental subdivision or agency; or
- 3691 3. An association having at least twenty-five (25) members.

3692 H. If a hearing is held on the proposed rule or amendment, the Commission shall
3693 publish the place, time, and date of the scheduled public hearing.

3694 1. All persons wishing to be heard at the hearing shall notify the executive director of
3695 the Commission or other designated member in writing of their desire to appear and testify at
3696 the hearing not less than five (5) business days before the scheduled date of the hearing.

3697 2. Hearings shall be conducted in a manner providing each person who wishes to
3698 comment a fair and reasonable opportunity to comment orally or in writing.

3699 3. No transcript of the hearing is required, unless a written request for a transcript is
3700 made, in which case the person requesting the transcript shall bear the cost of producing the
3701 transcript. A recording may be made in lieu of a transcript under the same terms and
3702 conditions as a transcript. This subsection shall not preclude the Commission from making a
3703 transcript or recording of the hearing if it so chooses.

3704 4. Nothing in this section shall be construed as requiring a separate hearing on each
3705 rule. Rules may be grouped for the convenience of the Commission at hearings required by
3706 this section.

3707 I. Following the scheduled hearing date, or by the close of business on the scheduled
3708 hearing date if the hearing was not held, the Commission shall consider all written and oral
3709 comments received.

3710 J. The Commission shall, by majority vote of all members, take final action on the
3711 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
3712 record and the full text of the rule.

3713 K. If no written notice of intent to attend the public hearing by interested parties is
3714 received, the Commission may proceed with promulgation of the proposed rule without a
3715 public hearing.

3716 L. Upon determination that an emergency exists, the Commission may consider and

3717 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
3718 that the usual rulemaking procedures provided in the Compact and in this section shall be
3719 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety
3720 (90) days after the effective date of the rule. For the purposes of this provision, an emergency
3721 rule is one that must be adopted immediately in order to:

- 3722 1. Meet an imminent threat to public health, safety, or welfare;
- 3723 2. Prevent a loss of Commission or member state funds;
- 3724 3. Meet a deadline for the promulgation of an administrative rule that is established by
3725 federal law or rule; or
- 3726 4. Protect public health and safety.

3727 M. The Commission or an authorized committee of the Commission may direct
3728 revisions to a previously adopted rule or amendment for purposes of correcting typographical
3729 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
3730 revisions shall be posted on the website of the Commission. The revision shall be subject to
3731 challenge by any person for a period of thirty (30) days after posting. The revision may be
3732 challenged only on grounds that the revision results in a material change to a rule. A challenge
3733 shall be made in writing, and delivered to the chair of the Commission prior to the end of the
3734 notice period. If no challenge is made, the revision will take effect without further action. If
3735 the revision is challenged, the revision may not take effect without the approval of the
3736 Commission.

3737 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

3738 A. Oversight

3739 1. The executive, legislative, and judicial branches of state government in each
3740 member state shall enforce this compact and take all actions necessary and appropriate to
3741 effectuate the compact's purposes and intent. The provisions of this compact and the rules
3742 promulgated hereunder shall have standing as statutory law.

3743 2. All courts shall take judicial notice of the compact and the rules in any judicial or
3744 administrative proceeding in a member state pertaining to the subject matter of this compact
3745 which may affect the powers, responsibilities or actions of the Commission.

3746 3. The Commission shall be entitled to receive service of process in any such
3747 proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure

3748 to provide service of process to the Commission shall render a judgment or order void as to the
3749 Commission, this Compact, or promulgated rules.

3750 B. Default, Technical Assistance, and Termination

3751 1. If the Commission determines that a member state has defaulted in the performance
3752 of its obligations or responsibilities under this compact or the promulgated rules, the
3753 Commission shall:

3754 a. Provide written notice to the defaulting state and other member states of the nature
3755 of the default, the proposed means of curing the default and/or any other action to be taken by
3756 the Commission; and

3757 b. Provide remedial training and specific technical assistance regarding the default.

3758 2. If a state in default fails to cure the default, the defaulting state may be terminated
3759 from the Compact upon an affirmative vote of a majority of the member states, and all rights,
3760 privileges and benefits conferred by this compact may be terminated on the effective date of
3761 termination. A cure of the default does not relieve the offending state of obligations or
3762 liabilities incurred during the period of default.

3763 3. Termination of membership in the compact shall be imposed only after all other
3764 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
3765 shall be given by the Commission to the governor, the majority and minority leaders of the
3766 defaulting state's legislature, and each of the member states.

3767 4. A state that has been terminated is responsible for all assessments, obligations, and
3768 liabilities incurred through the effective date of termination, including obligations that extend
3769 beyond the effective date of termination.

3770 5. The Commission shall not bear any costs related to a state that is found to be in
3771 default or that has been terminated from the compact, unless agreed upon in writing between
3772 the Commission and the defaulting state.

3773 6. The defaulting state may appeal the action of the Commission by petitioning the
3774 U.S. District Court for the District of Columbia or the federal district where the Commission
3775 has its principal offices. The prevailing member shall be awarded all costs of such litigation,
3776 including reasonable attorney's fees.

3777 C. Dispute Resolution

3778 1. Upon request by a member state, the Commission shall attempt to resolve disputes

3779 related to the compact that arise among member states and between member and non-member
3780 states.

3781 2. The Commission shall promulgate a rule providing for both mediation and binding
3782 dispute resolution for disputes as appropriate.

3783 D. Enforcement

3784 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
3785 provisions and rules of this compact.

3786 2. By majority vote, the Commission may initiate legal action in the United States
3787 District Court for the District of Columbia or the federal district where the Commission has its
3788 principal offices against a member state in default to enforce compliance with the provisions of
3789 the compact and its promulgated rules and bylaws. The relief sought may include both
3790 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
3791 member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3792 3. The remedies herein shall not be the exclusive remedies of the Commission. The
3793 Commission may pursue any other remedies available under federal or state law.

3794 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
3795 COMMISSION FOR EMS PERSONNEL PRACTICE AND
3796 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

3797 A. The compact shall come into effect on the date on which the compact statute is
3798 enacted into law in the tenth member state. The provisions, which become effective at that
3799 time, shall be limited to the powers granted to the Commission relating to assembly and the
3800 promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers
3801 necessary to the implementation and administration of the compact.

3802 B. Any state that joins the compact subsequent to the Commission's initial adoption of
3803 the rules shall be subject to the rules as they exist on the date on which the compact becomes
3804 law in that state. Any rule that has been previously adopted by the Commission shall have the
3805 full force and effect of law on the day the compact becomes law in that state.

3806 C. Any member state may withdraw from this compact by enacting a statute repealing
3807 the same.

3808 1. A member state's withdrawal shall not take effect until six (6) months after
3809 enactment of the repealing statute.

3810 2. Withdrawal shall not affect the continuing requirement of the withdrawing state's
3811 EMS authority to comply with the investigative and adverse action reporting requirements of
3812 this act prior to the effective date of withdrawal.

3813 D. Nothing contained in this compact shall be construed to invalidate or prevent any
3814 EMS personnel licensure agreement or other cooperative arrangement between a member state
3815 and a non-member state that does not conflict with the provisions of this compact.

3816 E. This Compact may be amended by the member states. No amendment to this
3817 Compact shall become effective and binding upon any member state until it is enacted into the
3818 laws of all member states.

3819 SECTION 15. CONSTRUCTION AND SEVERABILITY

3820 This Compact shall be liberally construed so as to effectuate the purposes thereof. If
3821 this compact shall be held contrary to the constitution of any state member thereto, the compact
3822 shall remain in full force and effect as to the remaining member states. Nothing in this
3823 compact supersedes state law or rules related to licensure of EMS agencies.

3824 Section 96. Section **53-10-405** is amended to read:

3825 **53-10-405. DNA specimen analysis -- Saliva sample to be obtained by agency --**
3826 **Blood sample to be drawn by professional.**

3827 (1) (a) A saliva sample shall be obtained by the responsible agency under Subsection
3828 [53-10-404\(5\)](#).

3829 (b) The sample shall be obtained in a professionally acceptable manner, using
3830 appropriate procedures to ensure the sample is adequate for DNA analysis.

3831 (2) (a) A blood sample shall be drawn in a medically acceptable manner by any of the
3832 following:

3833 (i) a physician;

3834 (ii) a physician assistant;

3835 (iii) a registered nurse;

3836 (iv) a licensed practical nurse;

3837 (v) a paramedic;

3838 (vi) as provided in Subsection (2)(b), emergency medical service personnel other than
3839 paramedics; or

3840 (vii) a person with a valid permit issued by the Department of Health and Human

3841 Services under Section [~~26-1-30~~] 26B-1-202.

3842 (b) The Department of Health and Human Services may designate by rule, in
3843 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency
3844 medical service personnel, as defined in Section [~~26-8a-102~~] 53-2d-101, are authorized to draw
3845 blood under Subsection (2)(a)(vi), based on the type of license under Section [~~26-8a-302~~]
3846 53-2d-402.

3847 (c) A person authorized by this section to draw a blood sample may not be held civilly
3848 liable for drawing a sample in a medically acceptable manner.

3849 (3) A test result or opinion based upon a test result regarding a DNA specimen may not
3850 be rendered inadmissible as evidence solely because of deviations from procedures adopted by
3851 the department that do not affect the reliability of the opinion or test result.

3852 (4) A DNA specimen is not required to be obtained if:

3853 (a) the court or the responsible agency confirms with the department that the
3854 department has previously received an adequate DNA specimen obtained from the person in
3855 accordance with this section; or

3856 (b) the court determines that obtaining a DNA specimen would create a substantial and
3857 unreasonable risk to the health of the person.

3858 Section 97. Section **53-21-101** is amended to read:

3859 **53-21-101. Definitions.**

3860 As used in this chapter:

3861 (1) "Crime scene investigator technician" means an individual employed by a law
3862 enforcement agency to collect and analyze evidence from crime scenes and crime-related
3863 incidents.

3864 (2) "Department" means the Department of Public Safety.

3865 (3) "First responder" means:

3866 (a) a law enforcement officer, as defined in Section 53-13-103;

3867 (b) an emergency medical technician, as defined in Section [~~26-8c-102~~] 53-2e-101;

3868 (c) an advanced emergency medical technician, as defined in Section [~~26-8c-102~~]

3869 53-2e-101;

3870 (d) a paramedic, as defined in Section [~~26-8c-102~~] 53-2e-101;

3871 (e) a firefighter, as defined in Section 34A-3-113;

- 3872 (f) a dispatcher, as defined in Section 53-6-102;
- 3873 (g) a correctional officer, as defined in Section 53-13-104;
- 3874 (h) a special function officer, as defined in Section 53-13-105, employed by a local
- 3875 sheriff;
- 3876 (i) a search and rescue worker under the supervision of a local sheriff;
- 3877 (j) a credentialed criminal justice system victim advocate as defined in Section
- 3878 77-38-403 who responds to incidents with a law enforcement officer;
- 3879 (k) a crime scene investigator technician; or
- 3880 (l) a wildland firefighter.
- 3881 (4) "First responder agency" means a local district, municipality, interlocal entity, or
- 3882 other political subdivision that employs a first responder to provide fire protection, paramedic,
- 3883 law enforcement, or emergency services.
- 3884 (5) "Mental health resources" means:
- 3885 (a) an assessment to determine appropriate mental health treatment that is performed
- 3886 by a mental health therapist;
- 3887 (b) outpatient mental health treatment provided by a mental health therapist; or
- 3888 (c) peer support services provided by a peer support specialist who is qualified to
- 3889 provide peer support services under Subsection 62A-15-103(2)(h).
- 3890 (6) "Mental health therapist" means the same as that term is defined in Section
- 3891 58-60-102.
- 3892 (7) "Plan" means a plan to implement or expand a program that provides mental health
- 3893 resources to first responders for which the division awards a grant under this chapter.
- 3894 Section 98. Section 58-1-307 is amended to read:
- 3895 **58-1-307. Exemptions from licensure.**
- 3896 (1) Except as otherwise provided by statute or rule, the following individuals may
- 3897 engage in the practice of their occupation or profession, subject to the stated circumstances and
- 3898 limitations, without being licensed under this title:
- 3899 (a) an individual serving in the armed forces of the United States, the United States
- 3900 Public Health Service, the United States Department of Veterans Affairs, or other federal
- 3901 agencies while engaged in activities regulated under this chapter as a part of employment with
- 3902 that federal agency if the individual holds a valid license to practice a regulated occupation or

3903 profession issued by any other state or jurisdiction recognized by the division;

3904 (b) a student engaged in activities constituting the practice of a regulated occupation or
3905 profession while in training in a recognized school approved by the division to the extent the
3906 activities are supervised by qualified faculty, staff, or designee and the activities are a defined
3907 part of the training program;

3908 (c) an individual engaged in an internship, residency, preceptorship, postceptorship,
3909 fellowship, apprenticeship, or on-the-job training program approved by the division while
3910 under the supervision of qualified individuals;

3911 (d) an individual residing in another state and licensed to practice a regulated
3912 occupation or profession in that state, who is called in for a consultation by an individual
3913 licensed in this state, and the services provided are limited to that consultation;

3914 (e) an individual who is invited by a recognized school, association, society, or other
3915 body approved by the division to conduct a lecture, clinic, or demonstration of the practice of a
3916 regulated occupation or profession if the individual does not establish a place of business or
3917 regularly engage in the practice of the regulated occupation or profession in this state;

3918 (f) an individual licensed under the laws of this state, other than under this title, to
3919 practice or engage in an occupation or profession, while engaged in the lawful, professional,
3920 and competent practice of that occupation or profession;

3921 (g) an individual licensed in a health care profession in another state who performs that
3922 profession while attending to the immediate needs of a patient for a reasonable period during
3923 which the patient is being transported from outside of this state, into this state, or through this
3924 state;

3925 (h) an individual licensed in another state or country who is in this state temporarily to
3926 attend to the needs of an athletic team or group, except that the practitioner may only attend to
3927 the needs of the athletic team or group, including all individuals who travel with the team or
3928 group in any capacity except as a spectator;

3929 (i) an individual licensed and in good standing in another state, who is in this state:

3930 (i) temporarily, under the invitation and control of a sponsoring entity;

3931 (ii) for a reason associated with a special purpose event, based upon needs that may
3932 exceed the ability of this state to address through its licensees, as determined by the division;

3933 and

3934 (iii) for a limited period of time not to exceed the duration of that event, together with
3935 any necessary preparatory and conclusionary periods; and

3936 (j) the spouse of an individual serving in the armed forces of the United States while
3937 the individual is stationed within this state, provided:

3938 (i) the spouse holds a valid license to practice a regulated occupation or profession
3939 issued by any other state or jurisdiction recognized by the division; and

3940 (ii) the license is current and the spouse is in good standing in the state of licensure.

