

BUREAU OF EMERGENCY MEDICAL SERVICES

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor: Jefferson S. Burton

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:

This bill provides a special effective date.

This bill provides revisor instructions.

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

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

56 **63I-2-253**, as last amended by Laws of Utah 2022, Chapters 208, 229, 274, 354, 370,
57 and 409

58 **63J-1-602.2**, as last amended by Laws of Utah 2022, Chapters 59, 68, 154, 224, 236,
59 242, and 447 and last amended by Coordination Clause, Laws of Utah 2022,
60 Chapter 154

61 **63M-7-209**, as last amended by Laws of Utah 2022, Chapter 36

62 **67-20-2**, as last amended by Laws of Utah 2022, Chapters 346, 347 and last amended
63 by Coordination Clause, Laws of Utah 2022, Chapter 347

64 **72-10-502**, as last amended by Laws of Utah 2018, Chapter 35

65 **76-3-203.11**, as last amended by Laws of Utah 2020, Chapter 131

66 **76-5-102.7**, as last amended by Laws of Utah 2022, Chapters 117, 181

67 **77-23-213**, as last amended by Laws of Utah 2019, Chapter 349

68 **78A-6-209**, as last amended by Laws of Utah 2022, Chapters 335, 430

69 **78B-4-501**, as last amended by Laws of Utah 2018, Chapter 62

70 **78B-5-902**, as last amended by Laws of Utah 2022, Chapter 255

71 **78B-5-904**, as enacted by Laws of Utah 2021, Chapter 208

72 **78B-8-401**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 16

73 **80-3-404**, as last amended by Laws of Utah 2022, Chapters 255, 334

74 **80-3-504**, as enacted by Laws of Utah 2022, Chapter 334

75 ENACTS:

76 **53-2d-102**, Utah Code Annotated 1953

77 RENUMBERS AND AMENDS:

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

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

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

83 Chapter 255)
84 **53-2d-105**, (Renumbered from 26-8a-104, as last amended by Laws of Utah 2021,
85 Chapters 237, 265)
86 **53-2d-106**, (Renumbered from 26-8a-106, as last amended by Laws of Utah 2017,
87 Chapter 326)
88 **53-2d-107**, (Renumbered from 26-8a-107, as last amended by Laws of Utah 2022,
89 Chapter 255)
90 **53-2d-108**, (Renumbered from 26-8a-108, as last amended by Laws of Utah 2021,
91 Chapter 395)
92 **53-2d-201**, (Renumbered from 26-8a-201, as enacted by Laws of Utah 1999, Chapter
93 141)
94 **53-2d-202**, (Renumbered from 26-8a-202, as enacted by Laws of Utah 1999, Chapter
95 141)
96 **53-2d-203**, (Renumbered from 26-8a-203, as last amended by Laws of Utah 2022,
97 Chapter 387)
98 **53-2d-204**, (Renumbered from 26-8a-204, as enacted by Laws of Utah 1999, Chapter
99 141)
100 **53-2d-205**, (Renumbered from 26-8a-205, as enacted by Laws of Utah 1999, Chapter
101 141)
102 **53-2d-206**, (Renumbered from 26-8a-206, as last amended by Laws of Utah 2021,
103 Chapter 208)
104 **53-2d-207**, (Renumbered from 26-8a-207, as last amended by Laws of Utah 2020,
105 Chapters 215, 230)
106 **53-2d-208**, (Renumbered from 26-8a-208, as last amended by Laws of Utah 2022,
107 Chapter 255)
108 **53-2d-209**, (Renumbered from 26-8a-210, as enacted by Laws of Utah 2020, Chapter
109 215)

110 **53-2d-210**, (Renumbered from 26-8a-211, as enacted by Laws of Utah 2020, Chapter
111 215)
112 **53-2d-211**, (Renumbered from 26-8a-212, as enacted by Laws of Utah 2022, Chapter
113 404)
114 **53-2d-301**, (Renumbered from 26-8a-250, as enacted by Laws of Utah 2000, Chapter
115 305)
116 **53-2d-302**, (Renumbered from 26-8a-251, as last amended by Laws of Utah 2019,
117 Chapter 349)
118 **53-2d-303**, (Renumbered from 26-8a-252, as enacted by Laws of Utah 2000, Chapter
119 305)
120 **53-2d-304**, (Renumbered from 26-8a-253, as last amended by Laws of Utah 2011,
121 Chapter 297)
122 **53-2d-305**, (Renumbered from 26-8a-254, as enacted by Laws of Utah 2000, Chapter
123 305)
124 **53-2d-401**, (Renumbered from 26-8a-301, as last amended by Laws of Utah 2021,
125 Chapter 237)
126 **53-2d-402**, (Renumbered from 26-8a-302, as last amended by Laws of Utah 2022,
127 Chapters 255, 460)
128 **53-2d-403**, (Renumbered from 26-8a-303, as last amended by Laws of Utah 2019,
129 Chapter 265)
130 **53-2d-404**, (Renumbered from 26-8a-304, as last amended by Laws of Utah 2019,
131 Chapter 265)
132 **53-2d-405**, (Renumbered from 26-8a-305, as enacted by Laws of Utah 1999, Chapter
133 141)
134 **53-2d-406**, (Renumbered from 26-8a-306, as last amended by Laws of Utah 2021,
135 Chapter 237)
136 **53-2d-407**, (Renumbered from 26-8a-307, as last amended by Laws of Utah 2021,

137 Chapter 208)
138 **53-2d-408**, (Renumbered from 26-8a-308, as last amended by Laws of Utah 2017,
139 Chapter 326)
140 **53-2d-409**, (Renumbered from 26-8a-309, as enacted by Laws of Utah 1999, Chapter
141 141)
142 **53-2d-410**, (Renumbered from 26-8a-310, as last amended by Laws of Utah 2022,
143 Chapters 255, 335 and 415)
144 **53-2d-410.5**, (Renumbered from 26-8a-310.5, as enacted by Laws of Utah 2021,
145 Chapter 237)
146 **53-2d-501**, (Renumbered from 26-8a-401, as last amended by Laws of Utah 2021,
147 Chapter 265)
148 **53-2d-502**, (Renumbered from 26-8a-402, as last amended by Laws of Utah 2021,
149 Chapter 265)
150 **53-2d-503**, (Renumbered from 26-8a-403, as last amended by Laws of Utah 2006,
151 Chapter 209)
152 **53-2d-504**, (Renumbered from 26-8a-404, as last amended by Laws of Utah 2022,
153 Chapter 351)
154 **53-2d-505**, (Renumbered from 26-8a-405, as last amended by Laws of Utah 2019,
155 Chapter 390)
156 **53-2d-505.1**, (Renumbered from 26-8a-405.1, as last amended by Laws of Utah 2021,
157 Chapter 265)
158 **53-2d-505.2**, (Renumbered from 26-8a-405.2, as last amended by Laws of Utah 2011,
159 Chapter 297)
160 **53-2d-505.3**, (Renumbered from 26-8a-405.3, as last amended by Laws of Utah 2021,
161 Chapter 355)
162 **53-2d-505.4**, (Renumbered from 26-8a-405.4, as last amended by Laws of Utah 2021,
163 Chapter 265)

164 **53-2d-505.5**, (Renumbered from 26-8a-405.5, as last amended by Laws of Utah 2021,
165 Chapter 265)
166 **53-2d-506**, (Renumbered from 26-8a-406, as last amended by Laws of Utah 2011,
167 Chapter 297)
168 **53-2d-507**, (Renumbered from 26-8a-407, as last amended by Laws of Utah 2008,
169 Chapter 382)
170 **53-2d-508**, (Renumbered from 26-8a-408, as last amended by Laws of Utah 2017,
171 Chapter 326)
172 **53-2d-509**, (Renumbered from 26-8a-409, as last amended by Laws of Utah 2017,
173 Chapter 326)
174 **53-2d-510**, (Renumbered from 26-8a-410, as last amended by Laws of Utah 2011,
175 Chapter 297)
176 **53-2d-511**, (Renumbered from 26-8a-411, as last amended by Laws of Utah 2003,
177 Chapter 213)
178 **53-2d-512**, (Renumbered from 26-8a-412, as enacted by Laws of Utah 1999, Chapter
179 141)
180 **53-2d-513**, (Renumbered from 26-8a-413, as last amended by Laws of Utah 2022,
181 Chapter 274)
182 **53-2d-514**, (Renumbered from 26-8a-414, as last amended by Laws of Utah 2008,
183 Chapter 382)
184 **53-2d-515**, (Renumbered from 26-8a-415, as enacted by Laws of Utah 1999, Chapter
185 141)
186 **53-2d-516**, (Renumbered from 26-8a-416, as last amended by Laws of Utah 2022,
187 Chapter 351)
188 **53-2d-601**, (Renumbered from 26-8a-501, as last amended by Laws of Utah 2017,
189 Chapter 326)
190 **53-2d-602**, (Renumbered from 26-8a-502, as last amended by Laws of Utah 2021,

191 Chapter 237)
192 **53-2d-602.1**, (Renumbered from 26-8a-502.1, as enacted by Laws of Utah 2022,
193 Chapter 457)
194 **53-2d-603**, (Renumbered from 26-8a-503, as last amended by Laws of Utah 2019,
195 Chapter 346)
196 **53-2d-604**, (Renumbered from 26-8a-504, as last amended by Laws of Utah 2008,
197 Chapter 382)
198 **53-2d-605**, (Renumbered from 26-8a-505, as enacted by Laws of Utah 1999, Chapter
199 141)
200 **53-2d-606**, (Renumbered from 26-8a-506, as last amended by Laws of Utah 2017,
201 Chapter 326)
202 **53-2d-607**, (Renumbered from 26-8a-507, as enacted by Laws of Utah 1999, Chapter
203 141)
204 **53-2d-701**, (Renumbered from 26-8a-601, as last amended by Laws of Utah 2021,
205 Chapter 237)
206 **53-2d-702**, (Renumbered from 26-8a-602, as enacted by Laws of Utah 2019, Chapter
207 262)
208 **53-2d-703**, (Renumbered from 26-8a-603, as enacted by Laws of Utah 2022, Chapter
209 347)
210 **53-2d-801**, (Renumbered from 26-8b-201, as enacted by Laws of Utah 2009, Chapter
211 22)
212 **53-2d-802**, (Renumbered from 26-8b-202, as enacted by Laws of Utah 2009, Chapter
213 22)
214 **53-2d-803**, (Renumbered from 26-8b-301, as last amended by Laws of Utah 2013,
215 Chapter 98)
216 **53-2d-804**, (Renumbered from 26-8b-302, as enacted by Laws of Utah 2009, Chapter
217 22)

- 218 **53-2d-805**, (Renumbered from 26-8b-303, as last amended by Laws of Utah 2013,
219 Chapter 98)
- 220 **53-2d-806**, (Renumbered from 26-8b-401, as enacted by Laws of Utah 2009, Chapter
221 22)
- 222 **53-2d-807**, (Renumbered from 26-8b-402, as enacted by Laws of Utah 2013, Chapter
223 98)
- 224 **53-2d-808**, (Renumbered from 26-8b-501, as enacted by Laws of Utah 2013, Chapter
225 98)
- 226 **53-2d-809**, (Renumbered from 26-8b-602, as last amended by Laws of Utah 2014,
227 Chapter 109)
- 228 **53-2d-901**, (Renumbered from 26-8d-102, as enacted by Laws of Utah 2018, Chapter
229 104)
- 230 **53-2d-902**, (Renumbered from 26-8d-103, as enacted by Laws of Utah 2018, Chapter
231 104)
- 232 **53-2d-903**, (Renumbered from 26-8d-104, as last amended by Laws of Utah 2019,
233 Chapter 349)
- 234 **53-2d-904**, (Renumbered from 26-8d-105, as last amended by Laws of Utah 2019,
235 Chapter 349)
- 236 **53-2e-101**, (Renumbered from 26-8c-102, as enacted by Laws of Utah 2016, Chapter
237 97)
- 238 REPEALS:
- 239 **26-8a-101**, as enacted by Laws of Utah 1999, Chapter 141
- 240 **26-8b-101**, as enacted by Laws of Utah 2009, Chapter 22
- 241 **26-8b-102**, as last amended by Laws of Utah 2015, Chapter 411
- 242 **26-8b-601**, as enacted by Laws of Utah 2013, Chapter 99
- 243 **26-8c-101**, as enacted by Laws of Utah 2016, Chapter 97
- 244 **26-8d-101**, as enacted by Laws of Utah 2018, Chapter 104