3941 (2) (a) A practitioner temporarily in this state who is exempted from licensure under
3942 Subsection (1) shall comply with each requirement of the licensing jurisdiction from which the
3943 practitioner derives authority to practice.

3944 (b) Violation of a limitation imposed by this section constitutes grounds for removal of
3945 exempt status, denial of license, or other disciplinary proceedings.

3946 (3) An individual who is licensed under a specific chapter of this title to practice or
3947 engage in an occupation or profession may engage in the lawful, professional, and competent
3948 practice of that occupation or profession without additional licensure under other chapters of
3949 this title, except as otherwise provided by this title.

3950 (4) Upon the declaration of a national, state, or local emergency, a public health
3951 emergency as defined in Section [26-23b-102](#), or a declaration by the president of the United
3952 States or other federal official requesting public health-related activities, the division in
3953 collaboration with the relevant board may:

3954 (a) suspend the requirements for permanent or temporary licensure of individuals who
3955 are licensed in another state for the duration of the emergency while engaged in the scope of
3956 practice for which they are licensed in the other state;

3957 (b) modify, under the circumstances described in this Subsection (4) and Subsection
3958 (5), the scope of practice restrictions under this title for individuals who are licensed under this
3959 title as:

3960 (i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
3961 Osteopathic Medical Practice Act;

3962 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure
3963 Compact - Revised;

3964 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;

- 3965 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,
3966 Pharmacy Practice Act;
- 3967 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;
- 3968 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist
3969 Practice Act; and
- 3970 (vii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;
- 3971 (c) suspend the requirements for licensure under this title and modify the scope of
3972 practice in the circumstances described in this Subsection (4) and Subsection (5) for medical
3973 services personnel or paramedics required to be licensed under Section [~~26-8a-302~~] [53-2d-402](#);
- 3974 (d) suspend requirements in Subsections [58-17b-620](#)(3) through (6) which require
3975 certain prescriptive procedures;
- 3976 (e) exempt or modify the requirement for licensure of an individual who is activated as
3977 a member of a medical reserve corps during a time of emergency as provided in Section
3978 [26A-1-126](#);
- 3979 (f) exempt or modify the requirement for licensure of an individual who is registered as
3980 a volunteer health practitioner as provided in Title 26, Chapter 49, Uniform Emergency
3981 Volunteer Health Practitioners Act; and
- 3982 (g) in accordance with rules made by the division in accordance with Title 63G,
3983 Chapter 3, Utah Administrative Rulemaking Act, exempt or modify the requirements for
3984 licensure of an individual engaged in one or more of the construction trades described in
3985 Chapter 55, Utah Construction Trades Licensing Act.
- 3986 (5) Individuals exempt under Subsection (4)(c) and individuals operating under
3987 modified scope of practice provisions under Subsection (4)(b):
- 3988 (a) are exempt from licensure or subject to modified scope of practice for the duration
3989 of the emergency;
- 3990 (b) must be engaged in the distribution of medicines or medical devices in response to
3991 the emergency or declaration; and
- 3992 (c) must be employed by or volunteering for:
- 3993 (i) a local or state department of health; or
- 3994 (ii) a host entity as defined in Section [26-49-102](#).
- 3995 (6) In accordance with the protocols established under Subsection (8), upon the

3996 declaration of a national, state, or local emergency, the Department of Health or a local health
3997 department shall coordinate with public safety authorities as defined in Subsection
3998 [26-23b-110\(1\)](#) and may:

3999 (a) use a vaccine, antiviral, antibiotic, or other prescription medication that is not a
4000 controlled substance to prevent or treat a disease or condition that gave rise to, or was a
4001 consequence of, the emergency; or

4002 (b) distribute a vaccine, antiviral, antibiotic, or other prescription medication that is not
4003 a controlled substance:

4004 (i) if necessary, to replenish a commercial pharmacy in the event that the commercial
4005 pharmacy's normal source of the vaccine, antiviral, antibiotic, or other prescription medication
4006 is exhausted; or

4007 (ii) for dispensing or direct administration to treat the disease or condition that gave
4008 rise to, or was a consequence of, the emergency by:

4009 (A) a pharmacy;

4010 (B) a prescribing practitioner;

4011 (C) a licensed health care facility;

4012 (D) a federally qualified community health clinic; or

4013 (E) a governmental entity for use by a community more than 50 miles from a person
4014 described in Subsections (6)(b)(ii)(A) through (D).

4015 (7) In accordance with protocols established under Subsection (8), upon the declaration
4016 of a national, state, or local emergency, the Department of Health shall coordinate the
4017 distribution of medications:

4018 (a) received from the strategic national stockpile to local health departments; and

4019 (b) from local health departments to emergency personnel within the local health
4020 departments' geographic region.

4021 (8) The Department of Health shall establish by rule, made in accordance with Title
4022 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for administering, dispensing,
4023 and distributing a vaccine, an antiviral, an antibiotic, or other prescription medication that is
4024 not a controlled substance in the event of a declaration of a national, state, or local emergency.
4025 The protocol shall establish procedures for the Department of Health or a local health
4026 department to:

- 4027 (a) coordinate the distribution of:
- 4028 (i) a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a
- 4029 controlled substance received by the Department of Health from the strategic national stockpile
- 4030 to local health departments; and
- 4031 (ii) a vaccine, an antiviral, an antibiotic, or other non-controlled prescription
- 4032 medication received by a local health department to emergency personnel within the local
- 4033 health department's geographic region;
- 4034 (b) authorize the dispensing, administration, or distribution of a vaccine, an antiviral,
- 4035 an antibiotic, or other prescription medication that is not a controlled substance to the contact
- 4036 of a patient without a patient-practitioner relationship, if the contact's condition is the same as
- 4037 that of the physician's or physician assistant's patient; and
- 4038 (c) authorize the administration, distribution, or dispensing of a vaccine, an antiviral,
- 4039 an antibiotic, or other non-controlled prescription medication to an individual who:
- 4040 (i) is working in a triage situation;
- 4041 (ii) is receiving preventative or medical treatment in a triage situation;
- 4042 (iii) does not have coverage for the prescription in the individual's health insurance
- 4043 plan;
- 4044 (iv) is involved in the delivery of medical or other emergency services in response to
- 4045 the declared national, state, or local emergency; or
- 4046 (v) otherwise has a direct impact on public health.
- 4047 (9) The Department of Health shall give notice to the division upon implementation of
- 4048 the protocol established under Subsection (8).
- 4049 Section 99. Section **58-1-509** is amended to read:
- 4050 **58-1-509. Patient consent for certain medical examinations.**
- 4051 (1) As used in this section:
- 4052 (a) "Health care provider" means:
- 4053 (i) an individual who is:
- 4054 (A) a healthcare provider as defined in Section [78B-3-403](#); and
- 4055 (B) licensed under this title;
- 4056 (ii) emergency medical service personnel as defined in Section ~~[26-8a-102]~~ [53-2d-101](#);
- 4057 or

4058 (iii) an individual described in Subsection 58-1-307(1)(b) or (c).

4059 (b) "Patient examination" means a medical examination that requires contact with the
4060 patient's sexual organs.

4061 (2) A health care provider may not perform a patient examination on an anesthetized or
4062 unconscious patient unless:

4063 (a) the health care provider obtains consent from the patient or the patient's
4064 representative in accordance with Subsection (3);

4065 (b) a court orders performance of the patient examination for the collection of
4066 evidence;

4067 (c) the performance of the patient examination is within the scope of care for a
4068 procedure or diagnostic examination scheduled to be performed on the patient; or

4069 (d) the patient examination is immediately necessary for diagnosis or treatment of the
4070 patient.

4071 (3) To obtain consent to perform a patient examination on an anesthetized or
4072 unconscious patient, before performing the patient examination, the health care provider shall:

4073 (a) provide the patient or the patient's representative with a written or electronic
4074 document that:

4075 (i) is provided separately from any other notice or agreement;

4076 (ii) contains the following heading at the top of the document in not smaller than
4077 18-point bold face type: "CONSENT FOR EXAMINATION OF PELVIC REGION";

4078 (iii) specifies the nature and purpose of the patient examination;

4079 (iv) names one or more primary health care providers whom the patient or the patient's
4080 representative may authorize to perform the patient examination;

4081 (v) states whether there may be a student or resident that the patient or the patient's
4082 representative authorizes to:

4083 (A) perform an additional patient examination; or

4084 (B) observe or otherwise be present at the patient examination, either in person or
4085 through electronic means; and

4086 (vi) provides the patient or the patient's representative with a series of check boxes that
4087 allow the patient or the patient's representative to:

4088 (A) consent to the patient examination for diagnosis or treatment and an additional

4089 patient examination performed by a student or resident for an educational or training purpose;

4090 (B) consent to the patient examination only for diagnosis or treatment; or

4091 (C) refuse to consent to the patient examination;

4092 (b) obtain the signature of the patient or the patient's representative on the written or

4093 electronic document while witnessed by a third party; and

4094 (c) sign the written or electronic document.

4095 Section 100. Section **58-37-8** is amended to read:

4096 **58-37-8. Prohibited acts -- Penalties.**

4097 (1) Prohibited acts A -- Penalties and reporting:

4098 (a) Except as authorized by this chapter, it is unlawful for a person to knowingly and
4099 intentionally:

4100 (i) produce, manufacture, or dispense, or to possess with intent to produce,

4101 manufacture, or dispense, a controlled or counterfeit substance;

4102 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or

4103 arrange to distribute a controlled or counterfeit substance;

4104 (iii) possess a controlled or counterfeit substance with intent to distribute; or

4105 (iv) engage in a continuing criminal enterprise where:

4106 (A) the person participates, directs, or engages in conduct that results in a violation of

4107 [~~Chapter 37, Utah Controlled Substances Act~~] this chapter, Chapter 37a, Utah Drug

4108 Paraphernalia Act, Chapter 37b, Imitation Controlled Substances Act, Chapter 37c, Utah

4109 Controlled Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, that is a

4110 felony; and

4111 (B) the violation is a part of a continuing series of two or more violations of [~~Chapter~~

4112 ~~37, Utah Controlled Substances Act~~] this chapter, Chapter 37a, Utah Drug Paraphernalia Act,

4113 Chapter 37b, Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance

4114 Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, on separate occasions that are

4115 undertaken in concert with five or more persons with respect to whom the person occupies a

4116 position of organizer, supervisor, or any other position of management.

4117 (b) A person convicted of violating Subsection (1)(a) with respect to:

4118 (i) a substance or a counterfeit of a substance classified in Schedule I or II, a controlled

4119 substance analog, or gammahydroxybutyric acid as listed in Schedule III is guilty of a second

4120 degree felony, punishable by imprisonment for not more than 15 years, and upon a second or
4121 subsequent conviction is guilty of a first degree felony;

4122 (ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or
4123 marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree felony, and
4124 upon a second or subsequent conviction is guilty of a second degree felony; or

4125 (iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a
4126 class A misdemeanor and upon a second or subsequent conviction is guilty of a third degree
4127 felony.

4128 (c) A person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) may
4129 be sentenced to imprisonment for an indeterminate term as provided by law, but if the trier of
4130 fact finds a firearm as defined in Section 76-10-501 was used, carried, or possessed on the
4131 person or in the person's immediate possession during the commission or in furtherance of the
4132 offense, the court shall additionally sentence the person convicted for a term of one year to run
4133 consecutively and not concurrently; and the court may additionally sentence the person
4134 convicted for an indeterminate term not to exceed five years to run consecutively and not
4135 concurrently.

4136 (d) (i) A person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree
4137 felony punishable by imprisonment for an indeterminate term of not less than:

4138 (A) seven years and which may be for life; or

4139 (B) 15 years and which may be for life if the trier of fact determined that the defendant
4140 knew or reasonably should have known that any subordinate under Subsection (1)(a)(iv)(B)
4141 was under 18 years old.

4142 (ii) Imposition or execution of the sentence may not be suspended, and the person is
4143 not eligible for probation.

4144 (iii) Subsection (1)(d)(i)(B) does not apply to any defendant who, at the time of the
4145 offense, was under 18 years old.

4146 (e) The Administrative Office of the Courts shall report to the Division of Professional
4147 Licensing the name, case number, date of conviction, and if known, the date of birth of each
4148 person convicted of violating Subsection (1)(a).

4149 (2) Prohibited acts B -- Penalties and reporting:

4150 (a) It is unlawful:

4151 (i) for a person knowingly and intentionally to possess or use a controlled substance
4152 analog or a controlled substance, unless it was obtained under a valid prescription or order,
4153 directly from a practitioner while acting in the course of the person's professional practice, or as
4154 otherwise authorized by this chapter;

4155 (ii) for an owner, tenant, licensee, or person in control of a building, room, tenement,
4156 vehicle, boat, aircraft, or other place knowingly and intentionally to permit them to be occupied
4157 by persons unlawfully possessing, using, or distributing controlled substances in any of those
4158 locations; or

4159 (iii) for a person knowingly and intentionally to possess an altered or forged
4160 prescription or written order for a controlled substance.

4161 (b) A person convicted of violating Subsection (2)(a)(i) with respect to:

4162 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree felony;

4163 or

4164 (ii) a substance classified in Schedule I or II, or a controlled substance analog, is guilty
4165 of a class A misdemeanor on a first or second conviction, and on a third or subsequent
4166 conviction if each prior offense was committed within seven years before the date of the
4167 offense upon which the current conviction is based is guilty of a third degree felony.

4168 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a
4169 conviction under Subsection (1)(a), that person shall be sentenced to a one degree greater
4170 penalty than provided in this Subsection (2).

4171 (d) A person who violates Subsection (2)(a)(i) with respect to all other controlled
4172 substances not included in Subsection (2)(b)(i) or (ii), including a substance listed in Section
4173 [58-37-4.2](#), or marijuana, is guilty of a class B misdemeanor.

4174 (i) Upon a third conviction the person is guilty of a class A misdemeanor, if each prior
4175 offense was committed within seven years before the date of the offense upon which the
4176 current conviction is based.

4177 (ii) Upon a fourth or subsequent conviction the person is guilty of a third degree felony
4178 if each prior offense was committed within seven years before the date of the offense upon
4179 which the current conviction is based.

4180 (e) A person convicted of violating Subsection (2)(a)(i) while inside the exterior
4181 boundaries of property occupied by a correctional facility as defined in Section [64-13-1](#) or a

4182 public jail or other place of confinement shall be sentenced to a penalty one degree greater than
4183 provided in Subsection (2)(b), and if the conviction is with respect to controlled substances as
4184 listed in:

4185 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an
4186 indeterminate term as provided by law, and:

4187 (A) the court shall additionally sentence the person convicted to a term of one year to
4188 run consecutively and not concurrently; and

4189 (B) the court may additionally sentence the person convicted for an indeterminate term
4190 not to exceed five years to run consecutively and not concurrently; and

4191 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an
4192 indeterminate term as provided by law, and the court shall additionally sentence the person
4193 convicted to a term of six months to run consecutively and not concurrently.

4194 (f) A person convicted of violating Subsection (2)(a)(ii) or (iii) is:

4195 (i) on a first conviction, guilty of a class B misdemeanor;

4196 (ii) on a second conviction, guilty of a class A misdemeanor; and

4197 (iii) on a third or subsequent conviction, guilty of a third degree felony.

4198 (g) The Administrative Office of the Courts shall report to the Division of Professional
4199 Licensing the name, case number, date of conviction, and if known, the date of birth of each
4200 person convicted of violating Subsection (2)(a).

4201 (3) Prohibited acts C -- Penalties:

4202 (a) It is unlawful for a person knowingly and intentionally:

4203 (i) to use in the course of the manufacture or distribution of a controlled substance a
4204 license number which is fictitious, revoked, suspended, or issued to another person or, for the
4205 purpose of obtaining a controlled substance, to assume the title of, or represent oneself to be, a
4206 manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized
4207 person;

4208 (ii) to acquire or obtain possession of, to procure or attempt to procure the
4209 administration of, to obtain a prescription for, to prescribe or dispense to a person known to be
4210 attempting to acquire or obtain possession of, or to procure the administration of a controlled
4211 substance by misrepresentation or failure by the person to disclose receiving a controlled
4212 substance from another source, fraud, forgery, deception, subterfuge, alteration of a

4213 prescription or written order for a controlled substance, or the use of a false name or address;
4214 (iii) to make a false or forged prescription or written order for a controlled substance,
4215 or to utter the same, or to alter a prescription or written order issued or written under the terms
4216 of this chapter; or

4217 (iv) to make, distribute, or possess a punch, die, plate, stone, or other thing designed to
4218 print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or
4219 device of another or any likeness of any of the foregoing upon any drug or container or labeling
4220 so as to render a drug a counterfeit controlled substance.

4221 (b) (i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is a class A
4222 misdemeanor.

4223 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third
4224 degree felony.

4225 (c) A violation of Subsection (3)(a)(iv) is a third degree felony.

4226 (4) Prohibited acts D -- Penalties:

4227 (a) Notwithstanding other provisions of this section, a person not authorized under this
4228 chapter who commits any act that is unlawful under Subsection (1)(a) or Section 58-37b-4 is
4229 upon conviction subject to the penalties and classifications under this Subsection (4) if the trier
4230 of fact finds the act is committed:

4231 (i) in a public or private elementary or secondary school or on the grounds of any of
4232 those schools during the hours of 6 a.m. through 10 p.m.;

4233 (ii) in a public or private vocational school or postsecondary institution or on the
4234 grounds of any of those schools or institutions during the hours of 6 a.m. through 10 p.m.;

4235 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or
4236 facility's hours of operation;

4237 (iv) in a public park, amusement park, arcade, or recreation center when the public or
4238 amusement park, arcade, or recreation center is open to the public;

4239 (v) in or on the grounds of a house of worship as defined in Section 76-10-501;

4240 (vi) in or on the grounds of a library when the library is open to the public;

4241 (vii) within an area that is within 100 feet of any structure, facility, or grounds included
4242 in Subsections [~~(4)(a)(i), (ii), (iii), (iv), (v), and~~] through (vi);

4243 (viii) in the presence of a person younger than 18 years old, regardless of where the act

4244 occurs; or

4245 (ix) for the purpose of facilitating, arranging, or causing the transport, delivery, or
4246 distribution of a substance in violation of this section to an inmate or on the grounds of a
4247 correctional facility as defined in Section 76-8-311.3.

4248 (b) (i) A person convicted under this Subsection (4) is guilty of a first degree felony
4249 and shall be imprisoned for a term of not less than five years if the penalty that would
4250 otherwise have been established but for this Subsection (4) would have been a first degree
4251 felony.

4252 (ii) Imposition or execution of the sentence may not be suspended, and the person is
4253 not eligible for probation.

4254 (c) If the classification that would otherwise have been established would have been
4255 less than a first degree felony but for this Subsection (4), a person convicted under this
4256 Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that
4257 offense.

4258 (d) (i) If the violation is of Subsection (4)(a)(ix):

4259 (A) the person may be sentenced to imprisonment for an indeterminate term as
4260 provided by law, and the court shall additionally sentence the person convicted for a term of
4261 one year to run consecutively and not concurrently; and

4262 (B) the court may additionally sentence the person convicted for an indeterminate term
4263 not to exceed five years to run consecutively and not concurrently; and

4264 (ii) the penalties under this Subsection (4)(d) apply also to a person who, acting with
4265 the mental state required for the commission of an offense, directly or indirectly solicits,
4266 requests, commands, coerces, encourages, or intentionally aids another person to commit a
4267 violation of Subsection (4)(a)(ix).

4268 (e) It is not a defense to a prosecution under this Subsection (4) that:

4269 (i) the actor mistakenly believed the individual to be 18 years old or older at the time of
4270 the offense or was unaware of the individual's true age; or

4271 (ii) the actor mistakenly believed that the location where the act occurred was not as
4272 described in Subsection (4)(a) or was unaware that the location where the act occurred was as
4273 described in Subsection (4)(a).

4274 (5) A violation of this chapter for which no penalty is specified is a class B

4275 misdemeanor.

4276 (6) (a) For purposes of penalty enhancement under Subsections (1) and (2), a plea of
4277 guilty or no contest to a violation or attempted violation of this section or a plea which is held
4278 in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction,
4279 even if the charge has been subsequently reduced or dismissed in accordance with the plea in
4280 abeyance agreement.

4281 (b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a
4282 conviction that is:

4283 (i) from a separate criminal episode than the current charge; and

4284 (ii) from a conviction that is separate from any other conviction used to enhance the
4285 current charge.

4286 (7) A person may be charged and sentenced for a violation of this section,
4287 notwithstanding a charge and sentence for a violation of any other section of this chapter.

4288 (8) (a) A penalty imposed for violation of this section is in addition to, and not in lieu
4289 of, a civil or administrative penalty or sanction authorized by law.

4290 (b) When a violation of this chapter violates a federal law or the law of another state,
4291 conviction or acquittal under federal law or the law of another state for the same act is a bar to
4292 prosecution in this state.

4293 (9) In any prosecution for a violation of this chapter, evidence or proof that shows a
4294 person or persons produced, manufactured, possessed, distributed, or dispensed a controlled
4295 substance or substances, is prima facie evidence that the person or persons did so with
4296 knowledge of the character of the substance or substances.

4297 (10) This section does not prohibit a veterinarian, in good faith and in the course of the
4298 veterinarian's professional practice only and not for humans, from prescribing, dispensing, or
4299 administering controlled substances or from causing the substances to be administered by an
4300 assistant or orderly under the veterinarian's direction and supervision.

4301 (11) Civil or criminal liability may not be imposed under this section on:

4302 (a) a person registered under this chapter who manufactures, distributes, or possesses
4303 an imitation controlled substance for use as a placebo or investigational new drug by a
4304 registered practitioner in the ordinary course of professional practice or research; or

4305 (b) a law enforcement officer acting in the course and legitimate scope of the officer's

4306 employment.

4307 (12) (a) Civil or criminal liability may not be imposed under this section on any Indian,
4308 as defined in Section 58-37-2, who uses, possesses, or transports peyote for bona fide
4309 traditional ceremonial purposes in connection with the practice of a traditional Indian religion
4310 as defined in Section 58-37-2.

4311 (b) In a prosecution alleging violation of this section regarding peyote as defined in
4312 Section 58-37-4, it is an affirmative defense that the peyote was used, possessed, or transported
4313 by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a
4314 traditional Indian religion.

4315 (c) (i) The defendant shall provide written notice of intent to claim an affirmative
4316 defense under this Subsection (12) as soon as practicable, but not later than 10 days before
4317 trial.

4318 (ii) The notice shall include the specific claims of the affirmative defense.

4319 (iii) The court may waive the notice requirement in the interest of justice for good
4320 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

4321 (d) The defendant shall establish the affirmative defense under this Subsection (12) by
4322 a preponderance of the evidence. If the defense is established, it is a complete defense to the
4323 charges.

4324 (13) (a) It is an affirmative defense that the person produced, possessed, or
4325 administered a controlled substance listed in Section 58-37-4.2 if the person was:

4326 (i) engaged in medical research; and

4327 (ii) a holder of a valid license to possess controlled substances under Section 58-37-6.

4328 (b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed
4329 a controlled substance listed in Section 58-37-4.2.

4330 (14) It is an affirmative defense that the person possessed, in the person's body, a
4331 controlled substance listed in Section 58-37-4.2 if:

4332 (a) the person was the subject of medical research conducted by a holder of a valid
4333 license to possess controlled substances under Section 58-37-6; and

4334 (b) the substance was administered to the person by the medical researcher.

4335 (15) The application of any increase in penalty under this section to a violation of
4336 Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony. This

4337 Subsection (15) takes precedence over any conflicting provision of this section.

4338 (16) (a) It is an affirmative defense to an allegation of the commission of an offense
4339 listed in Subsection (16)(b) that the person or bystander:

4340 (i) reasonably believes that the person or another person is experiencing an overdose
4341 event due to the ingestion, injection, inhalation, or other introduction into the human body of a
4342 controlled substance or other substance;

4343 (ii) reports, or assists a person who reports, in good faith the overdose event to a
4344 medical provider, an emergency medical service provider as defined in Section [26-8a-102]
4345 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency dispatch
4346 system, or the person is the subject of a report made under this Subsection (16);

4347 (iii) provides in the report under Subsection (16)(a)(ii) a functional description of the
4348 actual location of the overdose event that facilitates responding to the person experiencing the
4349 overdose event;

4350 (iv) remains at the location of the person experiencing the overdose event until a
4351 responding law enforcement officer or emergency medical service provider arrives, or remains
4352 at the medical care facility where the person experiencing an overdose event is located until a
4353 responding law enforcement officer arrives;

4354 (v) cooperates with the responding medical provider, emergency medical service
4355 provider, and law enforcement officer, including providing information regarding the person
4356 experiencing the overdose event and any substances the person may have injected, inhaled, or
4357 otherwise introduced into the person's body; and

4358 (vi) is alleged to have committed the offense in the same course of events from which
4359 the reported overdose arose.

4360 (b) The offenses referred to in Subsection (16)(a) are:

4361 (i) the possession or use of less than 16 ounces of marijuana;

4362 (ii) the possession or use of a scheduled or listed controlled substance other than
4363 marijuana; and

4364 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,
4365 Imitation Controlled Substances Act.

4366 (c) As used in this Subsection (16) and in Section 76-3-203.11, "good faith" does not
4367 include seeking medical assistance under this section during the course of a law enforcement

4368 agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.

4369 (17) If any provision of this chapter, or the application of any provision to any person
4370 or circumstances, is held invalid, the remainder of this chapter shall be given effect without the
4371 invalid provision or application.