245
246 *Be it enacted by the Legislature of the state of Utah:*

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

248 **10-2-425. Filing of notice and plat -- Recording and notice requirements --**
249 **Effective date of annexation or boundary adjustment.**

250 (1) The legislative body of each municipality that enacts an ordinance under this part
251 approving the annexation of an unincorporated area or the adjustment of a boundary, or the
252 legislative body of an eligible city, as defined in Section [10-2a-403](#), that annexes an
253 unincorporated island upon the results of an election held in accordance with Section
254 [10-2a-404](#), shall:

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

258 (i) a notice of an impending boundary action, as defined in Section [67-1a-6.5](#), that
259 meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

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

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

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

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

270 (A) submit to the recorder of one of those counties the original notice of impending
271 boundary action, the original certificate of annexation or boundary adjustment, and the original

272 approved final local entity plat;

273 (B) submit to the recorder of each other county a certified copy of the documents listed

274 in Subsection (1)(b)(ii)(A); and

275 (C) submit a certified copy of the ordinance approving the annexation or boundary

276 adjustment to each county described in Subsections (1)(b)(ii)(A) and (B); and

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

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

279 (ii) in accordance with Section ~~[26-8a-414]~~ [53-2d-514](#), file with the ~~[Department of~~

280 ~~Health]~~ Bureau of Emergency Medical Services:

281 (A) a certified copy of the ordinance approving the annexation of an unincorporated

282 area or the adjustment of a boundary; and

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

284 (2) If an annexation or boundary adjustment under this part or Chapter 2a, Part 4,

285 Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class

286 on and after May 12, 2015, also causes an automatic annexation to a local district under

287 Section [17B-1-416](#) or an automatic withdrawal from a local district under Subsection

288 [17B-1-502\(2\)](#), the municipal legislative body shall, as soon as practicable after the lieutenant

289 governor issues a certificate of annexation or boundary adjustment under Section [67-1a-6.5](#),

290 send notice of the annexation or boundary adjustment to the local district to which the annexed

291 area is automatically annexed or from which the annexed area is automatically withdrawn.

292 (3) Each notice required under Subsection (1) relating to an annexation or boundary

293 adjustment shall state the effective date of the annexation or boundary adjustment, as

294 determined under Subsection (4).

295 (4) An annexation or boundary adjustment under this part is completed and takes

296 effect:

297 (a) for the annexation of or boundary adjustment affecting an area located in a county

298 of the first class, except for an annexation under Section [10-2-418](#):

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

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

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

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

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

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

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

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

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

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

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

317 (i) "Affected area" means:

318 (A) in the case of an annexation, the annexed area; and

319 (B) in the case of a boundary adjustment, any area that, as a result of the boundary
320 adjustment, is moved from within the boundary of one municipality to within the boundary of
321 another municipality.

322 (ii) "Annexing municipality" means:

323 (A) in the case of an annexation, the municipality that annexes an unincorporated area;

324 and

325 (B) in the case of a boundary adjustment, a municipality whose boundary includes an

326 affected area as a result of a boundary adjustment.

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

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

331 (i) levy or collect a property tax on property within an affected area;

332 (ii) levy or collect an assessment on property within an affected area; or

333 (iii) charge or collect a fee for service provided to property within an affected area,

334 unless the municipality was charging and collecting the fee within that area immediately before
335 annexation.

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

337 **11-48-103. Provision of 911 ambulance services in municipalities and counties.**

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

342 (a) within the territorial limits of the municipality or county;

343 (b) by a ground ambulance provider, licensed by the [~~Department of Health~~] Bureau of
344 Emergency Medical Services under [~~Title 26, Chapter 8a, Part 4, Ambulance and Paramedic~~
345 ~~Providers~~] Title 53, Chapter 2d, Part 5, Ambulance and Paramedic Providers; and

346 (c) in accordance with rules established by the State Emergency Medical Services
347 Committee under [~~Subsection 26-8a-104(8).~~] Subsection 53-2d-105(8).

348 (2) A municipality or county may:

349 (a) subject to Subsection (3), maintain and support 911 ambulance services for the
350 municipality's or county's own jurisdiction; or

351 (b) contract to:

352 (i) provide 911 ambulance services to any county, municipal corporation, local district,

353 special service district, interlocal entity, private corporation, nonprofit corporation, state
354 agency, or federal agency;

355 (ii) receive 911 ambulance services from any county, municipal corporation, local
356 district, special service district, interlocal entity, private corporation, nonprofit corporation,
357 state agency, or federal agency;

358 (iii) jointly provide 911 ambulance services with any county, municipal corporation,
359 local district, special service district, interlocal entity, private corporation, nonprofit
360 corporation, state agency, or federal agency; or

361 (iv) contribute toward the support of 911 ambulance services in any county, municipal
362 corporation, local district, special service district, interlocal entity, private corporation,
363 nonprofit corporation, state agency, or federal agency in return for 911 ambulance services.

364 (3) (a) A municipality or county that maintains and supports 911 ambulance services
365 for the municipality's or county's own jurisdiction under Subsection (2)(a) shall obtain a license
366 as a ground ambulance provider from the [~~Department of Health~~] Bureau of Emergency
367 Medical Services under [~~Title 26, Chapter 8a, Part 4, Ambulance and Paramedic Providers~~]
368 Title 53, Chapter 2d, Part 5, Ambulance and Paramedic Providers.

369 (b) [~~Subsections 26-8a-405~~] Subsections 53-2d-505 through [~~26-8a-405.3~~] 53-2d-505.3
370 do not apply to a license described in Subsection (3)(a).

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

372 **17B-2a-902. Provisions applicable to service areas.**

373 (1) Each service area is governed by and has the powers stated in:

374 (a) this part; and

375 (b) except as provided in Subsection (5), Chapter 1, Provisions Applicable to All Local
376 Districts.

377 (2) This part applies only to service areas.

378 (3) A service area is not subject to the provisions of any other part of this chapter.

379 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All

380 Local Districts, and a provision in this part, the provision in this part governs.

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

383 (i) law enforcement services;

384 (ii) fire protection services;

385 (iii) 911 ambulance or paramedic services as defined in Section [~~26-8a-102~~] [53-2d-101](#)

386 that are provided under a contract in accordance with Section [~~26-8a-405.2~~] [53-2d-505.2](#); or

387 (iv) emergency services.

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

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

390 (ii) a non-911 service as defined in Section [~~26-8a-102~~] [53-2d-101](#) that is provided

391 under a contract in accordance with Section [~~26-8a-405.2~~] [53-2d-505.2](#);

392 (iii) an impact fee charged or collected for a public safety facility as defined in Section
393 [11-36a-102](#); or

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

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

397 **26-6b-2. Definitions.**

398 As used in this chapter:

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

401 (2) "First responder" means:

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

403 (b) emergency medical service personnel as defined in Section [~~26-8a-102~~] [53-2d-101](#);

404 (c) firefighters; and

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

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

410 (4) "Public health official" means:

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

413 (b) the executive director of a local health department as defined in Section [26A-1-102](#),
414 or the executive director's authorized representative.

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

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

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

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

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

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

429 **26-9-4. Rural Health Care Facilities Account -- Source of revenues -- Interest --**
430 **Distribution of revenues -- Expenditure of revenues -- Unexpended revenues lapse into**
431 **the General Fund.**

432 (1) As used in this section:

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

- 434 (b) "Federally qualified health center" is as defined in 42 U.S.C. Sec. 1395x.
- 435 (c) "Fiscal year" means a one-year period beginning on July 1 of each year.
- 436 (d) "Freestanding urgent care center" is as defined in Section 59-12-801.
- 437 (e) "Nursing care facility" is as defined in Section 26-21-2.
- 438 (f) "Rural city hospital" is as defined in Section 59-12-801.
- 439 (g) "Rural county health care facility" is as defined in Section 59-12-801.
- 440 (h) "Rural county hospital" is as defined in Section 59-12-801.
- 441 (i) "Rural county nursing care facility" is as defined in Section 59-12-801.
- 442 (j) "Rural emergency medical services" is as defined in Section 59-12-801.
- 443 (k) "Rural health clinic" is as defined in 42 U.S.C. Sec. 1395x.
- 444 (2) There is created a restricted account within the General Fund known as the "Rural
- 445 Health Care Facilities Account."
- 446 (3) (a) The restricted account shall be funded by amounts appropriated by the
- 447 Legislature.
- 448 (b) Any interest earned on the restricted account shall be deposited into the General
- 449 Fund.
- 450 (4) Subject to Subsections (5) and (6), the State Tax Commission shall for a fiscal year
- 451 distribute money deposited into the restricted account to each:
- 452 (a) county legislative body of a county that, on January 1, 2007, imposes a tax in
- 453 accordance with Section 59-12-802 and has not repealed the tax; or
- 454 (b) city legislative body of a city that, on January 1, 2007, imposes a tax in accordance
- 455 with Section 59-12-804 and has not repealed the tax.
- 456 (5) (a) Subject to Subsection (6), for purposes of the distribution required by
- 457 Subsection (4), the State Tax Commission shall:
- 458 (i) estimate for each county and city described in Subsection (4) the amount by which
- 459 the revenues collected from the taxes imposed under Sections 59-12-802 and 59-12-804 for
- 460 fiscal year 2005-06 would have been reduced had:

461 (A) the amendments made by Laws of Utah 2007, Chapter 288, Sections 25 and 26, to
462 Sections 59-12-802 and 59-12-804 been in effect for fiscal year 2005-06; and

463 (B) each county and city described in Subsection (4) imposed the tax under Sections
464 59-12-802 and 59-12-804 for the entire fiscal year 2005-06;

465 (ii) (A) for fiscal years ending before fiscal year 2018, calculate a percentage for each
466 county and city described in Subsection (4) by dividing the amount estimated for each county
467 and city in accordance with Subsection (5)(a)(i) by \$555,000; and

468 (B) beginning in fiscal year 2018, calculate a percentage for each county and city
469 described in Subsection (4) by dividing the amount estimated for each county and city in
470 accordance with Subsection (5)(a)(i) by \$218,809.33;

471 (iii) distribute to each county and city described in Subsection (4) an amount equal to
472 the product of:

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

474 (B) the amount appropriated by the Legislature to the restricted account for the fiscal
475 year.

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

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

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

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

485 (i) if the effective date of the repeal of a tax imposed under Section 59-12-802 or
486 59-12-804 is October 1:

487 (A) (I) distribute to the county legislative body or city legislative body 25% of the

488 distribution determined in accordance with Subsection (6)(a); and
489 (II) deposit 75% of the distribution determined in accordance with Subsection (6)(a)
490 into the General Fund; and
491 (B) beginning with the first fiscal year after the effective date of the repeal and for each
492 subsequent fiscal year, deposit the entire amount of the distribution determined in accordance
493 with Subsection (6)(a) into the General Fund;
494 (ii) if the effective date of the repeal of a tax imposed under Section 59-12-802 or
495 59-12-804 is January 1:
496 (A) (I) distribute to the county legislative body or city legislative body 50% of the
497 distribution determined in accordance with Subsection (6)(a); and
498 (II) deposit 50% of the distribution determined in accordance with Subsection (6)(a)
499 into the General Fund; and
500 (B) beginning with the first fiscal year after the effective date of the repeal and for each
501 subsequent fiscal year, deposit the entire amount of the distribution determined in accordance
502 with Subsection (6)(a) into the General Fund;
503 (iii) if the effective date of the repeal of a tax imposed under Section 59-12-802 or
504 59-12-804 is April 1:
505 (A) (I) distribute to the county legislative body or city legislative body 75% of the
506 distribution determined in accordance with Subsection (6)(a); and
507 (II) deposit 25% of the distribution determined in accordance with Subsection (6)(a)
508 into the General Fund; and
509 (B) beginning with the first fiscal year after the effective date of the repeal and for each
510 subsequent fiscal year, deposit the entire amount of the distribution determined in accordance
511 with Subsection (6)(a) into the General Fund; or
512 (iv) if the effective date of the repeal of a tax imposed under Section 59-12-802 or
513 59-12-804 is July 1, beginning on that effective date and for each subsequent fiscal year,
514 deposit the entire amount of the distribution determined in accordance with Subsection (6)(a)

515 into the General Fund.