4372 (18) A legislative body of a political subdivision may not enact an ordinance that is
4373 less restrictive than any provision of this chapter.

4374 (19) If a minor who is under 18 years old is found by a court to have violated this
4375 section or Subsection 76-5-102.1(2)(b) or 76-5-207(2)(b), the court may order the minor to
4376 complete:

4377 (a) a screening as defined in Section 41-6a-501;

4378 (b) an assessment as defined in Section 41-6a-501 if the screening indicates an
4379 assessment to be appropriate; and

4380 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
4381 treatment as indicated by an assessment.

4382 Section 101. Section 59-12-801 is amended to read:

4383 **59-12-801. Definitions.**

4384 As used in this part:

4385 (1) "Emergency medical services" is as defined in Section [~~26-8a-102~~] 53-2d-101.

4386 (2) "Federally qualified health center" is as defined in 42 U.S.C. Sec. 1395x.

4387 (3) "Freestanding urgent care center" means a facility that provides outpatient health
4388 care service:

4389 (a) on an as-needed basis, without an appointment;

4390 (b) to the public;

4391 (c) for the diagnosis and treatment of a medical condition if that medical condition
4392 does not require hospitalization or emergency intervention for a life threatening or potentially
4393 permanently disabling condition; and

4394 (d) including one or more of the following services:

4395 (i) a medical history physical examination;

4396 (ii) an assessment of health status; or

4397 (iii) treatment:

4398 (A) for a variety of medical conditions; and

- 4399 (B) that is commonly offered in a physician's office.
- 4400 (4) "Nursing care facility" is as defined in Section 26-21-2.
- 4401 (5) "Rural city hospital" means a hospital owned by a city that is located within a third,
- 4402 fourth, fifth, or sixth class county.
- 4403 (6) "Rural county health care facility" means a:
 - 4404 (a) rural county hospital; or
 - 4405 (b) rural county nursing care facility.
- 4406 (7) "Rural county hospital" means a hospital owned by a county that is:
 - 4407 (a) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and
 - 4408 (b) located outside of a standard metropolitan statistical area, as designated by the
 - 4409 United States Bureau of the Census.
- 4410 (8) "Rural county nursing care facility" means a nursing care facility owned by:
 - 4411 (a) a county that is:
 - 4412 (i) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and
 - 4413 (ii) located outside of a standard metropolitan statistical area, as designated by the
 - 4414 United States Census Bureau; or
 - 4415 (b) a special service district if the special service district is:
 - 4416 (i) created for the purpose of operating the nursing care facility; and
 - 4417 (ii) within a county that is:
 - 4418 (A) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and
 - 4419 (B) located outside of a standard metropolitan statistical area, as designated by the
 - 4420 United States Census Bureau.
 - 4421 (9) "Rural emergency medical services" means emergency medical services that are
 - 4422 provided by a county that is:
 - 4423 (a) a fifth or sixth class county, as defined in Section 17-50-501; and
 - 4424 (b) located outside of a standard metropolitan statistical area, as designated by the
 - 4425 United States Census Bureau.
 - 4426 (10) "Rural health clinic" is as defined in 42 U.S.C. Sec. 1395x.
 - 4427 Section 102. Section 62A-15-629 is amended to read:
 - 4428 **62A-15-629. Temporary commitment -- Requirements and procedures -- Rights.**
 - 4429 (1) An adult shall be temporarily, involuntarily committed to a local mental health

4430 authority upon:

4431 (a) a written application that:

4432 (i) is completed by a responsible individual who has reason to know, stating a belief
4433 that the adult, due to mental illness, is likely to pose substantial danger to self or others if not
4434 restrained and stating the personal knowledge of the adult's condition or circumstances that
4435 lead to the individual's belief; and

4436 (ii) includes a certification by a licensed physician, licensed physician assistant,
4437 licensed nurse practitioner, or designated examiner stating that the physician, physician
4438 assistant, nurse practitioner, or designated examiner has examined the adult within a three-day
4439 period immediately preceding the certification, and that the physician, physician assistant,
4440 nurse practitioner, or designated examiner is of the opinion that, due to mental illness, the adult
4441 poses a substantial danger to self or others; or

4442 (b) a peace officer or a mental health officer:

4443 (i) observing an adult's conduct that gives the peace officer or mental health officer
4444 probable cause to believe that:

4445 (A) the adult has a mental illness; and

4446 (B) because of the adult's mental illness and conduct, the adult poses a substantial
4447 danger to self or others; and

4448 (ii) completing a temporary commitment application that:

4449 (A) is on a form prescribed by the division;

4450 (B) states the peace officer's or mental health officer's belief that the adult poses a
4451 substantial danger to self or others;

4452 (C) states the specific nature of the danger;

4453 (D) provides a summary of the observations upon which the statement of danger is
4454 based; and

4455 (E) provides a statement of the facts that called the adult to the peace officer's or
4456 mental health officer's attention.

4457 (2) If at any time a patient committed under this section no longer meets the
4458 commitment criteria described in Subsection (1), the local mental health authority or the local
4459 mental health authority's designee shall document the change and release the patient.

4460 (3) (a) A patient committed under this section may be held for a maximum of 24 hours

4461 after commitment, excluding Saturdays, Sundays, and legal holidays, unless:

4462 (i) as described in Section 62A-15-631, an application for involuntary commitment is
4463 commenced, which may be accompanied by an order of detention described in Subsection
4464 62A-15-631(4);

4465 (ii) the patient makes a voluntary application for admission; or

4466 (iii) before expiration of the 24 hour period, a licensed physician, licensed physician
4467 assistant, licensed nurse practitioner, or designated examiner examines the patient and certifies
4468 in writing that:

4469 (A) the patient, due to mental illness, poses a substantial danger to self or others;

4470 (B) additional time is necessary for evaluation and treatment of the patient's mental
4471 illness; and

4472 (C) there is no appropriate less-restrictive alternative to commitment to evaluate and
4473 treat the patient's mental illness.

4474 (b) A patient described in Subsection (3)(a)(iii) may be held for a maximum of 48
4475 hours after the 24 hour period described in Subsection (3)(a) expires, excluding Saturdays,
4476 Sundays, and legal holidays.

4477 (c) Subsection (3)(a)(iii) applies to an adult patient.

4478 (4) Upon a written application described in Subsection (1)(a) or the observation and
4479 belief described in Subsection (1)(b)(i), the adult shall be:

4480 (a) taken into a peace officer's protective custody, by reasonable means, if necessary for
4481 public safety; and

4482 (b) transported for temporary commitment to a facility designated by the local mental
4483 health authority, by means of:

4484 (i) an ambulance, if the adult meets any of the criteria described in Section 26-8a-305;

4485 (ii) an ambulance, if a peace officer is not necessary for public safety, and
4486 transportation arrangements are made by a physician, physician assistant, nurse practitioner,
4487 designated examiner, or mental health officer;

4488 (iii) the city, town, or municipal law enforcement authority with jurisdiction over the
4489 location where the adult is present, if the adult is not transported by ambulance;

4490 (iv) the county sheriff, if the designated facility is outside of the jurisdiction of the law
4491 enforcement authority described in Subsection (4)(b)(iii) and the adult is not transported by

4492 ambulance; or

4493 (v) nonemergency secured behavioral health transport as that term is defined in Section
4494 ~~[26-8a-102]~~ [53-2d-101](#).

4495 (5) Notwithstanding Subsection (4):

4496 (a) an individual shall be transported by ambulance to an appropriate medical facility
4497 for treatment if the individual requires physical medical attention;

4498 (b) if an officer has probable cause to believe, based on the officer's experience and
4499 de-escalation training that taking an individual into protective custody or transporting an
4500 individual for temporary commitment would increase the risk of substantial danger to the
4501 individual or others, a peace officer may exercise discretion to not take the individual into
4502 custody or transport the individual, as permitted by policies and procedures established by the
4503 officer's law enforcement agency and any applicable federal or state statute, or case law; and

4504 (c) if an officer exercises discretion under Subsection (4)(b) to not take an individual
4505 into protective custody or transport an individual, the officer shall document in the officer's
4506 report the details and circumstances that led to the officer's decision.

4507 (6) (a) The local mental health authority shall inform an adult patient committed under
4508 this section of the reason for commitment.

4509 (b) An adult patient committed under this section has the right to:

4510 (i) within three hours after arrival at the local mental health authority, make a
4511 telephone call, at the expense of the local mental health authority, to an individual of the
4512 patient's choice; and

4513 (ii) see and communicate with an attorney.

4514 (7) (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to this
4515 section.

4516 (b) This section does not create a special duty of care.

4517 Section 103. Section **62A-15-1401** is amended to read:

4518 **62A-15-1401. Definitions.**

4519 As used in this part:

4520 (1) "Commission" means the Behavioral Health Crisis Response Commission created
4521 in Section [63C-18-202](#).

4522 (2) "Emergency medical service personnel" means the same as that term is defined in

4523 Section ~~[26-8a-102]~~ [53-2d-101](#).

4524 (3) "Emergency medical services" means the same as that term is defined in Section
4525 ~~[26-8a-102]~~ [53-2d-101](#).

4526 (4) "MCOT certification" means the certification created in this part for MCOT
4527 personnel and mental health crisis outreach services.

4528 (5) "MCOT personnel" means a licensed mental health therapist or other mental health
4529 professional, as determined by the division, who is a part of a mobile crisis outreach team.

4530 (6) "Mental health crisis" means a mental health condition that manifests itself by
4531 symptoms of sufficient severity that a prudent layperson who possesses an average knowledge
4532 of mental health issues could reasonably expect the absence of immediate attention or
4533 intervention to result in:

4534 (a) serious jeopardy to the individual's health or well-being; or

4535 (b) a danger to others.

4536 (7) (a) "Mental health crisis services" means mental health services and on-site
4537 intervention that a person renders to an individual suffering from a mental health crisis.

4538 (b) "Mental health crisis services" includes the provision of safety and care plans,
4539 stabilization services offered for a minimum of 60 days, and referrals to other community
4540 resources.

4541 (8) "Mental health therapist" means the same as that term is defined in Section
4542 [58-60-102](#).

4543 (9) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
4544 mental health professionals that provides mental health crisis services and, based on the
4545 individual circumstances of each case, coordinates with local law enforcement, emergency
4546 medical service personnel, and other appropriate state or local resources.

4547 Section 104. Section **63I-1-226** is amended to read:

4548 **63I-1-226. Repeal dates: Title 26 through 26B.**

4549 (1) Section [26-1-7.5](#), which creates the Utah Health Advisory Council, is repealed July
4550 1, 2025.

4551 ~~[(2) Section [26-1-40](#) is repealed July 1, 2022.]~~

4552 ~~[(3)]~~ (2) Section [26-1-41](#) is repealed July 1, 2026.

4553 ~~[(4)]~~ (3) Section [26-1-43](#) is repealed December 31, 2025.

- 4554 [~~(5)~~] (4) Section [26-7-10](#) is repealed July 1, 2025.
- 4555 [~~(6)~~] (5) Subsection [26-7-11\(5\)](#), regarding reports to the Legislature, is repealed July 1,
4556 2028.
- 4557 [~~(7)~~] (6) Section [26-7-14](#) is repealed December 31, 2027.
- 4558 [~~(8)~~] Section [26-8a-603](#) is repealed July 1, 2027.]
- 4559 [~~(9)~~] (7) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
4560 July 1, 2025.
- 4561 [~~(10)~~] (8) Subsection [26-10-6\(5\)](#), which creates the Newborn Hearing Screening
4562 Committee, is repealed July 1, 2026.
- 4563 [~~(11)~~] (9) Section [26-10b-106](#), which creates the Primary Care Grant Committee, is
4564 repealed July 1, 2025.
- 4565 [~~(12)~~] Subsection [26-15c-104\(3\)](#), relating to a limitation on the number of
4566 microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.]
- 4567 [~~(13)~~] (10) Subsection [26-18-2.6\(9\)](#), which addresses reimbursement for dental
4568 hygienists, is repealed July 1, 2028.
- 4569 [~~(14)~~] (11) Section [26-18-27](#) is repealed July 1, 2025.
- 4570 [~~(15)~~] (12) Section [26-18-28](#) is repealed June 30, 2027.
- 4571 [~~(16)~~] (13) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed
4572 July 1, 2027.
- 4573 [~~(17)~~] (14) Subsection [26-18-418\(2\)](#), the language that states "and the Behavioral
4574 Health Crisis Response Commission created in Section [63C-18-202](#)" is repealed July 1, 2023.
- 4575 [~~(18)~~] (15) Section [26-33a-117](#) is repealed December 31, 2023.
- 4576 [~~(19)~~] (16) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
4577 2024.
- 4578 [~~(20)~~] (17) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July
4579 1, 2024.
- 4580 [~~(21)~~] (18) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is
4581 repealed July 1, 2024.
- 4582 [~~(22)~~] (19) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July
4583 1, 2024.
- 4584 [~~(23)~~] (20) Section [26-39-201](#), which creates the Residential Child Care Licensing

4585 Advisory Committee, is repealed July 1, 2024.

4586 ~~[(24)]~~ (21) Section [26-39-405](#), Drinking water quality in child care centers, is repealed
4587 July 1, 2027.

4588 ~~[(25)]~~ (22) Section [26-40-104](#), which creates the Utah Children's Health Insurance
4589 Program Advisory Council, is repealed July 1, 2025.