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

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

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

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

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

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

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

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

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

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

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

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

537 (b) A city legislative body shall distribute a percentage of the money the city legislative
538 body receives in accordance with Subsection (5) or (6) to each rural city hospital described in
539 Subsection (8)(a) equal to the same percentage that the city legislative body distributes to that
540 rural city hospital in accordance with Section 59-12-805 for the calendar year ending on the
541 December 31 immediately preceding the first day of the fiscal year for which the city

542 legislative body receives the distribution in accordance with Subsection (5) or (6).

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

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

549 Section 6. Section **26-18-26** is amended to read:

550 **26-18-26. Reimbursement for nonemergency secured behavioral health transport**
551 **providers.**

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

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

555 **26-21-32. Notification of air ambulance policies and charges.**

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

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

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

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

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

567 (b) is unable, due to a medical condition, to make an informed decision about the
568 choice of an air medical transport provider, and the patient's representative is not physically

569 present with the patient.

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

571 **26-21-209. Direct Access Clearance System database -- Contents -- Use.**

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

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

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

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

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

580 (i) an applicant under this part; and

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

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

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

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

587 (ii) individuals:

588 (A) whom the covered provider or covered contractor could engage as covered
589 individuals; and

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

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

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

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

597 **26-23-6. Criminal and civil penalties and liability for violations.**

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

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

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

611 (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
612 \$5,000 per violation; or

613 (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter
614 4, Administrative Procedures Act, or similar procedures adopted by local or county
615 government, a penalty not to exceed the sum of \$5,000 per violation.

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

619 (i) may be assessed, in a judicial civil proceeding, a penalty not to exceed the sum of
620 \$150 per violation; or

621 (ii) may be assessed, in an administrative action in accordance with Title 63G, Chapter
622 4, Administrative Procedures Act, or similar procedures adopted by local or county

623 government, a penalty not to exceed the sum of \$150 per violation.

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

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

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

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

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

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

644 **26-37a-102. Definitions.**

645 As used in this chapter:

646 (1) "Ambulance service provider" means:

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

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

649 (2) "Assessment" means the Medicaid ambulance service provider assessment

650 established by this chapter.

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

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

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

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

658 **26-55-102. Definitions.**

659 As used in this chapter:

660 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter
661 37, Utah Controlled Substances Act.

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

663 (3) "Health care facility" means a hospital, a hospice inpatient residence, a nursing
664 facility, a dialysis treatment facility, an assisted living residence, an entity that provides home-
665 and community-based services, a hospice or home health care agency, or another facility that
666 provides or contracts to provide health care services, which facility is licensed under Chapter
667 21, Health Care Facility Licensing and Inspection Act.

668 (4) "Health care provider" means:

669 (a) a physician, as defined in Section [58-67-102](#);

670 (b) an advanced practice registered nurse, as defined in Section [58-31b-102](#);

671 (c) a physician assistant, as defined in Section [58-70a-102](#); or

672 (d) an individual licensed to engage in the practice of dentistry, as defined in Section
673 [58-69-102](#).

674 (5) "Increased risk" means risk exceeding the risk typically experienced by an
675 individual who is not using, and is not likely to use, an opiate.

676 (6) "Local health department" means:

- 677 (a) a local health department, as defined in Section [26A-1-102](#); or
- 678 (b) a multicounty local health department, as defined in Section [26A-1-102](#).
- 679 (7) "Opiate" means the same as that term is defined in Section [58-37-2](#).
- 680 (8) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that
- 681 is not a controlled substance and that is approved by the federal Food and Drug Administration
- 682 for the diagnosis or treatment of an opiate-related drug overdose.
- 683 (9) "Opiate-related drug overdose event" means an acute condition, including a
- 684 decreased level of consciousness or respiratory depression resulting from the consumption or
- 685 use of a controlled substance, or another substance with which a controlled substance was
- 686 combined, and that a person would reasonably believe to require medical assistance.
- 687 (10) "Overdose outreach provider" means:
- 688 (a) a law enforcement agency;
- 689 (b) a fire department;
- 690 (c) an emergency medical service provider, as defined in Section [\[26-8a-102\]](#)
- 691 [53-2d-101](#);
- 692 (d) emergency medical service personnel, as defined in Section [\[26-8a-102\]](#) [53-2d-101](#);
- 693 (e) an organization providing treatment or recovery services for drug or alcohol use;
- 694 (f) an organization providing support services for an individual, or a family of an
- 695 individual, with a substance use disorder;
- 696 (g) an organization providing substance use or mental health services under contract
- 697 with a local substance abuse authority, as defined in Section [62A-15-102](#), or a local mental
- 698 health authority, as defined in Section [62A-15-102](#);
- 699 (h) an organization providing services to the homeless;
- 700 (i) a local health department;
- 701 (j) an individual licensed to practice pharmacy under Title 58, Chapter 17b, Pharmacy
- 702 Practice Act; or
- 703 (k) an individual.

704 (11) "Patient counseling" means the same as that term is defined in Section
705 58-17b-102.

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

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

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

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

710 **26B-1-204. Creation of boards, divisions, and offices -- Power to organize**
711 **department.**

712 (1) The executive director shall make rules in accordance with Title 63G, Chapter 3,
713 Utah Administrative Rulemaking Act, and not inconsistent with law for:

714 (a) the administration and government of the department;

715 (b) the conduct of the department's employees; and

716 (c) the custody, use, and preservation of the records, papers, books, documents, and
717 property of the department.

718 (2) The following policymaking boards, councils, and committees are created within
719 the Department of Health and Human Services:

720 (a) Board of Aging and Adult Services;

721 (b) Utah State Developmental Center Board;

722 (c) Health Advisory Council;

723 (d) Health Facility Committee;

724 [~~(e) State Emergency Medical Services Committee;~~]

725 [~~(f) Air Ambulance Committee;~~]

726 [~~(g)~~] (e) Health Data Committee;

727 [~~(h)~~] (f) Utah Health Care Workforce Financial Assistance Program Advisory
728 Committee;

729 [(~~i~~)] (g) Residential Child Care Licensing Advisory Committee;

730 [(~~j~~)] (h) Child Care Center Licensing Committee;

731 ~~[(k)]~~ (i) Primary Care Grant Committee;

732 ~~[(h)]~~ (j) Adult Autism Treatment Program Advisory Committee;

733 ~~[(m)]~~ (k) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention

734 Committee; and

735 ~~[(n)]~~ (l) any boards, councils, or committees that are created by statute in:

736 (i) this title;

737 (ii) Title 26, Utah Health Code; or

738 (iii) Title 62A, Utah Human Services Code.

739 (3) The following divisions are created within the Department of Health and Human

740 Services:

741 (a) relating to operations:

742 (i) the Division of Finance and Administration;

743 (ii) the Division of Licensing and Background Checks;

744 (iii) the Division of Customer Experience;

745 (iv) the Division of Data, Systems, and Evaluation; and

746 (v) the Division of Continuous Quality Improvement;

747 (b) relating to healthcare administration:

748 (i) the Division of Integrated Healthcare, which shall include responsibility for:

749 (A) the state's medical assistance programs; and

750 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse

751 and Mental Health Act;

752 (ii) the Division of Aging and Adult Services; and

753 (iii) the Division of Services for People with Disabilities; and

754 (c) relating to community health and well-being:

755 (i) the Division of Child and Family Services;

756 (ii) the Division of Family Health;

757 (iii) the Division of Population Health;

- 758 (iv) the Division of Juvenile Justice and Youth Services; and
759 (v) the Office of Recovery Services.
- 760 (4) The executive director may establish offices and bureaus to facilitate management
761 of the department as required by, and in accordance with:
- 762 (a) this title;
763 (b) Title 26, Utah Health Code; and
764 (c) Title 62A, Utah Human Services Code.
- 765 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
766 organizational structure relating to the department, including the organization of the
767 department's divisions and offices, notwithstanding the organizational structure described in:
- 768 (a) this title;
769 (b) Title 26, Utah Health Code; or
770 (c) Title 62A, Utah Human Services Code.
- 771 Section 13. Section **34-55-102** is amended to read:
- 772 **34-55-102. Definitions.**
- 773 (1) "Emergency" means a condition in any part of this state that requires state
774 government emergency assistance to supplement the local efforts of the affected political
775 subdivision to save lives and to protect property, public health, welfare, or safety in the event
776 of a disaster, or to avoid or reduce the threat of a disaster.
- 777 (2) "Emergency services volunteer" means:
- 778 (a) a volunteer firefighter as defined in Section [49-16-102](#);
779 (b) an individual licensed under Section ~~[26-8a-302](#)~~ [53-2d-402](#); or
780 (c) an individual mobilized as part of a posse comitatus.
- 781 (3) "Employer" means a person, including the state or a political subdivision of the
782 state, that has one or more workers employed in the same business, or in or about the same
783 establishment, under any contract of hire, express or implied, oral or written.
- 784 (4) "Public safety agency" means a governmental entity that provides fire protection,

785 law enforcement, ambulance, medical, or other emergency services.

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

787 **34A-2-102. Definition of terms.**

788 (1) As used in this chapter:

789 (a) "Average weekly wages" means the average weekly wages as determined under
790 Section [34A-2-409](#).

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

793 (i) an injured employee; or

794 (ii) a dependent of a deceased employee.

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

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

798 (A) an administrative law judge; or

799 (B) in accordance with Section [34A-2-801](#):

800 (I) the commissioner; or

801 (II) the Appeals Board.

802 (ii) "Decision" includes:

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

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

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

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

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

- 812 (h) "First responder" means:
- 813 (i) a law enforcement officer, as defined in Section [53-13-103](#);
- 814 (ii) an emergency medical technician, as defined in Section [~~26-8c-102~~] [53-2e-101](#);
- 815 (iii) an advanced emergency medical technician, as defined in Section [~~26-8c-102~~]
- 816 [53-2e-101](#);
- 817 (iv) a paramedic, as defined in Section [~~26-8c-102~~] [53-2e-101](#);
- 818 (v) a firefighter, as defined in Section [34A-3-113](#);
- 819 (vi) a dispatcher, as defined in Section [53-6-102](#); or
- 820 (vii) a correctional officer, as defined in Section [53-13-104](#).
- 821 (i) "Impairment" is a purely medical condition reflecting an anatomical or functional
- 822 abnormality or loss. Impairment may be either temporary or permanent, industrial or
- 823 nonindustrial.
- 824 (j) "Order" means an action of the commission that determines the legal rights, duties,
- 825 privileges, immunities, or other interests of one or more specific persons, but not a class of
- 826 persons.
- 827 (k) (i) "Personal injury by accident arising out of and in the course of employment"
- 828 includes an injury caused by the willful act of a third person directed against an employee
- 829 because of the employee's employment.
- 830 (ii) "Personal injury by accident arising out of and in the course of employment" does
- 831 not include a disease, except as the disease results from the injury.
- 832 (l) "Safe" and "safety," as applied to employment or a place of employment, means the
- 833 freedom from danger to the life or health of employees reasonably permitted by the nature of
- 834 the employment.
- 835 (2) As used in this chapter and Chapter 3, Utah Occupational Disease Act:
- 836 (a) "Brother or sister" includes a half brother or sister.
- 837 (b) "Child" includes:
- 838 (i) a posthumous child; or

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

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

841 **39-1-64. Extension of licenses for members of National Guard and reservists.**

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

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

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

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

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

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

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

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

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

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

862 **41-1a-230.7. Registration checkoff for supporting emergency medical services**
863 **and search and rescue operations.**

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

- 866 (a) the Emergency Medical Services Grant Program; and
867 (b) the Search and Rescue Financial Assistance Program.
- 868 (2) This contribution shall be:
- 869 (a) collected by the division;
870 (b) treated as a voluntary contribution and not as a motor vehicle or off-highway
871 vehicle registration fee; and
872 (c) distributed equally to the Emergency Medical Services System Account created in
873 Section ~~[26-8a-108]~~ 53-2d-108 and the Search and Rescue Financial Assistance Program
874 created in Section 53-2a-1102 at least monthly, less actual administrative costs associated with
875 collecting and transferring the contributions.
- 876 (3) In addition to the administrative costs deducted under Subsection (2)(c), the
877 division may deduct the first \$1,000 collected to cover costs incurred to change the registration
878 form.
- 879 Section 17. Section **41-6a-523** is amended to read:
- 880 **41-6a-523. Persons authorized to draw blood -- Immunity from liability.**
- 881 (1) (a) Only the following, acting at the request of a peace officer, may draw blood to
882 determine its alcohol or drug content:
- 883 (i) a physician;
884 (ii) a physician assistant;
885 (iii) a registered nurse;
886 (iv) a licensed practical nurse;
887 (v) a paramedic;
888 (vi) as provided in Subsection (1)(b), emergency medical service personnel other than
889 paramedics; or
890 (vii) a person with a valid permit issued by the Department of Health under Section
891 26-1-30.
- 892 (b) The ~~[Department of Health]~~ Bureau of Emergency Medical Services may designate

893 by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which
894 emergency medical service personnel, as defined in Section ~~[26-8a-102]~~ [53-2d-101](#), are
895 authorized to draw blood under Subsection (1)(a)(vi), based on the type of license under
896 Section ~~[26-8a-302]~~ [53-2d-402](#).

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

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

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

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

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

904 **53-1-104. Boards, bureaus, councils, divisions, and offices.**

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

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

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

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

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

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

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

912 ~~[(e)]~~ (g) the Private Investigator Hearing and Licensure Board, created in Section
913 [53-9-104](#).

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

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

916 (b) the Motor Vehicle Safety Inspection Advisory Council, created in Section
917 [53-8-203](#).

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

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

- 920 (b) the Management Information Services Division, created in Section 53-1-303;
- 921 (c) the Division of Emergency Management, created in Section 53-2a-103;
- 922 (d) the Driver License Division, created in Section 53-3-103;
- 923 (e) the Criminal Investigations and Technical Services Division, created in Section
- 924 53-10-103;
- 925 (f) the Peace Officer Standards and Training Division, created in Section 53-6-103;
- 926 (g) the State Fire Marshal Division, created in Section 53-7-103; and
- 927 (h) the Utah Highway Patrol Division, created in Section 53-8-103.
- 928 (4) The Office of Executive Protection is created in Section 53-1-112.
- 929 (5) The following are the bureaus within the department:
- 930 (a) the Bureau of Emergency Medical Services, created in Section 53-2d-102;
- 931 (b) the Bureau of Criminal Identification, created in Section 53-10-201;
- 932 ~~(b)~~ (c) the State Bureau of Investigation, created in Section 53-10-301;
- 933 ~~(c)~~ (d) the Bureau of Forensic Services, created in Section 53-10-401; and
- 934 ~~(d)~~ (e) the Bureau of Communications, created in Section 53-10-501.

935 Section 19. Section 53-2d-101, which is renumbered from Section 26-8a-102 is
 936 renumbered and amended to read:

937 **CHAPTER 2d. Emergency Medical Services Act**

938 **Part 1. General Provisions**

939 ~~[26-8a-102].~~ **53-2d-101. Definitions.**

940 As used in this chapter:

- 941 (1) (a) "911 ambulance or paramedic services" means:
- 942 (i) either:
- 943 (A) 911 ambulance service;
- 944 (B) 911 paramedic service; or
- 945 (C) both 911 ambulance and paramedic service; and
- 946 (ii) a response to a 911 call received by a designated dispatch center that receives 911

947 or E911 calls.

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

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

952 [~~2~~] (3) "Ambulance" means a ground, air, or water vehicle that:

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

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

956 [~~3~~] (4) "Ambulance provider" means an emergency medical service provider that:

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

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

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

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

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

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

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

971 [~~4~~] (6) (a) "Behavioral emergency services" means delivering a behavioral health
972 intervention to a patient in an emergency context within a scope and in accordance with
973 guidelines established by the department.

- 974 (b) "Behavioral emergency services" does not include engaging in the:
975 (i) practice of mental health therapy as defined in Section 58-60-102;
976 (ii) practice of psychology as defined in Section 58-61-102;
977 (iii) practice of clinical social work as defined in Section 58-60-202;
978 (iv) practice of certified social work as defined in Section 58-60-202;
979 (v) practice of marriage and family therapy as defined in Section 58-60-302;
980 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
981 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.

982 (7) "Bureau" means the Bureau of Emergency Medical Services created in Section
983 53-2d-102.

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

986 [~~5~~] (9) "Committee" means the State Emergency Medical Services Committee
987 created by Section [~~26B-1-204~~] 53-2d-104.

988 [~~6~~] (10) "Community paramedicine" means medical care:

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

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

991 (i) in need of ambulance transportation; or

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

993 (11) "Division" means the Division of Emergency Management created in Section
994 53-2a-103.

995 [~~7~~] (12) "Direct medical observation" means in-person observation of a patient by a
996 physician, registered nurse, physician's assistant, or individual licensed under Section
997 26-8a-302.

998 [~~8~~] (13) "Emergency medical condition" means:

999 (a) a medical condition that manifests itself by symptoms of sufficient severity,
1000 including severe pain, that a prudent layperson, who possesses an average knowledge of health

1001 and medicine, could reasonably expect the absence of immediate medical attention to result in:

1002 (i) placing the individual's health in serious jeopardy;

1003 (ii) serious impairment to bodily functions; or

1004 (iii) serious dysfunction of any bodily organ or part; or

1005 (b) a medical condition that in the opinion of a physician or the physician's designee

1006 requires direct medical observation during transport or may require the intervention of an

1007 individual licensed under Section ~~[26-8a-302]~~ 53-2d-402 during transport.

1008 (14) "Emergency medical dispatch center" means a public safety answering point, as
1009 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by
1010 the bureau.

1011 ~~[(9)]~~ (15) (a) "Emergency medical service personnel" means an individual who
1012 provides emergency medical services or behavioral emergency services to a patient and is
1013 required to be licensed or certified under Section ~~[26-8a-302]~~ 53-2d-402.

1014 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
1015 licensed emergency medical service provider, emergency medical service instructor, behavioral
1016 emergency services technician, other categories established by the committee, and a certified
1017 emergency medical dispatcher.

1018 ~~[(10)]~~ (16) "Emergency medical service providers" means:

1019 (a) licensed ambulance providers and paramedic providers;

1020 (b) a facility or provider that is required to be designated under Subsection

1021 ~~[26-8a-303(1)(a);]~~ 53-2d-403(1)(a); and

1022 (c) emergency medical service personnel.

1023 ~~[(11)]~~ (17) "Emergency medical services" means:

1024 (a) medical services;

1025 (b) transportation services;

1026 (c) behavioral emergency services; or

1027 (d) any combination of the services described in Subsections ~~[(11)]~~ (17)(a) through (c).

1028 ~~[(12)]~~ (18) "Emergency medical service vehicle" means a land, air, or water vehicle
1029 that is:

1030 (a) maintained and used for the transportation of emergency medical personnel,
1031 equipment, and supplies to the scene of a medical emergency; and

1032 (b) required to be permitted under Section ~~[26-8a-304]~~ [53-2d-404](#).

1033 ~~[(13)]~~ (19) "Governing body":

1034 (a) means the same as that term is defined in Section [11-42-102](#); and

1035 (b) for purposes of a "special service district" under Section [11-42-102](#), means a
1036 special service district that has been delegated the authority to select a provider under this
1037 chapter by the special service district's legislative body or administrative control board.

1038 ~~[(14)]~~ (20) "Interested party" means:

1039 (a) a licensed or designated emergency medical services provider that provides
1040 emergency medical services within or in an area that abuts an exclusive geographic service area
1041 that is the subject of an application submitted pursuant to ~~[Part 4, Ambulance and Paramedic
1042 Providers]~~ [Part 5, Ambulance and Paramedic Providers](#);

1043 (b) any municipality, county, or fire district that lies within or abuts a geographic
1044 service area that is the subject of an application submitted pursuant to ~~[Part 4, Ambulance and
1045 Paramedic Providers]~~ [Part 5, Ambulance and Paramedic Providers](#); or

1046 (c) the department when acting in the interest of the public.

1047 ~~[(15)]~~ (21) "Level of service" means the level at which an ambulance provider type of
1048 service is licensed as:

1049 (a) emergency medical technician;

1050 (b) advanced emergency medical technician; or

1051 (c) paramedic.

1052 ~~[(16)]~~ (22) "Medical control" means a person who provides medical supervision to an
1053 emergency medical service provider.

1054 ~~[(17)]~~ (23) "Non-911 service" means transport of a patient that is not 911 transport

1055 under Subsection (1).

1056 ~~[(18)]~~ (24) "Nonemergency secured behavioral health transport" means an entity that:

1057 (a) provides nonemergency secure transportation services for an individual who:

1058 (i) is not required to be transported by an ambulance under Section ~~[26-8a-305]~~

1059 53-2d-405; and

1060 (ii) requires behavioral health observation during transport between any of the

1061 following facilities:

1062 (A) a licensed acute care hospital;

1063 (B) an emergency patient receiving facility;

1064 (C) a licensed mental health facility; and

1065 (D) the office of a licensed health care provider; and

1066 (b) is required to be designated under Section ~~[26-8a-303]~~ 53-2d-403.

1067 ~~[(19)]~~ (25) "Paramedic provider" means an entity that:

1068 (a) employs emergency medical service personnel; and

1069 (b) is required to obtain a license under ~~[Part 4, Ambulance and Paramedic Providers]~~

1070 Part 5, Ambulance and Paramedic Providers.

1071 ~~[(20)]~~ (26) "Patient" means an individual who, as the result of illness, injury, or a
1072 behavioral emergency condition, meets any of the criteria in Section ~~26-8a-305~~.