4590 ~~[(26)]~~ (23) Section [26-50-202](#), which creates the Traumatic Brain Injury Advisory
4591 Committee, is repealed July 1, 2025.

4592 ~~[(27)]~~ (24) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
4593 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

4594 ~~[(28)]~~ (25) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
4595 July 1, 2026.

4596 ~~[(29)]~~ (26) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July
4597 1, 2024.

4598 ~~[(30)]~~ (27) Section [26-69-406](#) is repealed July 1, 2025.

4599 ~~[(31)]~~ (28) Subsection ~~[[26B-1-204\(2\)\(i\)](#);~~ [26B-1-204\(2\)\(g\)](#), related to the Residential
4600 Child Care Licensing Advisory Committee, is repealed July 1, 2024.

4601 ~~[(32)]~~ (29) Subsection ~~[[26B-1-204\(2\)\(k\)](#);~~ [26B-1-204\(2\)\(i\)](#), related to the Primary Care
4602 Grant Committee, is repealed July 1, 2025.

4603 Section 105. Section **63I-1-253** is amended to read:

4604 **63I-1-253. Repeal dates: Titles 53 through 53G.**

4605 (1) Section [53-2a-105](#), which creates the Emergency Management Administration
4606 Council, is repealed July 1, 2027.

4607 (2) Sections [53-2a-1103](#) and [53-2a-1104](#), which create the Search and Rescue Advisory
4608 Board, are repealed July 1, 2027.

4609 (3) Section [53-2d-703](#) is repealed July 1, 2027

4610 ~~[(3)]~~ (4) Section [53-5-703](#), which creates the Concealed Firearm Review Board, is
4611 repealed July 1, 2023.

4612 ~~[(4)]~~ (5) Section [53B-6-105.5](#), which creates the Technology Initiative Advisory Board,
4613 is repealed July 1, 2024.

4614 ~~[(5)]~~ (6) Section [53B-7-709](#), regarding five-year performance goals for the Utah
4615 System of Higher Education is repealed July 1, 2027.

- 4616 [~~(6)~~] (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 4617 [~~(7)~~] (8) Section [53B-17-1203](#), which creates the SafeUT and School Safety
- 4618 Commission, is repealed January 1, 2025.
- 4619 [~~(8)~~] (9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 4620 [~~(9)~~] (10) Subsection [53C-3-203](#)(4)(b)(vii), which provides for the distribution of
- 4621 money from the Land Exchange Distribution Account to the Geological Survey for test wells
- 4622 and other hydrologic studies in the West Desert, is repealed July 1, 2030.
- 4623 [~~(10)~~] (11) [~~Subsection~~] Subsections [53E-3-503](#)(5) and (6), which create coordinating
- 4624 councils for youth in custody, are repealed July 1, 2027.
- 4625 [~~(11)~~] (12) In relation to a standards review committee, on January 1, 2028:
- 4626 (a) in Subsection [53E-4-202](#)(8), the language "by a standards review committee and the
- 4627 recommendations of a standards review committee established under Section [53E-4-203](#)" is
- 4628 repealed; and
- 4629 (b) Section [53E-4-203](#) is repealed.
- 4630 [~~(12)~~] (13) Section [53E-4-402](#), which creates the State Instructional Materials
- 4631 Commission, is repealed July 1, 2027.
- 4632 [~~(13)~~] (14) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory
- 4633 Commission, is repealed July 1, 2023.
- 4634 [~~(14)~~] (15) Section [53F-2-420](#), which creates the Intensive Services Special Education
- 4635 Pilot Program, is repealed July 1, 2024.
- 4636 [~~(15)~~] (16) Section [53F-5-203](#) is repealed July 1, 2024.
- 4637 [~~(16)~~] (17) Section [53F-5-213](#) is repealed July 1, 2023.
- 4638 [~~(17)~~] (18) Section [53F-5-214](#), in relation to a grant for professional learning, is
- 4639 repealed July 1, 2025.
- 4640 [~~(18)~~] (19) Section [53F-5-215](#), in relation to an elementary teacher preparation grant, is
- 4641 repealed July 1, 2025.
- 4642 [~~(19)~~] (20) Section [53F-5-219](#), which creates the Local [~~Innovations~~] Innovations
- 4643 Civics Education Pilot Program, is repealed on July 1, 2025.
- 4644 [~~(20)~~] (21) Subsection [53F-9-203](#)(7), which creates the Charter School Revolving
- 4645 Account Committee, is repealed July 1, 2024.
- 4646 [~~(21)~~] (22) Subsections [53G-4-608](#)(2)(b) and (4)(b), related to the Utah Seismic Safety

4647 Commission, are repealed January 1, 2025.

4648 ~~[(22)]~~ (23) Subsection 53G-8-211(5), regarding referrals of a minor to court for a class
4649 C misdemeanor, is repealed July 1, 2027.

4650 ~~[(23)]~~ (24) Section 53G-9-212, Drinking water quality in schools, is repealed July 1,
4651 2027.

4652 ~~[(24)]~~ (25) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed
4653 July 1, 2027.

4654 Section 106. Section 63I-2-226 is amended to read:

4655 **63I-2-226. Repeal dates: Titles 26 through 26B.**

4656 ~~[(1) Subsection 26-2-12.6(3), relating to the report for birth certificate fees, is repealed
4657 December 31, 2022.]~~

4658 ~~[(2)]~~ (1) Subsection 26-7-8(3) is repealed January 1, 2027.

4659 ~~[(3) Section 26-8a-107 is repealed July 1, 2024.]~~

4660 ~~[(4) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.]~~

4661 ~~[(5) Section 26-8a-211 is repealed July 1, 2023. (6) In relation to the Air Ambulance
4662 Committee, on July 1, 2024, Subsection 26-8a-602(1)(a) is amended to read:~~

4663 ~~——“(a) provide the patient or the patient's representative with the following information
4664 before contacting an air medical transport provider:~~

4665 ~~——(i) which health insurers in the state the air medical transport provider contracts with;~~

4666 ~~——(ii) if sufficient data is available, the average charge for air medical transport services
4667 for a patient who is uninsured or out of network; and~~

4668 ~~——(iii) whether the air medical transport provider balance bills a patient for any charge not
4669 paid by the patient's health insurer; and”.]~~

4670 ~~[(7)]~~ (2) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

4671 ~~[(8)]~~ (3) Subsection 26-18-411(8), related to reporting on the health coverage
4672 improvement program, is repealed January 1, 2023.

4673 ~~[(9)]~~ (4) Subsection 26-18-420(5), related to reporting on coverage for in vitro
4674 fertilization and genetic testing, is repealed July 1, 2030.

4675 ~~[(10)]~~ (5) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
4676 26-21-32(1)(a) is amended to read:

4677 “(a) provide the patient or the patient's representative with the following information

4678 before contacting an air medical transport provider:

4679 (i) which health insurers in the state the air medical transport provider contracts with;

4680 (ii) if sufficient data is available, the average charge for air medical transport services
4681 for a patient who is uninsured or out of network; and

4682 (iii) whether the air medical transport provider balance bills a patient for any charge not
4683 paid by the patient's health insurer; and".

4684 ~~[(H)]~~ (6) Subsection [26-33a-106.1\(2\)\(a\)](#) is repealed January 1, 2023.

4685 ~~[(H2)]~~ (7) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
4686 Program, is repealed July 1, 2027.

4687 ~~[(13)]~~ Subsection [26-61-202\(4\)\(b\)](#) is repealed January 1, 2022.]

4688 ~~[(14)]~~ Subsection [26-61-202\(5\)](#) is repealed January 1, 2022.]

4689 ~~[(15)]~~ Subsection [26B-1-204\(2\)\(f\)](#), relating to the Air Ambulance Committee, is
4690 repealed July 1, 2024.]

4691 Section 107. Section **63I-2-253** is amended to read:

4692 **63I-2-253. Repeal dates: Titles 53 through 53G.**

4693 (1) Subsection [53-1-104\(1\)\(g\)](#), regarding the Air Ambulance Committee, is repealed
4694 July 1, 2024.

4695 (2) Section [53-2d-107](#), regarding the Air Ambulance Committee, is repealed July 1,
4696 2024.

4697 (3) Section [53-2d-211](#) is repealed July 1, 2023.

4698 (4) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
4699 [26-8a-602\(1\)\(a\)](#) is amended to read:

4700 "(a) provide the patient or the patient's representative with the following information
4701 before contacting an air medical transport provider:

4702 (i) which health insurers in the state the air medical transport provider contracts with;

4703 (ii) if sufficient data is available, the average charge for air medical transport services
4704 for a patient who is uninsured or out of network; and

4705 (iii) whether the air medical transport provider balance bills a patient for any charge
4706 not paid by the patient's health insurer; and".

4707 (5) (a) Subsection [53B-2a-108\(5\)](#), regarding exceptions to the composition of a
4708 technical college board of trustees, is repealed July 1, 2022.

4709 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and
4710 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
4711 necessary changes to subsection numbering and cross references.

4712 [~~2~~] (6) Section 53B-6-105.7 is repealed July 1, 2024.

4713 [~~3~~] (7) Section 53B-7-707 regarding performance metrics for technical colleges is
4714 repealed July 1, 2023.

4715 [~~4~~] (8) Section 53B-8-114 is repealed July 1, 2024.

4716 [~~5~~] (9) The following provisions, regarding the Regents' scholarship program, are
4717 repealed on July 1, 2023:

4718 (a) in Subsection 53B-8-105(12), the language that states, "or any scholarship
4719 established under Sections 53B-8-202 through 53B-8-205";

4720 (b) Section 53B-8-202;

4721 (c) Section 53B-8-203;

4722 (d) Section 53B-8-204; and

4723 (e) Section 53B-8-205.

4724 [~~6~~] (10) Section 53B-10-101 is repealed on July 1, 2027.

4725 [~~7~~] (11) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
4726 repealed July 1, 2023.

4727 [~~8~~] (12) Subsection 53E-1-201(1)(s) regarding the report by the Educational
4728 Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.

4729 [~~9~~] (13) Section 53E-1-202.2, regarding a Public Education Appropriations
4730 Subcommittee evaluation and recommendations, is repealed January 1, 2024.

4731 [~~10~~] (14) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed
4732 July 1, 2024.

4733 [~~11~~] (15) In Subsections 53F-2-205(4) and (5), regarding the State Board of
4734 Education's duties if contributions from the minimum basic tax rate are overestimated or
4735 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,
4736 2023.

4737 [~~12~~] (16) Section 53F-2-209, regarding local education agency budgetary flexibility,
4738 is repealed July 1, 2024.

4739 [~~13~~] (17) Subsection 53F-2-301(1), relating to the years the section is not in effect, is

4740 repealed July 1, 2023.

4741 ~~[(14)]~~ (18) Section 53F-2-302.1, regarding the Enrollment Growth Contingency
4742 Program, is repealed July 1, 2023.

4743 ~~[(15)]~~ (19) Subsection 53F-2-314(4), relating to a one-time expenditure between the
4744 at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

4745 ~~[(16)]~~ (20) Section 53F-2-524, regarding teacher bonuses for extra work assignments,
4746 is repealed July 1, 2024.

4747 ~~[(17)]~~ (21) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
4748 applicable" is repealed July 1, 2023.

4749 ~~[(18) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for enrollment
4750 in kindergarten, is repealed July 1, 2022.]~~

4751 ~~[(19) In Subsection 53F-4-404(4)(c), the language that states "Except as provided in
4752 Subsection (4)(d)" is repealed July 1, 2022.]~~

4753 ~~[(20) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.]~~

4754 ~~[(21)]~~ (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
4755 applicable" is repealed July 1, 2023.

4756 ~~[(22)]~~ (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
4757 applicable" is repealed July 1, 2023.

4758 ~~[(23)]~~ (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
4759 applicable" is repealed July 1, 2023.

4760 ~~[(24)]~~ (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
4761 as applicable" is repealed July 1, 2023.

4762 ~~[(25)]~~ (26) On July 1, 2023, when making changes in this section, the Office of
4763 Legislative Research and General Counsel shall, in addition to the office's authority under
4764 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
4765 identified in this section are complete sentences and accurately reflect the office's perception of
4766 the Legislature's intent.

4767 Section 108. Section 63J-1-602.2 is amended to read:

4768 **63J-1-602.2. List of nonlapsing appropriations to programs.**

4769 Appropriations made to the following programs are nonlapsing:

4770 (1) The Legislature and the Legislature's committees.

4771 (2) The State Board of Education, including all appropriations to agencies, line items,
 4772 and programs under the jurisdiction of the State Board of Education, in accordance with
 4773 Section [53F-9-103](#).

4774 (3) The Percent-for-Art Program created in Section [9-6-404](#).

4775 (4) The LeRay McAllister Critical Land Conservation Program created in Section
 4776 [4-46-301](#).

4777 (5) The Utah Lake Authority created in Section [11-65-201](#).

4778 (6) Dedicated credits accrued to the Utah Marriage Commission as provided under
 4779 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

4780 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
 4781 the Pelican Management Act, as provided in Section [23-21a-6](#).

4782 [~~(8)~~] ~~The Emergency Medical Services Grant Program in Section [26-8a-207](#).~~

4783 [~~(9)~~] (8) The primary care grant program created in Section [26-10b-102](#).

4784 [~~(10)~~] (9) Sanctions collected as dedicated credits from Medicaid providers under
 4785 Subsection [26-18-3\(7\)](#).

4786 [~~(11)~~] (10) The Utah Health Care Workforce Financial Assistance Program created in
 4787 Section [26-46-102](#).