1073 ~~[(21)]~~ (27) "Political subdivision" means:

1074 (a) a city, town, or metro township;

1075 (b) a county;

1076 (c) a special service district created under Title 17D, Chapter 1, Special Service

1077 District Act, for the purpose of providing fire protection services under Subsection

1078 17D-1-201(9);

1079 (d) a local district created under Title 17B, Limited Purpose Local Government Entities

1080 - Local Districts, for the purpose of providing fire protection, paramedic, and emergency

1081 services;

1082 (e) areas coming together as described in Subsection [~~26-8a-405.2(2)(b)(ii);~~
1083 53-2d-505.2(2)(b)(ii)]; or
1084 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
1085 (28) "Sudden cardiac arrest" means a life-threatening condition that results when a
1086 person's heart stops or fails to produce a pulse.
1087 [~~22~~] (29) "Trauma" means an injury requiring immediate medical or surgical
1088 intervention.
1089 [~~23~~] (30) "Trauma system" means a single, statewide system that:
1090 (a) organizes and coordinates the delivery of trauma care within defined geographic
1091 areas from the time of injury through transport and rehabilitative care; and
1092 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
1093 delivering care for trauma patients, regardless of severity.
1094 [~~24~~] (31) "Triage" means the sorting of patients in terms of disposition, destination,
1095 or priority. For prehospital trauma victims, triage requires a determination of injury severity to
1096 assess the appropriate level of care according to established patient care protocols.
1097 [~~25~~] (32) "Triage, treatment, transportation, and transfer guidelines" means written
1098 procedures that:
1099 (a) direct the care of patients; and
1100 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
1101 center, or an emergency medical service provider.
1102 [~~26~~] (33) "Type of service" means the category at which an ambulance provider is
1103 licensed as:
1104 (a) ground ambulance transport;
1105 (b) ground ambulance interfacility transport; or
1106 (c) both ground ambulance transport and ground ambulance interfacility transport.
1107 Section 20. Section **53-2d-102** is enacted to read:
1108 **53-2d-102. Bureau of Emergency Medical Services -- Creation -- Bureau chief**

1109 **appointment, qualifications, and compensation.**1110 (1) There is created within the department the Bureau of Emergency Medical Services.1111 (2) The bureau shall be administered by a bureau chief appointed by the commissioner.1112 (3) The bureau chief shall be experienced in administration and possess additional
1113 qualifications as determined by the commissioner and as provided by law.1114 (4) The bureau chief acts under the supervision and control of the commissioner and
1115 may be removed from the position at the will of the commissioner.1116 (5) The bureau chief shall receive compensation as provided by Title 63A, Chapter 17,
1117 Utah State Personnel Management Act.1118 Section 21. Section **53-2d-103**, which is renumbered from Section 26-8a-105 is
1119 renumbered and amended to read:1120 ~~[26-8a-105].~~ **53-2d-103. Bureau duties -- Data sharing.**1121 (1) The [department] bureau shall:1122 ~~[(1)]~~ (a) coordinate the emergency medical services within the state;1123 ~~[(2)]~~ (b) [administer this chapter and the rules established pursuant to it;] administer
1124 any programs and applicable rules created under this chapter;1125 ~~[(3)]~~ (c) establish a voluntary task force representing a diversity of emergency medical
1126 service providers to advise the [department] bureau and the committee on rules;1127 ~~[(4)]~~ (d) establish an emergency medical service personnel peer review board to advise
1128 the [department] bureau concerning discipline of emergency medical service personnel under
1129 this chapter; and1130 ~~[(5)]~~ (e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
1131 Rulemaking Act, to:1132 ~~[(a)]~~ (i) license ambulance providers and paramedic providers;1133 ~~[(b)]~~ (ii) permit ambulances, emergency medical response vehicles, and nonemergency
1134 secured behavioral health transport vehicles, including approving an emergency vehicle
1135 operator's course in accordance with Section ~~[26-8a-304]~~ [53-2d-404](#);

1136 [(e)] (iii) establish:

1137 [(i)] (A) the qualifications for membership of the peer review board created by this

1138 section;

1139 [(ii)] (B) a process for placing restrictions on a license while an investigation is

1140 pending;

1141 [(iii)] (C) the process for the investigation and recommendation by the peer review

1142 board; and

1143 [(iv)] (D) the process for determining the status of a license while a peer review board

1144 investigation is pending;

1145 [(d)] (iv) establish application, submission, and procedural requirements for licenses,

1146 designations, and permits; and

1147 [(e)] (v) establish and implement the programs, plans, and responsibilities as specified

1148 in other sections of this chapter.

1149 (2) (a) The bureau shall share data related to the bureau's duties with the Department of

1150 Health and Human Services.

1151 (b) The Department of Health and Human Services shall share data related to the

1152 bureau's duties with the bureau.

1153 (c) All data collected by the bureau under this chapter is subject to Title 26, Chapter 3,

1154 Health Statistics, including data privacy protections.

1155 Section 22. Section **53-2d-104**, which is renumbered from Section 26-8a-103 is

1156 renumbered and amended to read:

1157 ~~[26-8a-103].~~ **53-2d-104. State Emergency Medical Services Committee --**

1158 **Membership -- Expenses.**

1159 (1) ~~[The]~~ There is created the State Emergency Medical Services Committee ~~[created~~

1160 ~~by Section 26B-1-204 shall].~~

1161 (2) The committee shall be composed of the following 19 members appointed by the

1162 governor, at least six of whom shall reside in a county of the third, fourth, fifth, or sixth class:

- 1163 (a) five physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1164 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as follows:
- 1165 (i) one surgeon who actively provides trauma care at a hospital;
 - 1166 (ii) one rural physician involved in emergency medical care;
 - 1167 (iii) two physicians who practice in the emergency department of a general acute
1168 hospital; and
 - 1169 (iv) one pediatrician who practices in the emergency department or critical care unit of
1170 a general acute hospital or a children's specialty hospital;
- 1171 (b) two representatives from private ambulance providers;
 - 1172 (c) one representative from an ambulance provider that is neither privately owned nor
1173 operated by a fire department;
 - 1174 (d) two chief officers from fire agencies operated by the following classes of licensed
1175 or designated emergency medical services providers: municipality, county, and fire district,
1176 provided that no class of medical services providers may have more than one representative
1177 under this Subsection [~~(1)(d)~~] (2)(d);
 - 1178 (e) one director of a law enforcement agency that provides emergency medical
1179 services;
 - 1180 (f) one hospital administrator;
 - 1181 (g) one emergency care nurse;
 - 1182 (h) one paramedic in active field practice;
 - 1183 (i) one emergency medical technician in active field practice;
 - 1184 (j) one certified emergency medical dispatcher affiliated with an emergency medical
1185 dispatch center;
 - 1186 (k) one licensed mental health professional with experience as a first responder;
 - 1187 (l) one licensed behavioral emergency services technician; and
 - 1188 (m) one consumer.
- 1189 [~~(2)~~] (3) (a) Except as provided in Subsection [~~(2)(b)~~] (3)(b), members shall be

1190 appointed to a four-year term beginning July 1.

1191 (b) Notwithstanding Subsection [~~(2)(a)~~], (3)(a), the governor:

1192 (i) shall, at the time of appointment or reappointment, adjust the length of terms to

1193 ensure that the terms of committee members are staggered so that approximately half of the

1194 committee is appointed every two years;

1195 (ii) may not reappoint a member for more than two consecutive terms; and

1196 (iii) shall:

1197 (A) initially appoint the second member under Subsection [~~(1)(b)~~] (2)(b) from a

1198 different private provider than the private provider currently serving under Subsection [~~(1)(b)~~]

1199 (2)(b); and

1200 (B) thereafter stagger each replacement of a member in Subsection [~~(1)(b)~~] (2)(b) so

1201 that the member positions under Subsection [~~(1)(b)~~] (2)(b) are not held by representatives of

1202 the same private provider.

1203 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

1204 appointed by the governor for the unexpired term.

1205 [~~(3)~~] (4) (a) (i) Each January, the committee shall organize and select one of the

1206 committee's members as chair and one member as vice chair.

1207 (ii) The committee may organize standing or ad hoc subcommittees, which shall

1208 operate in accordance with guidelines established by the committee.

1209 (b) (i) The chair shall convene a minimum of four meetings per year.

1210 (ii) The chair may call special meetings.

1211 (iii) The chair shall call a meeting upon request of five or more members of the

1212 committee.

1213 (c) (i) Nine members of the committee constitute a quorum for the transaction of

1214 business.

1215 (ii) The action of a majority of the members present is the action of the committee.

1216 [~~(4)~~] (5) A member may not receive compensation or benefits for the member's service,

1217 but may receive per diem and travel expenses in accordance with:

1218 (a) Section [63A-3-106](#);

1219 (b) Section [63A-3-107](#); and

1220 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

1221 [63A-3-107](#).

1222 [~~5~~] (6) Administrative services for the committee shall be provided by the

1223 [~~department~~] bureau.

1224 Section 23. Section **53-2d-105**, which is renumbered from Section 26-8a-104 is

1225 renumbered and amended to read:

1226 [~~26-8a-104~~]. **53-2d-105. Committee advisory duties.**

1227 The committee shall adopt rules, with the concurrence of the [~~department~~] bureau, in

1228 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

1229 (1) establish licensure, certification, and reciprocity requirements under Section

1230 [~~26-8a-302~~] [53-2d-402](#);

1231 (2) establish designation requirements under Section [~~26-8a-303~~] [53-2d-403](#);

1232 (3) promote the development of a statewide emergency medical services system under

1233 Section [~~26-8a-203~~] [53-2d-403](#);

1234 (4) establish insurance requirements for ambulance providers;

1235 (5) provide guidelines for requiring patient data under Section [~~26-8a-203~~] [53-2d-203](#);

1236 (6) establish criteria for awarding grants under Section [~~26-8a-207~~] [53-2d-207](#);

1237 (7) establish requirements for the coordination of emergency medical services and the

1238 medical supervision of emergency medical service providers under Section [~~26-8a-306~~]

1239 [53-2d-403](#);

1240 (8) select appropriate vendors to establish certification requirements for emergency

1241 medical dispatchers;

1242 (9) establish the minimum level of service for 911 ambulance services provided under

1243 Section [11-48-103](#); and

1244 (10) are necessary to carry out the responsibilities of the committee as specified in
1245 other sections of this chapter.

1246 Section 24. Section **53-2d-106**, which is renumbered from Section 26-8a-106 is
1247 renumbered and amended to read:

1248 ~~[26-8a-106]~~. **53-2d-106. Waiver of rules, education, and licensing**
1249 **requirements.**

1250 (1) Upon application, the [department] bureau, or the committee with the concurrence
1251 of the [department] bureau, may waive the requirements of a rule the [department] bureau, or
1252 the committee with the concurrence of the [department] bureau, has adopted if:

1253 (a) the person applying for the waiver satisfactorily demonstrates that:

- 1254 (i) the waiver is necessary for a pilot project to be undertaken by the applicant;
- 1255 (ii) in the particular situation, the requirement serves no beneficial public purpose; or
- 1256 (iii) circumstances warrant that waiver of the requirement outweighs the public benefit
1257 to be gained by adherence to the rule; and

1258 (b) for a waiver granted under Subsection (1)(a)(ii) or (iii):

1259 (i) the committee or [department] bureau extends the waiver to similarly situated
1260 persons upon application; or

1261 (ii) the [department] bureau, or the committee with the concurrence of the [department]
1262 bureau, amends the rule to be consistent with the waiver.

1263 (2) A waiver of education or licensing requirements may be granted to a veteran, as
1264 defined in Section **68-3-12.5**, if the veteran:

1265 (a) provides to the committee or [department] bureau documentation showing military
1266 education and training in the field in which licensure is sought; and

1267 (b) successfully passes any examination required.

1268 (3) No waiver may be granted under this section that is inconsistent with the provisions
1269 of this chapter.

1270 Section 25. Section **53-2d-107**, which is renumbered from Section 26-8a-107 is

1271 renumbered and amended to read:

1272 ~~[26-8a-107]~~. 53-2d-107. Air Ambulance Committee -- Membership --

1273 **Duties.**

1274 (1) ~~[The] There is created the Air Ambulance Committee [created by Section~~
1275 ~~26B-1-204 shall be composed of the following members:].~~

1276 (2) The Air Ambulance Committee is composed of the following members:

1277 (a) the state emergency medical services medical director;

1278 (b) one physician who:

1279 (i) is licensed under:

1280 (A) Title 58, Chapter 67, Utah Medical Practice Act;

1281 (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or

1282 (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1283 (ii) actively provides trauma or emergency care at a Utah hospital; and

1284 (iii) has experience and is actively involved in state and national air medical transport
1285 issues;

1286 (c) one member from each level 1 and level 2 trauma center in the state of Utah,

1287 selected by the trauma center the member represents;

1288 (d) one registered nurse who:

1289 (i) is licensed under Title 58, Chapter 31b, Nurse Practice Act; and

1290 (ii) currently works as a flight nurse for an air medical transport provider in the state of
1291 Utah;

1292 (e) one paramedic who:

1293 (i) is licensed under this chapter; and

1294 (ii) currently works for an air medical transport provider in the state of Utah; and

1295 (f) two members, each from a different for-profit air medical transport company
1296 operating in the state of Utah.

1297 ~~[(2)]~~ (3) The state emergency medical services medical director shall appoint the

1298 physician member under Subsection [~~(1)(b)~~] (2)(b), and the physician shall serve as the chair of
1299 the Air Ambulance Committee.

1300 [~~(3)~~] (4) The chair of the Air Ambulance Committee shall:

1301 (a) appoint the Air Ambulance Committee members under Subsections [~~(1)(c)~~] (2)(c)
1302 through (f);

1303 (b) designate the member of the Air Ambulance Committee to serve as the vice chair
1304 of the committee; and

1305 (c) set the agenda for Air Ambulance Committee meetings.

1306 [~~(4)~~] (5) (a) Except as provided in Subsection [~~(4)(b)~~] (5)(b), members shall be
1307 appointed to a two-year term.

1308 (b) Notwithstanding Subsection [~~(4)(a)~~] (5)(a), the Air Ambulance Committee chair
1309 shall, at the time of appointment or reappointment, adjust the length of the terms of committee
1310 members to ensure that the terms of the committee members are staggered so that
1311 approximately half of the committee is reappointed every two years.

1312 [~~(5)~~] (6) (a) A majority of the members of the Air Ambulance Committee constitutes a
1313 quorum.

1314 (b) The action of a majority of a quorum constitutes the action of the Air Ambulance
1315 Committee.

1316 [~~(6)~~] (7) The Air Ambulance Committee shall, before November 30, 2019, and before
1317 November 30 of every odd-numbered year thereafter, provide recommendations to the Health
1318 and Human Services Interim Committee regarding the development of state standards and
1319 requirements related to:

1320 (a) air medical transport provider licensure and accreditation;

1321 (b) air medical transport medical personnel qualifications and training; and

1322 (c) other standards and requirements to ensure patients receive appropriate and
1323 high-quality medical attention and care by air medical transport providers operating in the state
1324 of Utah.

1325 [~~(7)~~] (8) (a) The [~~committee~~] Air Ambulance Committee shall prepare an annual
1326 report, using any data available to the [~~department~~] bureau and in consultation with the
1327 Insurance Department, that includes the following information for each air medical transport
1328 provider that operates in the state:

1329 (i) which health insurers in the state the air medical transport provider contracts with;

1330 (ii) if sufficient data is available to the [~~committee~~] Air Ambulance Committee, the
1331 average charge for air medical transport services for a patient who is uninsured or out of
1332 network; and

1333 (iii) whether the air medical transport provider balance bills a patient for any charge
1334 not paid by the patient's health insurer.

1335 (b) When calculating the average charge under Subsection [~~(7)(a)(ii)~~] (8)(a)(ii), the
1336 [~~committee~~] Air Ambulance Committee shall distinguish between:

1337 (i) a rotary wing provider and a fixed wing provider; and

1338 (ii) any other differences between air medical transport service providers that may
1339 substantially affect the cost of the air medical transport service, as determined by the
1340 [~~committee~~] Air Ambulance Committee.

1341 (c) The [~~department~~] bureau shall:

1342 (i) post the [~~committee's~~] Air Ambulance Committee's findings under Subsection
1343 [~~(7)(a)~~] (8)(a) on the [~~department's~~] bureau's website; and

1344 (ii) send the [~~committee's~~] Air Ambulance Committee's findings under Subsection
1345 [~~(7)(a)~~] (8)(a) to each emergency medical service provider, health care facility, and other entity
1346 that has regular contact with patients in need of air medical transport provider services.

1347 [~~(8)~~] (9) An Air Ambulance Committee member may not receive compensation,
1348 benefits, per diem, or travel expenses for the member's service on the [~~committee~~] Air
1349 Ambulance Committee.

1350 [~~(9)~~] (10) The Office of the Attorney General shall provide staff support to the Air
1351 Ambulance Committee.

1352 [~~(10)~~] (11) The Air Ambulance Committee shall report to the Health and Human
1353 Services Interim Committee before November 30, 2023, regarding the sunset of this section in
1354 accordance with Section [63I-2-226](#).

1355 Section 26. Section **53-2d-108**, which is renumbered from Section 26-8a-108 is
1356 renumbered and amended to read:

1357 ~~[26-8a-108]~~. **53-2d-108. Emergency Medical Services System Account.**

1358 (1) There is created within the General Fund a restricted account known as the
1359 Emergency Medical Services System Account.

1360 (2) The account consists of:

1361 (a) interest earned on the account;

1362 (b) appropriations made by the Legislature; and

1363 (c) contributions deposited into the account in accordance with Section [41-1a-230.7](#).

1364 (3) The ~~[department]~~ bureau shall use:

1365 (a) an amount equal to 25% of the money in the account for administrative costs
1366 related to this chapter;

1367 (b) an amount equal to 75% of the money in the account for grants awarded in
1368 accordance with Subsection [~~26-8a-207(3)~~]; [53-2d-207\(3\)](#); and

1369 (c) all money received from the revenue source in Subsection (2)(c) for grants awarded
1370 in accordance with Subsection [~~26-8a-207(3)~~] [53-2d-207\(3\)](#).

1371 Section 27. Section **53-2d-201**, which is renumbered from Section 26-8a-201 is
1372 renumbered and amended to read:

1373 **Part 2. Programs, Plans, and Duties**

1374 ~~[26-8a-201]~~. **53-2d-201. Public awareness efforts.**

1375 The ~~[department]~~ bureau may:

1376 (1) develop programs to inform the public of the emergency medical service system;

1377 and

1378 (2) develop and disseminate emergency medical training programs for the public,

1379 which emphasize the prevention and treatment of injuries and illnesses.

1380 Section 28. Section **53-2d-202**, which is renumbered from Section 26-8a-202 is
1381 renumbered and amended to read:

1382 ~~[26-8a-202]~~. **53-2d-202. Emergency medical communications.**

1383 Consistent with federal law, the [department] bureau is the lead agency for coordinating
1384 the statewide emergency medical service communication systems under which emergency
1385 medical personnel, dispatch centers, and treatment facilities provide medical control and
1386 coordination between emergency medical service providers.

1387 Section 29. Section **53-2d-203**, which is renumbered from Section 26-8a-203 is
1388 renumbered and amended to read:

1389 ~~[26-8a-203]~~. **53-2d-203. Data collection.**

1390 (1) The committee shall specify the information that shall be collected for the
1391 emergency medical services data system established pursuant to Subsection (2).

1392 (2) (a) The [department] bureau shall establish an emergency medical services data
1393 system, which shall provide for the collection of information, as defined by the committee,
1394 relating to the treatment and care of patients who use or have used the emergency medical
1395 services system.

1396 (b) The committee shall coordinate with the Health Data Authority created in Title 26,
1397 Chapter 33a, Utah Health Data Authority Act, to create a report of data collected by the Health
1398 Data Committee under Section 26-33a-106.1 regarding:

1399 (i) appropriate analytical methods;

1400 (ii) the total amount of air ambulance flight charges in the state for a one-year period;

1401 and

1402 (iii) of the total number of flights in a one-year period under Subsection (2)(b)(ii):

1403 (A) the number of flights for which a patient had no personal responsibility for paying
1404 part of the flight charges;

1405 (B) the number of flights for which a patient had personal responsibility to pay all or

1406 part of the flight charges;

1407 (C) the range of flight charges for which patients had personal responsibility under
1408 Subsection (2)(b)(iii)(B), including the median amount for paid patient personal responsibility;
1409 and

1410 (D) the name of any air ambulance provider that received a median paid amount for
1411 patient responsibility in excess of the median amount for all paid patient personal responsibility
1412 during the reporting year.

1413 (c) The ~~[department]~~ bureau may share, with the ~~[Department of Public Safety]~~
1414 department, information from the emergency medical services data system that:

1415 (i) relates to traffic incidents; and

1416 (ii) is for the improvement of traffic safety[;].

1417 ~~[(iii) may not be used for the prosecution of criminal matters; and]~~

1418 ~~[(iv) may not include any personally identifiable information.]~~

1419 (d) Information shared under Subsection (2)(c) may not:

1420 (i) be used for the prosecution of criminal matters; or

1421 (ii) include any personally identifiable information.

1422 (3) (a) On or before October 1, the department shall make the information in
1423 Subsection (2)(b) public and send the information in Subsection (2)(b) to public safety
1424 dispatchers and first responders in the state.

1425 (b) Before making the information in Subsection (2)(b) public, the committee shall
1426 provide the air ambulance providers named in the report with the opportunity to respond to the
1427 accuracy of the information in the report under Section [26-33a-107](#).

1428 (4) Persons providing emergency medical services:

1429 (a) shall provide information to the department for the emergency medical services
1430 data system established pursuant to Subsection (2)(a);

1431 (b) are not required to provide information to the department under Subsection (2)(b);
1432 and

1433 (c) may provide information to the department under Subsection (2)(b) or (3)(b).

1434 Section 30. Section **53-2d-204**, which is renumbered from Section 26-8a-204 is
1435 renumbered and amended to read:

1436 ~~[26-8a-204]~~. **53-2d-204. Disaster coordination plan.**

1437 The [~~department~~] bureau shall develop and implement, in cooperation with state,
1438 federal, and local agencies empowered to oversee disaster response activities, plans to provide
1439 emergency medical services during times of disaster or emergency.

1440 Section 31. Section **53-2d-205**, which is renumbered from Section 26-8a-205 is
1441 renumbered and amended to read:

1442 ~~[26-8a-205]~~. **53-2d-205. Pediatric quality improvement program.**

1443 The [~~department~~] bureau shall establish a pediatric quality improvement resource
1444 program.

1445 Section 32. Section **53-2d-206**, which is renumbered from Section 26-8a-206 is
1446 renumbered and amended to read:

1447 ~~[26-8a-206]~~. **53-2d-206. Personnel stress management program.**

1448 (1) The [~~department~~] bureau shall develop and implement a statewide program to
1449 provide support and counseling for personnel who have been exposed to one or more stressful
1450 incidents in the course of providing emergency services.

1451 (2) This program shall include:

1452 (a) ongoing training for agencies providing emergency services and counseling
1453 program volunteers;

1454 (b) critical incident stress debriefing for personnel at no cost to the emergency
1455 provider; and

1456 (c) advising the department on training requirements for licensure as a behavioral
1457 emergency services technician.

1458 Section 33. Section **53-2d-207**, which is renumbered from Section 26-8a-207 is
1459 renumbered and amended to read:

1460 ~~[26-8a-207]~~. 53-2d-207. Emergency Medical Services Grant Program.

1461 (1) Funds appropriated to the department for the Emergency Medical Services Grant
1462 Program shall be used for improvement of delivery of emergency medical services and
1463 administrative costs as described in Subsection (2)(a).

1464 (2) From the total amount of funds appropriated to the [department] bureau under
1465 Subsection (1), the [department] bureau shall use:

1466 (a) an amount equal to 50% of the funds:

1467 (i) to provide staff support; and

1468 (ii) for other expenses incurred in:

1469 (A) administration of grant funds; and

1470 (B) other [department] bureau administrative costs under this chapter; and

1471 (b) an amount equal to 50% of the funds to provide emergency medical services grants
1472 in accordance with Subsection (3).

1473 (3) (a) A recipient of a grant under this section shall actively provide emergency
1474 medical services within the state.

1475 (b) From the total amount of funds used to provide grants under Subsection (3), the
1476 [department] bureau shall distribute an amount equal to 21% as per capita block grants for use
1477 specifically related to the provision of emergency medical services to nonprofit prehospital
1478 emergency medical services providers that are either licensed or designated and to emergency
1479 medical services that are the primary emergency medical services for a service area. The
1480 [department] bureau shall determine the grant amounts by prorating available funds on a per
1481 capita basis by county as described in [department] bureau rule.

1482 (c) Subject to Subsections (3)(d) through (f), the committee shall use the remaining
1483 grant funds to award competitive grants to licensed emergency medical services providers that
1484 provide emergency medical services within counties of the third through sixth class, in
1485 accordance with rules made by the committee.

1486 (d) A grant awarded under Subsection (3)(c) shall be used:

1487 (i) for the purchase of equipment, subject to Subsection (3)(e); or
1488 (ii) for the recruitment, training, or retention of licensed emergency medical services
1489 providers.

1490 (e) A recipient of a grant under Subsection (3)(c) may not use more than \$100,000 in
1491 grant proceeds for the purchase of vehicles.

1492 (f) A grant awarded for the purpose described in Subsection (3)(d)(ii) is ongoing for a
1493 period of up to three years.