4788 [~~(12)~~] (11) The Rural Physician Loan Repayment Program created in Section
 4789 [26-46a-103](#).

4790 [~~(13)~~] (12) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).

4791 [~~(14)~~] (13) The Utah Medical Education Council for the:

4792 (a) administration of the Utah Medical Education Program created in Section
 4793 [26-69-403](#);

4794 (b) provision of medical residency grants described in Section [26-69-407](#); and

4795 (c) provision of the forensic psychiatric fellowship grant described in Section
 4796 [26-69-408](#).

4797 [~~(15)~~] (14) Funds that the Department of Alcoholic Beverage Services retains in
 4798 accordance with Subsection [32B-2-301\(8\)\(a\)](#) or (b).

4799 [~~(16)~~] (15) The General Assistance program administered by the Department of
 4800 Workforce Services, as provided in Section [35A-3-401](#).

4801 [~~(17)~~] (16) The Utah National Guard, created in Title 39, Militia and Armories.

- 4802 [~~(18)~~] (17) The State Tax Commission under Section [41-1a-1201](#) for the:
- 4803 (a) purchase and distribution of license plates and decals; and
- 4804 (b) administration and enforcement of motor vehicle registration requirements.
- 4805 [~~(19)~~] (18) The Search and Rescue Financial Assistance Program, as provided in
- 4806 Section [53-2a-1102](#).
- 4807 (19) The Emergency Medical Services Grant Program in Section [53-2d-207](#).
- 4808 (20) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 4809 (21) The Utah Board of Higher Education for teacher preparation programs, as
- 4810 provided in Section [53B-6-104](#).
- 4811 (22) Innovation grants under Section [53G-10-608](#), except as provided in Subsection
- 4812 [53G-10-608\(6\)](#).
- 4813 (23) The Division of Services for People with Disabilities, as provided in Section
- 4814 [62A-5-102](#).
- 4815 (24) The Division of Fleet Operations for the purpose of upgrading underground
- 4816 storage tanks under Section [63A-9-401](#).
- 4817 (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 4818 (26) The Division of Technology Services for technology innovation as provided under
- 4819 Section [63A-16-903](#).
- 4820 (27) The Office of Administrative Rules for publishing, as provided in Section
- 4821 [63G-3-402](#).
- 4822 (28) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
- 4823 Colorado River Authority of Utah Act.
- 4824 (29) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
- 4825 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 4826 (30) The Governor's Office of Economic Opportunity's Rural Employment Expansion
- 4827 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.
- 4828 (31) Programs for the Jordan River Recreation Area as described in Section [65A-2-8](#).
- 4829 (32) The Division of Human Resource Management user training program, as provided
- 4830 in Section [63A-17-106](#).
- 4831 (33) A public safety answering point's emergency telecommunications service fund, as
- 4832 provided in Section [69-2-301](#).

- 4833 (34) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 4834 (35) The money appropriated from the Navajo Water Rights Negotiation Account to
4835 the Division of Water Rights, created in Section [73-2-1.1](#), for purposes of participating in a
4836 settlement of federal reserved water right claims.
- 4837 (36) The Judicial Council for compensation for special prosecutors, as provided in
4838 Section [77-10a-19](#).
- 4839 (37) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 4840 (38) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 4841 (39) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).
- 4842 (40) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and
4843 [78B-6-144.5](#).
- 4844 (41) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
4845 Defense Commission.
- 4846 (42) The program established by the Division of Facilities Construction and
4847 Management under Section [63A-5b-703](#) under which state agencies receive an appropriation
4848 and pay lease payments for the use and occupancy of buildings owned by the Division of
4849 Facilities Construction and Management.
- 4850 (43) The State Tax Commission for reimbursing counties for deferred property taxes in
4851 accordance with Section [59-2-1802](#).
- 4852 Section 109. Section **63M-7-209** is amended to read:
- 4853 **63M-7-209. Trauma-informed justice program.**
- 4854 (1) As used in this section:
- 4855 (a) "Committee" means the Multi-Disciplinary Trauma-Informed Committee created
4856 under Subsection (2).
- 4857 (b) "First responder" includes:
- 4858 (i) a law enforcement officer, as defined in Section [53-13-103](#);
- 4859 (ii) emergency medical service personnel, as defined in Section [~~[26-8a-102](#)~~
4860 [53-2d-101](#)]; and
- 4861 (iii) a firefighter.
- 4862 (c) "Trauma-informed" means a policy, procedure, program, or practice that
4863 demonstrates an ability to minimize retraumatization associated with the criminal and juvenile

4864 justice system.

4865 (d) "Victim" means the same as that term is defined in Section [77-37-2](#).

4866 (2) (a) The commission shall create a committee known as the Multi-Disciplinary
4867 Trauma-Informed Committee to assist the commission in meeting the requirements of this
4868 section. The commission shall provide for the membership, terms, and quorum requirements of
4869 the committee, except that:

4870 (i) at least one member of the committee shall be a victim;

4871 (ii) the executive director of the Department of Health or the executive director's
4872 designee shall be on the committee;

4873 (iii) the executive director of the Department of Human Services or the executive
4874 director's designee shall be on the committee; and

4875 (iv) the commission shall terminate the committee on June 30, 2020.

4876 (b) The commission shall use the Utah Office for Victims of Crime, the Utah Office on
4877 Domestic and Sexual Violence, and the Utah Council on Victims of Crime in meeting the
4878 requirements of this section.

4879 (3) (a) The committee shall work with statewide coalitions, children's justice centers,
4880 and other stakeholders to complete, by no later than September 1, 2019, a review of current and
4881 recommended trauma-informed policies, procedures, programs, or practices in the state's
4882 criminal and juvenile justice system, including:

4883 (i) reviewing the role of victim advocates and victim services in the criminal and
4884 juvenile justice system and:

4885 (A) how to implement the option of a comprehensive, seamless victim advocate system
4886 that is based on the best interests of victims and assists a victim throughout the criminal and
4887 juvenile justice system or a victim's process of recovering from the trauma the victim
4888 experienced as a result of being a victim of crime; and

4889 (B) recommending what minimum qualifications a victim advocate must meet,
4890 including recommending trauma-informed training or trauma-informed continuing education
4891 hours;

4892 (ii) reviewing of best practice standards and protocols, including recommending
4893 adoption or creation of trauma-informed interview protocols, that may be used to train persons
4894 within the criminal and juvenile justice system concerning trauma-informed policies,

4895 procedures, programs, or practices, including training of:

4896 (A) peace officers that is consistent with the training developed under Section

4897 [53-10-908](#);

4898 (B) first responders;

4899 (C) prosecutors;

4900 (D) defense counsel;

4901 (E) judges and other court personnel;

4902 (F) the Board of Pardons and Parole and its personnel;

4903 (G) the Department of Corrections, including Adult Probation and Parole; and

4904 (H) others involved in the state's criminal and juvenile justice system;

4905 (iii) recommending outcome based metrics to measure achievement related to

4906 trauma-informed policies, procedures, programs, or practices in the criminal and juvenile

4907 justice system;

4908 (iv) recommending minimum qualifications and continuing education of individuals

4909 providing training, consultation, or administrative supervisory consultation within the criminal

4910 and juvenile justice system regarding trauma-informed policies, procedures, programs, or

4911 practices;

4912 (v) identifying needs that are not funded or that would benefit from additional

4913 resources;

4914 (vi) identifying funding sources, including outlining the restrictions on the funding

4915 sources, that may fund trauma-informed policies, procedures, programs, or practices;

4916 (vii) reviewing which governmental entities should have the authority to implement

4917 recommendations of the committee; and

4918 (viii) reviewing the need, if any, for legislation or appropriations to meet budget needs.

4919 (b) Whenever the commission conducts a related survey, the commission, when

4920 possible, shall include how victims and their family members interact with Utah's criminal and

4921 juvenile justice system, including whether the victims and family members are treated with

4922 trauma-informed policies, procedures, programs, or practices throughout the criminal and

4923 juvenile justice system.

4924 (4) The commission shall establish and administer a performance incentive grant

4925 program that allocates money appropriated by the Legislature to public or private entities:

4926 (a) to provide advocacy and related service for victims in connection with the Board of
4927 Pardons and Parole process; and

4928 (b) that have demonstrated experience and competency in the best practices and
4929 standards of trauma-informed care.

4930 (5) The commission shall report to the Judiciary Interim Committee, at the request of
4931 the Judiciary Interim Committee, and the Law Enforcement and Criminal Justice Interim
4932 Committee by no later than the September 2019 interim regarding the grant under Subsection
4933 (4), the committee's activities under this section, and whether the committee should be
4934 extended beyond June 30, 2020.

4935 Section 110. Section **67-20-2** is amended to read:

4936 **67-20-2. Definitions.**

4937 As used in this chapter:

4938 (1) "Agency" means:

4939 (a) a department, institution, office, college, university, authority, division, board,
4940 bureau, commission, council, or other agency of the state;

4941 (b) a county, city, town, school district, or special improvement or taxing district; or

4942 (c) any other political subdivision.

4943 (2) "Compensatory service worker" means a person who performs a public service with
4944 or without compensation for an agency as a condition or part of the person's:

4945 (a) incarceration;

4946 (b) plea;

4947 (c) sentence;

4948 (d) diversion;

4949 (e) probation; or

4950 (f) parole.

4951 (3) "Emergency medical service volunteer" means an individual who:

4952 (a) provides services as a volunteer under the supervision of a supervising agency or
4953 government officer; and

4954 (b) at the time the individual provides the services described in Subsection (3)(a), is:

4955 (i) an emergency medical technician volunteer, a paramedic volunteer, an ambulance
4956 volunteer, a volunteer firefighter, or another volunteer provider of emergency medical services;

4957 and

4958 (ii) acting in the capacity of a volunteer described in Subsection (3)(b)(i).

4959 (4) "IRS aggregate amount" means the fixed or determinable income aggregate amount
4960 described in 26 C.F.R. Sec. 1.6041-1(a)(1)(i)(A).

4961 (5) (a) "Volunteer" means an individual who donates service without pay or other
4962 compensation except the following, as approved by the supervising agency:

4963 (i) expenses actually and reasonably incurred;

4964 (ii) a stipend for future higher education expenses, awarded from the National Service
4965 Trust under 45 C.F.R. Secs. 2526.10 and 2527.10;

4966 (iii) a stipend, below the IRS aggregate amount, for:

4967 (A) emergency volunteers, including emergency medical service volunteers, volunteer
4968 safety officers, and volunteer search and rescue team members; or

4969 (B) non-emergency volunteers, including senior program volunteers and community
4970 event volunteers;

4971 (iv) (A) health benefits provided through the supervising agency; or

4972 (B) for a volunteer who participates in the Volunteer Emergency Medical Service
4973 Personnel Health Insurance Program described in Section [~~26-8a-603~~] 53-2d-703, health
4974 insurance provided through the program.

4975 (v) passthrough stipends or other compensation provided to volunteers through a
4976 federal or state program, including Americorp Seniors volunteers, consistent with 42 U.S.C.
4977 Sec. 5058;

4978 (vi) stipends or other compensation, below the IRS aggregate amount, provided to
4979 volunteers from any person;

4980 (vii) uniforms, identification, personal protective equipment, or safety equipment used
4981 by a volunteer only while volunteering for the supervising entity;

4982 (viii) a nonpecuniary item not exceeding \$50 in value;

4983 (ix) nonpecuniary items, below the IRS aggregate amount, donated to the supervising
4984 agency with the express intent of benefitting a volunteer; or

4985 (x) meals or gifts, not exceeding \$50 in value, provided as part of a volunteers
4986 appreciation event by the volunteering agency.

4987 (b) "Volunteer" does not include:

4988 (i) a person participating in human subjects research to the extent that the participation
4989 is governed by federal law or regulation inconsistent with this chapter; or

4990 (ii) a compensatory service worker.

4991 (c) "Volunteer" includes a juror or potential juror appearing in response to a summons
4992 for a trial jury or grand jury.

4993 (6) "Volunteer facilitator" means a business or nonprofit organization that, from
4994 individuals who have a relationship with the business or nonprofit organization, such as
4995 membership or employment, provides volunteers to an agency or facilitates volunteers
4996 volunteering with an agency.

4997 (7) "Volunteer safety officer" means an individual who:

4998 (a) provides services as a volunteer under the supervision of an agency; and

4999 (b) at the time the individual provides the services to the supervising agency described
5000 in Subsection (7)(a), the individual is:

5001 (i) exercising peace officer authority as provided in Section 53-13-102; or

5002 (ii) if the supervising agency described in Subsection (7)(a) is a fire department:

5003 (A) on the rolls of the supervising agency as a firefighter;

5004 (B) not regularly employed as a firefighter by the supervising agency; and

5005 (C) acting in a capacity that includes the responsibility for the extinguishment of fire.

5006 (8) "Volunteer search and rescue team member" means an individual who:

5007 (a) provides services as a volunteer under the supervision of a county sheriff; and

5008 (b) at the time the individual provides the services to the county sheriff described in
5009 Subsection (8)(a), is:

5010 (i) certified as a member of the county sheriff's search and rescue team; and

5011 (ii) acting in the capacity of a member of the search and rescue team of the supervising
5012 county sheriff.