1494 (g) (i) If, after providing grants under Subsections (3)(c) through (f), any grant funds
1495 are unallocated at the end of the fiscal year, the committee shall distribute the unallocated grant
1496 funds as per capita block grants as described in Subsection (3)(b).

1497 (ii) Any grant funds distributed as per capita grants under Subsection (3)(g)(i) are in
1498 addition to the amount described in Subsection (3)(b).

1499 Section 34. Section **53-2d-208**, which is renumbered from Section 26-8a-208 is
1500 renumbered and amended to read:

1501 ~~[26-8a-208]~~. **53-2d-208. Fees for training equipment rental, testing, and**
1502 **quality assurance reviews.**

1503 (1) The [department] bureau may charge fees, established pursuant to Section
1504 ~~[26B-1-209]~~ [63J-1-504](#):

- 1505 (a) for the use of [department] bureau-owned training equipment;
- 1506 (b) to administer tests and conduct quality assurance reviews; and
- 1507 (c) to process an application for a designation, permit, or license.

1508 (2) (a) Fees collected under Subsections (1)(a) and (b) shall be separate dedicated
1509 credits.

1510 (b) Fees under Subsection (1)(a) may be used to purchase training equipment.

1511 (c) Fees under Subsection (1)(b) may be used to administer tests and conduct quality
1512 assurance reviews.

1513 Section 35. Section **53-2d-209**, which is renumbered from Section 26-8a-210 is

1514 renumbered and amended to read:

1515 ~~[26-8a-210]~~. 53-2d-209. **Regional Emergency Medical Services Liaisons --**

1516 **Qualifications -- Duties.**

1517 (1) As used in this section:

1518 (a) "Liaison" means a regional emergency medical services liaison hired under this
1519 section.

1520 (b) "Rural county" means a county of the third, fourth, fifth, or sixth class.

1521 (2) The ~~[department]~~ bureau shall hire five individuals to serve as regional emergency
1522 medical services liaisons to:

1523 (a) serve the needs of rural counties in providing emergency medical services in
1524 accordance with this chapter;

1525 (b) act as a liaison between the ~~[department]~~ bureau and individuals or entities
1526 responsible for emergency medical services in rural counties, including:

1527 (i) emergency medical services providers;

1528 (ii) local officials; and

1529 (iii) local health departments or agencies;

1530 (c) provide support and training to emergency medical services providers in rural
1531 counties;

1532 (d) assist rural counties in utilizing state and federal grant programs for financing
1533 emergency medical services; and

1534 (e) serve as emergency medical service personnel to assist licensed providers with
1535 ambulance staffing needs within rural counties.

1536 (3) Each liaison hired under Subsection (2):

1537 (a) shall reside in a rural county; and

1538 (b) shall be licensed as:

1539 (i) an advanced emergency medical technician as defined in Section ~~[26-8c-102]~~

1540 53-2e-101; or

1541 (ii) a paramedic as defined in Section ~~[26-8c-102]~~ 53-2e-101.

1542 (4) The department shall provide each liaison with a vehicle and other equipment in
1543 accordance with rules established by the department.

1544 Section 36. Section **53-2d-210**, which is renumbered from Section 26-8a-211 is
1545 renumbered and amended to read:

1546 ~~[26-8a-211]~~. **53-2d-210. Report.**

1547 The ~~[department]~~ bureau shall report to the Health and Human Services Interim
1548 Committee before November 30, 2022, regarding:

1549 (1) the activities and accomplishments of the regional medical services liaisons hired
1550 under Section ~~[26-8a-210]~~ 53-2d-209;

1551 (2) the efficacy of the emergency medical services grant program established in Section
1552 ~~[26-8a-207]~~ 53-2d-207, including grant distribution;

1553 (3) the condition of emergency medical services within the state, including emergency
1554 medical services provider response times and personnel numbers; and

1555 (4) the financial condition of the department, including department operational costs
1556 under this chapter.

1557 Section 37. Section **53-2d-211**, which is renumbered from Section 26-8a-212 is
1558 renumbered and amended to read:

1559 ~~[26-8a-212]~~. **53-2d-211. Community paramedicine program.**

1560 (1) A ground ambulance provider or a designated quick response provider, as
1561 designated in accordance with Section ~~[26-8a-303]~~ 53-2d-403, may develop and implement a
1562 community paramedicine program.

1563 (2) (a) Before providing services, a community paramedicine program shall:

1564 (i) implement training requirements as determined by the committee; and

1565 (ii) submit a written community paramedicine operational plan to the ~~[department]~~
1566 bureau that meets requirements established by the committee.

1567 (b) A community paramedicine program shall report data, as determined by the

1568 committee, related to community paramedicine to the [~~department~~] bureau.

1569 (3) A service provided as part of a community paramedicine program may not be billed
1570 to an individual or a health benefit plan as defined in Section [31A-1-301](#) unless:

1571 (a) the service is provided in partnership with a health care facility as defined in
1572 Section [26-21-2](#); and

1573 (b) the partnering health care facility is the person that bills the individual or health
1574 benefit plan.

1575 (4) Nothing in this section affects any billing authorized under Section [~~26-8a-403~~]
1576 [53-2d-503](#).

1577 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
1578 Section [53-2d-105](#), the committee shall make rules to implement this section.

1579 Section 38. Section **53-2d-301**, which is renumbered from Section 26-8a-250 is
1580 renumbered and amended to read:

1581 **Part 3. Statewide Trauma System**

1582 [~~26-8a-250~~]. **53-2d-301. Establishment of statewide trauma system.**

1583 The [~~department~~] bureau shall establish and actively supervise a statewide trauma
1584 system to:

- 1585 (1) promote optimal care for trauma patients;
- 1586 (2) alleviate unnecessary death and disability from trauma and emergency illness;
- 1587 (3) inform health care providers about trauma system capabilities;
- 1588 (4) encourage the efficient and effective continuum of patient care, including
1589 prevention, prehospital care, hospital care, and rehabilitative care; and
- 1590 (5) minimize the overall cost of trauma care.

1591 Section 39. Section **53-2d-302**, which is renumbered from Section 26-8a-251 is
1592 renumbered and amended to read:

1593 [~~26-8a-251~~]. **53-2d-302. Trauma system advisory committee.**

1594 (1) There is created within the [~~department~~] bureau the trauma system advisory

1595 committee.

1596 (2) (a) The committee shall be comprised of individuals knowledgeable in adult or
1597 pediatric trauma care, including physicians, physician assistants, nurses, hospital
1598 administrators, emergency medical services personnel, government officials, consumers, and
1599 persons affiliated with professional health care associations.

1600 (b) Representation on the committee shall be broad and balanced among the health care
1601 delivery systems in the state with no more than three representatives coming from any single
1602 delivery system.

1603 (3) The committee shall:

1604 (a) advise the [~~department~~] bureau regarding trauma system needs throughout the state;

1605 (b) assist the [~~department~~] bureau in evaluating the quality and outcomes of the overall
1606 trauma system;

1607 (c) review and comment on proposals and rules governing the statewide trauma
1608 system; and

1609 (d) make recommendations for the development of statewide triage, treatment,
1610 transportation, and transfer guidelines.

1611 (4) The [~~department~~] bureau shall:

1612 (a) determine, by rule, the term and causes for removal of committee members;

1613 (b) establish committee procedures and administration policies consistent with this
1614 chapter and department rule; and

1615 (c) provide administrative support to the committee.

1616 Section 40. Section **53-2d-303**, which is renumbered from Section 26-8a-252 is
1617 renumbered and amended to read:

1618 ~~[26-8a-252]~~. **53-2d-303. Department duties.**

1619 In connection with the statewide trauma system established in Section [~~26-8a-250~~]
1620 53-2d-301, the [~~department~~] bureau shall:

1621 (1) establish a statewide trauma system plan that:

- 1622 (a) identifies statewide trauma care needs, objectives, and priorities;
- 1623 (b) identifies the equipment, facilities, personnel training, and other things necessary to
- 1624 create and maintain a statewide trauma system; and
- 1625 (c) organizes and coordinates trauma care within defined geographic areas;
- 1626 (2) support the statewide trauma system by:
- 1627 (a) facilitating the coordination of prehospital, acute care, and rehabilitation services
- 1628 and providers through state regulation and oversight;
- 1629 (b) facilitating the ongoing evaluation and refinement of the statewide trauma system;
- 1630 (c) providing educational programs;
- 1631 (d) encouraging cooperation between community organizations, health care facilities,
- 1632 public health officials, emergency medical service providers, and rehabilitation facilities for the
- 1633 development of a statewide trauma system;
- 1634 (e) implementing a quality assurance program using information from the statewide
- 1635 trauma registry established pursuant to Section [~~26-8a-253~~] 53-2d-304;
- 1636 (f) establishing trauma center designation requirements in accordance with Section
- 1637 [~~26-8a-254~~] 53-2d-305; and
- 1638 (g) developing standards so that:
- 1639 (i) trauma centers are categorized according to their capability to provide care;
- 1640 (ii) trauma victims are triaged at the initial point of patient contact; and
- 1641 (iii) trauma patients are sent to appropriate health care facilities.

1642 Section 41. Section **53-2d-304**, which is renumbered from Section 26-8a-253 is

1643 renumbered and amended to read:

1644 [~~26-8a-253~~]. **53-2d-304. Statewide trauma registry and quality assurance**

1645 **program.**

- 1646 (1) The [~~department~~] bureau shall:
- 1647 (a) establish and fund a statewide trauma registry to collect and analyze information on
- 1648 the incidence, severity, causes, and outcomes of trauma;

1649 (b) establish, by rule, the data elements, the medical care providers that shall report,
1650 and the time frame and format for reporting;

1651 (c) use the data collected to:

1652 (i) improve the availability and delivery of prehospital and hospital trauma care;

1653 (ii) assess trauma care delivery, patient care outcomes, and compliance with the
1654 requirements of this chapter and applicable department rules; and

1655 (iii) regularly produce and disseminate reports to data providers, state government, and
1656 the public; and

1657 (d) support data collection and abstraction by providing:

1658 (i) a data collection system and technical assistance to each hospital that submits data;
1659 and

1660 (ii) funding or, at the discretion of the ~~[department]~~ bureau, personnel for collection
1661 and abstraction for each hospital not designated as a trauma center under the standards
1662 established pursuant to Section ~~[26-8a-254]~~ 53-2d-305.

1663 (2) (a) Each hospital shall submit trauma data in accordance with rules established
1664 under Subsection (1).

1665 (b) A hospital designated as a trauma center shall submit data as part of the ongoing
1666 quality assurance program established in Section ~~[26-8a-252]~~ 53-2d-303.

1667 (3) The department shall assess:

1668 (a) the effectiveness of the data collected pursuant to Subsection (1); and

1669 (b) the impact of the statewide trauma system on the provision of trauma care.

1670 (4) Data collected under this section shall be subject to Title 26, Chapter 3, Health
1671 Statistics.

1672 (5) No person may be held civilly liable for having provided data to the department in
1673 accordance with this section.

1674 Section 42. Section **53-2d-305**, which is renumbered from Section 26-8a-254 is
1675 renumbered and amended to read:

1676 ~~[26-8a-254]~~. **53-2d-305. Trauma center designations and guidelines.**

1677 (1) The ~~[department]~~ bureau, after seeking the advice of the trauma system advisory
1678 committee, shall establish by rule:

1679 (a) trauma center designation requirements; and

1680 (b) model state guidelines for triage, treatment, transportation, and transfer of trauma
1681 patients to the most appropriate health care facility.

1682 (2) The ~~[department]~~ bureau shall designate as a trauma center each hospital that:

1683 (a) voluntarily requests a trauma center designation; and

1684 (b) meets the applicable requirements established pursuant to Subsection (1).