5013 Section 111. Section 72-10-502 is amended to read:

5014 **72-10-502. Implied consent to chemical tests for alcohol or drugs -- Number of**
5015 **tests -- Refusal -- Person incapable of refusal -- Results of test available -- Who may give**
5016 **test -- Evidence -- Immunity from liability.**

5017 (1) (a) A person operating an aircraft in this state consents to a chemical test or tests of
5018 the person's breath, blood, urine, or oral fluids:

5019 (i) for the purpose of determining whether the person was operating or in actual
5020 physical control of an aircraft while having a blood or breath alcohol content statutorily
5021 prohibited under Section 72-10-501, or while under the influence of alcohol, any drug, or
5022 combination of alcohol and any drug under Section 72-10-501, if the test is or tests are
5023 administered at the direction of a peace officer having grounds to believe that person to have
5024 been operating or in actual physical control of an aircraft in violation of Section 72-10-501; or

5025 (ii) if the person operating the aircraft is involved in an accident that results in death,
5026 serious injury, or substantial aircraft damage.

5027 (b) (i) The peace officer determines which of the tests are administered and how many
5028 of them are administered.

5029 (ii) The peace officer may order any or all tests of the person's breath, blood, urine, or
5030 oral fluids.

5031 (iii) If an officer requests more than one test, refusal by a person to take one or more
5032 requested tests, even though the person does submit to any other requested test or tests, is a
5033 refusal under this section.

5034 (c) (i) A person who has been requested under this section to submit to a chemical test
5035 or tests of the person's breath, blood, urine, or oral fluids may not select the test or tests to be
5036 administered.

5037 (ii) The failure or inability of a peace officer to arrange for any specific chemical test is
5038 not a defense to taking a test requested by a peace officer, and it is not a defense in any
5039 criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the
5040 requested test or tests.

5041 (2) (a) If the person has been placed under arrest and has then been requested by a
5042 peace officer to submit to any one or more of the chemical tests provided in Subsection (1) and
5043 refuses to submit to any chemical test, the person shall be warned by the peace officer
5044 requesting the test that a refusal to submit to the test is admissible in civil or criminal
5045 proceedings as provided under Subsection (8).

5046 (b) Following this warning, unless the person immediately requests that the chemical
5047 test offered by a peace officer be administered, a test may not be given.

5048 (3) A person who is dead, unconscious, or in any other condition rendering the person
5049 incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn

5050 the consent provided for in Subsection (1), and the test or tests may be administered whether
5051 the person has been arrested or not.

5052 (4) Upon the request of the person who was tested, the results of the test or tests shall
5053 be made available to that person.

5054 (5) (a) Only the following, acting at the request of a peace officer, may draw blood to
5055 determine its alcohol or drug content:

5056 (i) a physician;

5057 (ii) a registered nurse;

5058 (iii) a licensed practical nurse;

5059 (iv) a paramedic;

5060 (v) as provided in Subsection (5)(b), emergency medical service personnel other than
5061 paramedics; or

5062 (vi) a person with a valid permit issued by the Department of Health and Human
5063 Services under Section [~~26-1-30~~] 26B-1-202.

5064 (b) The Department of Health and Human Services may designate by rule, in
5065 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency
5066 medical service personnel, as defined in Section [~~26-8a-102~~] 53-2d-101, are authorized to draw
5067 blood under Subsection (5)(a)(v), based on the type of license under Section [~~26-8a-302~~]
5068 53-2d-40.

5069 (c) Subsection (5)(a) does not apply to taking a urine, breath, or oral fluid specimen.

5070 (d) The following are immune from civil or criminal liability arising from drawing a
5071 blood sample from a person who a peace officer has reason to believe is flying in violation of
5072 this chapter if the sample is drawn in accordance with standard medical practice:

5073 (i) a person authorized to draw blood under Subsection (5)(a); and

5074 (ii) if the blood is drawn at a hospital or other medical facility, the medical facility.

5075 (6) (a) The person to be tested may, at the person's own expense, have a physician of
5076 the person's own choice administer a chemical test in addition to the test or tests administered
5077 at the direction of a peace officer.

5078 (b) The failure or inability to obtain the additional test does not affect admissibility of
5079 the results of the test or tests taken at the direction of a peace officer, or preclude or delay the
5080 test or tests to be taken at the direction of a peace officer.

5081 (c) The additional test shall be subsequent to the test or tests administered at the
5082 direction of a peace officer.

5083 (7) For the purpose of determining whether to submit to a chemical test or tests, the
5084 person to be tested does not have the right to consult an attorney or have an attorney, physician,
5085 or other person present as a condition for the taking of any test.

5086 (8) If a person under arrest refuses to submit to a chemical test or tests or any
5087 additional test under this section, evidence of any refusal is admissible in any civil or criminal
5088 action or proceeding arising out of acts alleged to have been committed while the person was
5089 operating or in actual physical control of an aircraft while under the influence of alcohol, any
5090 drug, or combination of alcohol and any drug.

5091 (9) The results of any test taken under this section or the refusal to be tested shall be
5092 reported to the Federal Aviation Administration by the peace officer requesting the test.

5093 (10) Notwithstanding the provisions of this section, a blood test taken under this
5094 section is subject to Section [77-23-213](#).

5095 Section 112. Section **76-3-203.11** is amended to read:

5096 **76-3-203.11. Reporting an overdose -- Mitigating factor.**

5097 It is a mitigating factor in sentencing for an offense under Title 58, Chapter 37, Utah
5098 Controlled Substances Act, that the person or bystander:

5099 (1) reasonably believes that the person or another person is experiencing an overdose
5100 event due to the ingestion, injection, inhalation, or other introduction into the human body of a
5101 controlled substance or other substance;

5102 (2) reports, or assists a person who reports, in good faith the overdose event to a
5103 medical provider, an emergency medical service provider as defined in Section [\[26-8a-102\]](#)
5104 [53-2d-101](#), a law enforcement officer, a 911 emergency call system, or an emergency dispatch
5105 system, or the person is the subject of a report made under this section;

5106 (3) provides in the report under Subsection (2) a functional description of the location
5107 of the actual overdose event that facilitates responding to the person experiencing the overdose
5108 event;

5109 (4) remains at the location of the person experiencing the overdose event until a
5110 responding law enforcement officer or emergency medical service provider arrives, or remains
5111 at the medical care facility where the person experiencing an overdose event is located until a

5112 responding law enforcement officer arrives;

5113 (5) cooperates with the responding medical provider, emergency medical service
5114 provider, and law enforcement officer, including providing information regarding the person
5115 experiencing the overdose event and any substances the person may have injected, inhaled, or
5116 otherwise introduced into the person's body; and

5117 (6) committed the offense in the same course of events from which the reported
5118 overdose arose.

5119 Section 113. Section **76-5-102.7** is amended to read:

5120 **76-5-102.7. Assault or threat of violence against health care provider, emergency**
5121 **medical service worker, or health facility employee, owner, or contractor -- Penalty.**

5122 (1) (a) As used in this section:

5123 (i) "Assault" means an offense under Section [76-5-102](#).

5124 (ii) "Emergency medical service worker" means an individual licensed under Section
5125 ~~[26-8a-302]~~ [53-2d-40](#).

5126 (iii) "Health care provider" means the same as that term is defined in Section
5127 [78B-3-403](#).

5128 (iv) "Health facility" means:

5129 (A) a health care facility as defined in Section [26-21-2](#); and

5130 (B) the office of a private health care provider, whether for individual or group
5131 practice.

5132 (v) "Health facility employee" means an employee, owner, or contractor of a health
5133 facility.

5134 (vi) "Threat of violence" means an offense under Section [76-5-107](#).

5135 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

5136 (2) (a) An actor commits assault or threat of violence against a health care provider or
5137 emergency medical service worker if:

5138 (i) the actor is not a prisoner or a detained individual;

5139 (ii) the actor commits an assault or threat of violence;

5140 (iii) the actor knew that the victim was a health care provider or emergency medical
5141 service worker; and

5142 (iv) the health care provider or emergency medical service worker was performing

5143 emergency or life saving duties within the scope of his or her authority at the time of the assault
5144 or threat of violence.

5145 (b) An actor commits assault or threat of violence against a health facility employee if:

5146 (i) the actor is not a prisoner or a detained individual;

5147 (ii) the actor commits an assault or threat of violence;

5148 (iii) the actor knew that the victim was a health facility employee; and

5149 (iv) the health facility employee was acting within the scope of the health facility
5150 employee's duties for the health facility.

5151 (3) (a) A violation of Subsection (2) is a class A misdemeanor.

5152 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree
5153 felony if the actor:

5154 (i) causes substantial bodily injury; and

5155 (ii) acts intentionally or knowingly.

5156 Section 114. Section **77-23-213** is amended to read:

5157 **77-23-213. Blood testing.**

5158 (1) As used in this section:

5159 (a) "Law enforcement purpose" means duties that consist primarily of the prevention
5160 and detection of crime and the enforcement of criminal statutes or ordinances of this state or
5161 any of this state's political subdivisions.

5162 (b) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace
5163 Officer Classifications.

5164 (2) A peace officer may require an individual to submit to a blood test for a law
5165 enforcement purpose only if:

5166 (a) the individual or legal representative of the individual with authority to give
5167 consent gives oral or written consent to the blood test;

5168 (b) the peace officer obtains a warrant to administer the blood test; or

5169 (c) a judicially recognized exception to obtaining a warrant exists as established by the
5170 Utah Court of Appeals, Utah Supreme Court, Court of Appeals of the Tenth Circuit, or the
5171 Supreme Court of the United States.

5172 (3) (a) Only the following, acting at the request of a peace officer, may draw blood to
5173 determine the blood's alcohol or drug content:

- 5174 (i) a physician;
- 5175 (ii) a physician assistant;
- 5176 (iii) a registered nurse;
- 5177 (iv) a licensed practical nurse;
- 5178 (v) a paramedic;
- 5179 (vi) as provided in Subsection (3)(b), emergency medical service personnel other than a
- 5180 paramedic; or

5181 (vii) a person with a valid permit issued by the Department of Health and Human

5182 Services under Section [26-1-30](#).

5183 (b) The Department of Health and Human Services may designate by rule, in

5184 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency

5185 medical service personnel, as defined in Section [~~26-8a-102~~] [53-2d-101](#), are authorized to draw

5186 blood under Subsection (3)(a)(vi), based on the type of license under Section [~~26-8a-302~~]

5187 [53-2d-402](#).

5188 (c) The following are immune from civil or criminal liability arising from drawing a

5189 blood sample from a person who a peace officer requests, for law enforcement purposes, if the

5190 sample is drawn in accordance with standard medical practice:

- 5191 (i) a person authorized to draw blood under Subsection (3)(a); and
- 5192 (ii) if the blood is drawn at a hospital or other medical facility, the medical facility.

5193 Section 115. Section **78A-6-209** is amended to read:

5194 **78A-6-209. Court records -- Inspection.**

5195 (1) The juvenile court and the juvenile court's probation department shall keep records

5196 as required by the board and the presiding judge.

5197 (2) A court record shall be open to inspection by:

5198 (a) the parents or guardian of a child, a minor who is at least 18 years old, other parties

5199 in the case, the attorneys, and agencies to which custody of a minor has been transferred;

5200 (b) for information relating to adult offenders alleged to have committed a sexual

5201 offense, a felony or class A misdemeanor drug offense, or an offense against the person under

5202 Title 76, Chapter 5, Offenses Against the Individual, the State Board of Education for the

5203 purpose of evaluating whether an individual should be permitted to obtain or retain a license as

5204 an educator or serve as an employee or volunteer in a school, with the understanding that the

5205 State Board of Education must provide the individual with an opportunity to respond to any
5206 information gathered from the State Board of Education's inspection of the records before the
5207 State Board of Education makes a decision concerning licensure or employment;

5208 (c) the Criminal Investigations and Technical Services Division, established in Section
5209 [53-10-103](#), for the purpose of a criminal history background check for the purchase of a firearm
5210 and establishing good character for issuance of a concealed firearm permit as provided in
5211 Section [53-5-704](#);

5212 (d) the Division of Child and Family Services for the purpose of Child Protective
5213 Services Investigations in accordance with Sections [80-2-602](#) and [80-2-701](#) and administrative
5214 hearings in accordance with Section [80-2-707](#);

5215 (e) the Office of Licensing for the purpose of conducting a background check in
5216 accordance with Section [62A-2-120](#);

5217 (f) for information related to a minor who has committed a sexual offense, a felony, or
5218 an offense that if committed by an adult would be a misdemeanor, the Department of Health
5219 for the purpose of evaluating under the provisions of Subsection [26-39-404\(3\)](#) whether a
5220 licensee should be permitted to obtain or retain a license to provide child care, with the
5221 understanding that the department must provide the individual who committed the offense with
5222 an opportunity to respond to any information gathered from the Department of Health's
5223 inspection of records before the Department of Health makes a decision concerning licensure;

5224 (g) for information related to a minor who has committed a sexual offense, a felony, or
5225 an offense that if committed by an adult would be a misdemeanor, the Department of Health to
5226 determine whether an individual meets the background screening requirements of Title 26,
5227 Chapter 21, Part 2, Clearance for Direct Patient Access, with the understanding that the
5228 department must provide the individual who committed the offense an opportunity to respond
5229 to any information gathered from the Department of Health's inspection of records before the
5230 Department of Health makes a decision under that part; and

5231 (h) for information related to a minor who has committed a sexual offense, a felony, or
5232 an offense that if committed by an adult would be a misdemeanor, the ~~[Department of Health]~~
5233 Bureau of Emergency Medical Services to determine whether to grant, deny, or revoke
5234 background clearance under Section ~~[26-8a-310]~~ [53-2d-410](#) for an individual who is seeking or
5235 who has obtained an emergency medical service personnel license under Section ~~[26-8a-302]~~

5236 [53-2d-402](#), with the understanding that the [~~Department of Health~~] Bureau of Emergency
5237 Medical Services must provide the individual who committed the offense an opportunity to
5238 respond to any information gathered from the [~~Department of Health's~~] inspection of records
5239 before the [~~Department of Health~~] Bureau of Emergency Medical Services makes a
5240 determination.

5241 (3) With the consent of the juvenile court, a court record may be inspected by the child,
5242 by persons having a legitimate interest in the proceedings, and by persons conducting pertinent
5243 research studies.

5244 (4) If a petition is filed charging a minor who is 14 years old or older with an offense
5245 that would be a felony if committed by an adult, the juvenile court shall make available to any
5246 person upon request the petition, any adjudication or disposition orders, and the delinquency
5247 history summary of the minor charged unless the records are closed by the juvenile court upon
5248 findings on the record for good cause.

5249 (5) A juvenile probation officer's records and reports of social and clinical studies are
5250 not open to inspection, except by consent of the juvenile court, given under rules adopted by
5251 the board.

5252 (6) The juvenile court may charge a reasonable fee to cover the costs associated with
5253 retrieving a requested record that has been archived.

5254 Section 116. Section **78B-4-501** is amended to read:

5255 **78B-4-501. Good Samaritan Law.**

5256 (1) As used in this section:

5257 (a) "Child" means an individual of such an age that a reasonable person would perceive
5258 the individual as unable to open the door of a locked motor vehicle, but in any case younger
5259 than 18 years of age.

5260 (b) "Emergency" means an unexpected occurrence involving injury, threat of injury, or
5261 illness to a person or the public, including motor vehicle accidents, disasters, actual or
5262 threatened discharges, removal or disposal of hazardous materials, and other accidents or
5263 events of a similar nature.

5264 (c) "Emergency care" includes actual assistance or advice offered to avoid, mitigate, or
5265 attempt to mitigate the effects of an emergency.

5266 (d) "First responder" means a state or local:

- 5267 (i) law enforcement officer, as defined in Section [53-13-103](#);
- 5268 (ii) firefighter, as defined in Section [34A-3-113](#); or
- 5269 (iii) emergency medical service provider, as defined in Section ~~[26-8a-102]~~ [53-2d-101](#).
- 5270 (e) "Motor vehicle" means the same as that term is defined in Section [41-1a-102](#).

5271 (2) A person who renders emergency care at or near the scene of, or during, an
5272 emergency, gratuitously and in good faith, is not liable for any civil damages or penalties as a
5273 result of any act or omission by the person rendering the emergency care, unless the person is
5274 grossly negligent or caused the emergency.

5275 (3) (a) A person who gratuitously, and in good faith, assists a governmental agency or
5276 political subdivision in an activity described in Subsections (3)(a)(i) through (iii) is not liable
5277 for any civil damages or penalties as a result of any act or omission, unless the person
5278 rendering assistance is grossly negligent in:

5279 (i) implementing measures to control the causes of epidemic and communicable
5280 diseases and other conditions significantly affecting the public health, or necessary to protect
5281 the public health as set out in Title 26A, Chapter 1, Local Health Departments;

5282 (ii) investigating and controlling suspected bioterrorism and disease as set out in Title
5283 26, Chapter 23b, Detection of Public Health Emergencies Act; and

5284 (iii) responding to a national, state, or local emergency, a public health emergency as
5285 defined in Section [26-23b-102](#), or a declaration by the president of the United States or other
5286 federal official requesting public health-related activities.

5287 (b) The immunity in this Subsection (3) is in addition to any immunity or protection in
5288 state or federal law that may apply.

5289 (4) (a) A person who uses reasonable force to enter a locked and unattended motor
5290 vehicle to remove a confined child is not liable for damages in a civil action if all of the
5291 following apply:

5292 (i) the person has a good faith belief that the confined child is in imminent danger of
5293 suffering physical injury or death unless the confined child is removed from the motor vehicle;

5294 (ii) the person determines that the motor vehicle is locked and there is no reasonable
5295 manner in which the person can remove the confined child from the motor vehicle;

5296 (iii) before entering the motor vehicle, the person notifies a first responder of the
5297 confined child;

5298 (iv) the person does not use more force than is necessary under the circumstances to
5299 enter the motor vehicle and remove the confined child from the vehicle; and

5300 (v) the person remains with the child until a first responder arrives at the motor vehicle.

5301 (b) A person is not immune from civil liability under this Subsection (4) if the person
5302 fails to abide by any of the provisions of Subsection (4)(a) or commits any unnecessary or
5303 malicious damage to the motor vehicle.

5304 Section 117. Section **78B-5-902** is amended to read:

5305 **78B-5-902. Definitions.**

5306 As used in this part:

5307 (1) "Communication" means an oral statement, written statement, note, record, report,
5308 or document made during, or arising out of, a meeting between a law enforcement officer,
5309 firefighter, emergency medical service provider, or rescue provider and a peer support team
5310 member.

5311 (2) "Behavioral emergency services technician" means an individual who is licensed
5312 under Section [~~26-8a-302~~] [53-2d-402](#) as:

5313 (a) a behavioral emergency services technician; or

5314 (b) an advanced behavioral emergency services technician.

5315 (3) "Emergency medical service provider or rescue unit peer support team member"
5316 means a person who is:

5317 (a) an emergency medical service provider as defined in Section [~~26-8a-102~~]
5318 [53-2d-101](#), a regular or volunteer member of a rescue unit acting as an emergency responder as
5319 defined in Section [53-2a-502](#), or another person who has been trained in peer support skills;
5320 and

5321 (b) designated by the chief executive of an emergency medical service agency or the
5322 chief of a rescue unit as a member of an emergency medical service provider's peer support
5323 team or as a member of a rescue unit's peer support team.

5324 (4) "Law enforcement or firefighter peer support team member" means a person who
5325 is:

5326 (a) a peace officer, law enforcement dispatcher, civilian employee, or volunteer
5327 member of a law enforcement agency, a regular or volunteer member of a fire department, or
5328 another person who has been trained in peer support skills; and

5329 (b) designated by the commissioner of the Department of Public Safety, the executive
5330 director of the Department of Corrections, a sheriff, a police chief, or a fire chief as a member
5331 of a law enforcement agency's peer support team or a fire department's peer support team.

5332 (5) "Trained" means a person who has successfully completed a peer support training
5333 program approved by the Peace Officer Standards and Training Division, the State Fire
5334 Marshal's Office, or the Department of Health and Human Services, as applicable.

5335 Section 118. Section **78B-5-904** is amended to read:

5336 **78B-5-904. Exclusions for certain communications.**

5337 In accordance with the Utah Rules of Evidence, a behavioral emergency services
5338 technician may refuse to disclose communications made by an individual during the delivery of
5339 behavioral emergency services as defined in Section [~~26-8a-102~~] [53-2d-101](#).

5340 Section 119. Section **78B-8-401** is amended to read:

5341 **78B-8-401. Definitions.**

5342 As used in this part:

5343 (1) "Blood or contaminated body fluids" includes blood, saliva, amniotic fluid,
5344 pericardial fluid, peritoneal fluid, pleural fluid, synovial fluid, cerebrospinal fluid, semen, and
5345 vaginal secretions, and any body fluid visibly contaminated with blood.

5346 (2) "COVID-19" means the same as that term is defined in Section [78B-4-517](#).

5347 (3) "Disease" means Human Immunodeficiency Virus infection, acute or chronic
5348 Hepatitis B infection, Hepatitis C infection, COVID-19 or another infectious disease that may
5349 cause Severe Acute Respiratory Syndrome, and any other infectious disease specifically
5350 designated by the Labor Commission, in consultation with the Department of Health and
5351 Human Services, for the purposes of this part.

5352 (4) "Emergency services provider" means:

5353 (a) an individual licensed under Section [~~26-8a-302~~] [53-2d-402](#), a peace officer, local
5354 fire department personnel, or personnel employed by the Department of Corrections or by a
5355 county jail, who provide prehospital emergency care for an emergency services provider either
5356 as an employee or as a volunteer; or

5357 (b) an individual who provides for the care, control, support, or transport of a prisoner.

5358 (5) "First aid volunteer" means a person who provides voluntary emergency assistance
5359 or first aid medical care to an injured person prior to the arrival of an emergency medical

5360 services provider or peace officer.

5361 (6) "Health care provider" means the same as that term is defined in Section
5362 78B-3-403.

5363 (7) "Medical testing procedure" means a nasopharyngeal swab, a nasal swab, a
5364 capillary blood sample, a saliva test, or a blood draw.

5365 (8) "Peace officer" means the same as that term is defined in Section 53-1-102.

5366 (9) "Prisoner" means the same as that term is defined in Section 76-5-101.

5367 (10) "Significant exposure" and "significantly exposed" mean:

5368 (a) exposure of the body of one individual to the blood or body fluids of another
5369 individual by:

5370 (i) percutaneous injury, including a needle stick, cut with a sharp object or instrument,
5371 or a wound resulting from a human bite, scratch, or similar force; or

5372 (ii) contact with an open wound, mucous membrane, or nonintact skin because of a cut,
5373 abrasion, dermatitis, or other damage;

5374 (b) exposure of the body of one individual to the body fluids, including airborne
5375 droplets, of another individual if:

5376 (i) the other individual displays symptoms known to be associated with COVID-19 or
5377 another infectious disease that may cause Severe Acute Respiratory Syndrome; or

5378 (ii) other evidence exists that would lead a reasonable person to believe that the other
5379 individual may be infected with COVID-19 or another infectious disease that may cause Severe
5380 Acute Respiratory Syndrome; or

5381 (c) exposure that occurs by any other method of transmission defined by the Labor
5382 Commission, in consultation with the Department of Health and Human Services, as a
5383 significant exposure.

5384 Section 120. Section **80-3-404** is amended to read:

5385 **80-3-404. Finding of severe child abuse or neglect -- Order delivered to division --**
5386 **Court records.**

5387 (1) If an abuse, neglect, or dependency petition is filed with the juvenile court that
5388 informs the juvenile court that the division has made a supported finding that an individual
5389 committed a severe type of child abuse or neglect, the juvenile court shall:

5390 (a) make a finding of substantiated, unsubstantiated, or without merit;

- 5391 (b) include the finding described in Subsection (1)(a) in a written order; and
- 5392 (c) deliver a certified copy of the order described in Subsection (1)(b) to the division.
- 5393 (2) The juvenile court shall make the finding described in Subsection (1):
- 5394 (a) as part of the adjudication hearing;
- 5395 (b) at the conclusion of the adjudication hearing; or
- 5396 (c) as part of a court order entered under a written stipulation of the parties.
- 5397 (3) In accordance with Section [80-2-707](#), a proceeding for adjudication of a supported
- 5398 finding of a type of abuse or neglect that does not constitute a severe type of child abuse or
- 5399 neglect may be joined in the juvenile court with an adjudication of a severe type of child abuse
- 5400 or neglect.
- 5401 (4) (a) The juvenile court shall make records of the juvenile court's findings under
- 5402 Subsection (1) available only to an individual with statutory authority to access the Licensing
- 5403 Information System for the purposes of licensing under Sections [26-39-402](#), [26B-1-211](#), and
- 5404 [62A-2-120](#), or for the purposes described in Sections [~~26-8a-310~~] [53-2d-410](#), [62A-2-121](#), or
- 5405 Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access.
- 5406 (b) An appellate court shall make records of an appeal from the juvenile court's
- 5407 decision under Subsection (1) available only to an individual with statutory authority to access
- 5408 the Licensing Information System for the purposes described in Subsection (4)(a).
- 5409 Section 121. Section **80-3-504** is amended to read:
- 5410 **80-3-504. Petition for substantiation -- Court findings -- Expedited hearing --**
- 5411 **Records of an appeal.**
- 5412 (1) The division or an individual may file a petition for substantiation in accordance
- 5413 with Section [80-2-1004](#).
- 5414 (2) If the division decides to file a petition for substantiation under Section [80-2-1004](#),
- 5415 the division shall file the petition no more than 14 days after the day on which the division
- 5416 makes the decision.
- 5417 (3) At the conclusion of the hearing on a petition for substantiation, the juvenile court
- 5418 shall:
- 5419 (a) make a finding of substantiated, unsubstantiated, or without merit;
- 5420 (b) include the finding in a written order; and
- 5421 (c) deliver a certified copy of the order to the division.

5422 (4) If an individual whose name is listed on the Licensing Information System before
5423 May 6, 2002, files a petition for substantiation under Section [80-2-1004](#) during the time that an
5424 alleged perpetrator's application for clearance to work with children or vulnerable adults is
5425 pending, the juvenile court shall:

5426 (a) hear the matter on an expedited basis; and

5427 (b) enter a final decision no later than 60 days after the day on which the petition for
5428 substantiation is filed.

5429 (5) An appellate court shall make a record of an appeal from the juvenile court's
5430 decision under Subsection (3) available only to an individual with statutory authority to access
5431 the Licensing Information System for the purposes of licensing under Sections [26-39-402](#),
5432 [62A-1-118](#), and [62A-2-120](#), or for the purposes described in Sections [~~[26-8a-310](#)~~] [53-2d-410](#),
5433 [62A-2-121](#), or Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access.

5434 Section 122. **Repealer.**

5435 This bill repeals:

5436 Section [26-8a-101](#), **Title.**

5437 Section [26-8b-101](#), **Title.**

5438 Section [26-8b-102](#), **Definitions.**

5439 Section [26-8b-601](#), **Title.**

5440 Section [26-8c-101](#), **Title.**