1685 Section 43. Section **53-2d-401**, which is renumbered from Section 26-8a-301 is
1686 renumbered and amended to read:

1687 **Part 4. Certificates, Designations, Permits, and Licenses**

1688 ~~[26-8a-301]~~. **53-2d-401. General requirement.**

1689 (1) Except as provided in Section ~~[26-8a-308]~~ 53-2d-408 or ~~[26-8b-201]~~ 53-2d-801:

1690 (a) an individual may not provide emergency medical services without a license or
1691 certification issued under Section ~~[26-8a-302]~~ 53-2d-402;

1692 (b) a facility or provider may not hold itself out as a designated emergency medical
1693 service provider or nonemergency secured behavioral health transport provider without a
1694 designation issued under Section ~~[26-8a-303]~~ 53-2d-403;

1695 (c) a vehicle may not operate as an ambulance, emergency response vehicle, or
1696 nonemergency secured behavioral health transport vehicle without a permit issued under
1697 Section ~~[26-8a-304]~~ 53-2d-404; and

1698 (d) an entity may not respond as an ambulance or paramedic provider without the
1699 appropriate license issued under ~~[Part 4, Ambulance and Paramedic Providers]~~ Part 5,
1700 Ambulance and Paramedic Providers.

1701 (2) Section ~~[26-8a-502]~~ 53-2d-602 applies to violations of this section.

1702 Section 44. Section **53-2d-402**, which is renumbered from Section 26-8a-302 is

1703 renumbered and amended to read:

1704 ~~[26-8a-302]~~. 53-2d-402. **Licensure of emergency medical service**
1705 **personnel.**

1706 (1) To promote the availability of comprehensive emergency medical services
1707 throughout the state, the committee shall establish:

1708 (a) initial and ongoing licensure and training requirements for emergency medical
1709 service personnel in the following categories:

1710 (i) paramedic;

1711 (ii) advanced emergency medical services technician;

1712 (iii) emergency medical services technician;

1713 (iv) behavioral emergency services technician; and

1714 (v) advanced behavioral emergency services technician;

1715 (b) a method to monitor the certification status and continuing medical education hours
1716 for emergency medical dispatchers; and

1717 (c) guidelines for giving credit for out-of-state training and experience.

1718 (2) The ~~[department]~~ bureau shall, based on the requirements established in Subsection
1719 (1):

1720 (a) develop, conduct, and authorize training and testing for emergency medical service
1721 personnel;

1722 (b) issue a license and license renewals to emergency medical service personnel other
1723 than emergency medical dispatchers; and

1724 (c) verify the certification of emergency medical dispatchers.

1725 (3) The ~~[department]~~ bureau shall coordinate with local mental health authorities
1726 described in Section [17-43-301](#) to develop and authorize initial and ongoing licensure and
1727 training requirements for licensure as a:

1728 (a) behavioral emergency services technician; and

1729 (b) advanced behavioral emergency services technician.

1730 (4) As provided in Section [~~26-8a-502~~] 53-2d-602, an individual issued a license or
1731 certified under this section may only provide emergency medical services to the extent allowed
1732 by the license or certification.

1733 (5) An individual may not be issued or retain a license under this section unless the
1734 individual obtains and retains background clearance under Section [~~26-8a-310~~] 53-2d-410.

1735 (6) An individual may not be issued or retain a certification under this section unless
1736 the individual obtains and retains background clearance in accordance with Section
1737 [~~26-8a-310.5~~] 53-2d-410.5.

1738 Section 45. Section **53-2d-403**, which is renumbered from Section 26-8a-303 is
1739 renumbered and amended to read:

1740 [~~26-8a-303~~]. **53-2d-403. Designation of emergency medical service**
1741 **providers and nonemergency secured behavioral health transport providers.**

1742 (1) To ensure quality emergency medical services, the committee shall establish
1743 designation requirements for:

1744 (a) emergency medical service providers in the following categories:

1745 (i) quick response provider;

1746 (ii) resource hospital for emergency medical providers;

1747 (iii) emergency medical service dispatch center;

1748 (iv) emergency patient receiving facilities; and

1749 (v) other types of emergency medical service providers as the committee considers
1750 necessary; and

1751 (b) nonemergency secured behavioral health transport providers.

1752 (2) The [~~department~~] bureau shall, based on the requirements in Subsection (1), issue
1753 designations to emergency medical service providers and nonemergency secured behavioral
1754 health transport providers listed in Subsection (1).

1755 (3) As provided in Section [~~26-8a-502~~] 53-2d-602, an entity issued a designation under
1756 Subsection (2) may only function and hold itself out in accordance with its designation.

1757 Section 46. Section **53-2d-404**, which is renumbered from Section 26-8a-304 is
1758 renumbered and amended to read:

1759 ~~[26-8a-304]~~. **53-2d-404**. **Permits for emergency medical service vehicles**
1760 **and nonemergency secured behavioral health transport vehicles.**

1761 (1) (a) To ensure that emergency medical service vehicles and nonemergency secured
1762 behavioral health transport vehicles are adequately staffed, safe, maintained, properly
1763 equipped, and safely operated, the committee shall establish permit requirements at levels it
1764 considers appropriate in the following categories:

- 1765 (i) ambulance;
- 1766 (ii) emergency medical response vehicle; and
- 1767 (iii) nonemergency secured behavioral health transport vehicle.

1768 (b) The permit requirements under Subsections (1)(a)(i) and (ii) shall include a
1769 requirement that beginning on or after January 31, 2014, every operator of an ambulance or
1770 emergency medical response vehicle annually provide proof of the successful completion of an
1771 emergency vehicle operator's course approved by the ~~[department]~~ bureau for all ambulances
1772 and emergency medical response vehicle operators.

1773 (2) The ~~[department]~~ bureau shall, based on the requirements established in Subsection
1774 (1), issue permits to emergency medical service vehicles and nonemergency secured behavioral
1775 health transport vehicles.

1776 Section 47. Section **53-2d-405**, which is renumbered from Section 26-8a-305 is
1777 renumbered and amended to read:

1778 ~~[26-8a-305]~~. **53-2d-405**. **Ambulance license required for emergency**
1779 **medical transport.**

1780 Except as provided in Section ~~[26-8a-308]~~ 53-2d-408, only an ambulance operating
1781 under a permit issued under Section ~~[26-8a-304]~~ 53-2d-404 may transport an individual who:

- 1782 (1) is in an emergency medical condition;
- 1783 (2) is medically or mentally unstable, requiring direct medical observation during

- 1784 transport;
- 1785 (3) is physically incapacitated because of illness or injury and in need of immediate
- 1786 transport by emergency medical service personnel;
- 1787 (4) is likely to require medical attention during transport;
- 1788 (5) is being maintained on any type of emergency medical electronic monitoring;
- 1789 (6) is receiving or has recently received medications that could cause a sudden change
- 1790 in medical condition that might require emergency medical services;
- 1791 (7) requires IV administration or maintenance, oxygen that is not patient-operated, or
- 1792 other emergency medical services during transport;
- 1793 (8) needs to be immobilized during transport to a hospital, an emergency patient
- 1794 receiving facility, or mental health facility due to a mental or physical condition, unless the
- 1795 individual is in the custody of a peace officer and the primary purpose of the restraint is to
- 1796 prevent escape;
- 1797 (9) needs to be immobilized due to a fracture, possible fracture, or other medical
- 1798 condition; or
- 1799 (10) otherwise requires or has the potential to require a level of medical care that the
- 1800 committee establishes as requiring direct medical observation.

1801 Section 48. Section **53-2d-406**, which is renumbered from Section 26-8a-306 is

1802 renumbered and amended to read:

1803 ~~[26-8a-306]~~. **53-2d-406. Medical control.**

1804 (1) The committee shall establish requirements for the coordination of emergency

1805 medical services rendered by emergency medical service providers, including the coordination

1806 between prehospital providers, hospitals, emergency patient receiving facilities, and other

1807 appropriate destinations.

1808 (2) The committee shall establish requirements for the medical supervision of

1809 emergency medical service providers to assure adequate physician oversight of emergency

1810 medical services and quality improvement.

1811 Section 49. Section **53-2d-407**, which is renumbered from Section 26-8a-307 is
1812 renumbered and amended to read:

1813 ~~[26-8a-307]~~. **53-2d-407. Patient destination.**

1814 (1) If an individual being transported by a ground or air ambulance is in a critical or
1815 unstable medical condition, the ground or air ambulance shall transport the patient to the
1816 trauma center or closest emergency patient receiving facility appropriate to adequately treat the
1817 patient.

1818 (2) If the patient's condition is not critical or unstable as determined by medical
1819 control, the ground or air ambulance may transport the patient to the:

1820 (a) hospital, emergency patient receiving facility, licensed mental health facility, or
1821 other medical provider chosen by the patient and approved by medical control as appropriate
1822 for the patient's condition and needs; or

1823 (b) nearest hospital, emergency patient receiving facility, licensed mental health
1824 facility, or other medical provider approved by medical control as appropriate for the patient's
1825 condition and needs if the patient expresses no preference.

1826 Section 50. Section **53-2d-408**, which is renumbered from Section 26-8a-308 is
1827 renumbered and amended to read:

1828 ~~[26-8a-308]~~. **53-2d-408. Exemptions.**

1829 (1) The following persons may provide emergency medical services to a patient
1830 without being licensed under this chapter:

1831 (a) out-of-state emergency medical service personnel and providers in time of disaster;

1832 (b) an individual who gratuitously acts as a Good Samaritan;

1833 (c) a family member;

1834 (d) a private business if emergency medical services are provided only to employees at
1835 the place of business and during transport;

1836 (e) an agency of the United States government if compliance with this chapter would
1837 be inconsistent with federal law; and

1838 (f) police, fire, and other public service personnel if:
1839 (i) emergency medical services are rendered in the normal course of the person's duties;
1840 and
1841 (ii) medical control, after being apprised of the circumstances, directs immediate
1842 transport.

1843 (2) An ambulance or emergency response vehicle may operate without a permit issued
1844 under Section [~~26-8a-304~~] [53-2d-404](#) in time of disaster.

1845 (3) Nothing in this chapter or Title 58, Occupations and Professions, may be construed
1846 as requiring a license for an individual to administer cardiopulmonary resuscitation or to use a
1847 fully automated external defibrillator under Section [~~26-8b-201~~] [53-2d-801](#).

1848 (4) Nothing in this chapter may be construed as requiring a license, permit, or
1849 designation for an acute care hospital, medical clinic, physician's office, or other fixed medical
1850 facility that:

1851 (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered
1852 nurse; and

1853 (b) treats an individual who has presented himself or was transported to the hospital,
1854 clinic, office, or facility.

1855 Section 51. Section **53-2d-409**, which is renumbered from Section 26-8a-309 is
1856 renumbered and amended to read:

1857 ~~[26-8a-309]~~. **53-2d-409. Out-of-state vehicles.**

1858 (1) An ambulance or emergency response vehicle from another state may not pick up a
1859 patient in Utah to transport that patient to another location in Utah or to another state without a
1860 permit issued under Section [~~26-8a-304~~] [53-2d-404](#) and, in the case of an ambulance, a license
1861 issued under [~~Part 4, Ambulance and Paramedic Providers~~] Part 5, Ambulance and Paramedic
1862 Providers.

1863 (2) Notwithstanding Subsection (1), an ambulance or emergency response vehicle from
1864 another state may, without a permit or license:

- 1865 (a) transport a patient into Utah; and
1866 (b) provide assistance in time of disaster.
1867 (3) The [department] bureau may enter into agreements with ambulance and paramedic
1868 providers and their respective licensing agencies from other states to assure the expeditious
1869 delivery of emergency medical services beyond what may be reasonably provided by licensed
1870 ambulance and paramedic providers, including the transportation of patients between states.

1871 Section 52. Section **53-2d-410**, which is renumbered from Section 26-8a-310 is
1872 renumbered and amended to read:

1873 ~~[26-8a-310]~~. **53-2d-410**. **Background clearance for emergency medical**
1874 **service personnel.**

1875 (1) Subject to Section [~~26-8a-310.5~~] 53-2d-410.5, the [department] bureau shall
1876 determine whether to grant background clearance for an individual seeking licensure or
1877 certification under Section [~~26-8a-302~~] 53-2d-402 from whom the [department] bureau
1878 receives:

1879 (a) the individual's social security number, fingerprints, and other personal
1880 identification information specified by the department under Subsection (4); and

1881 (b) any fees established by the department under Subsection (10).

1882 (2) The [department] bureau shall determine whether to deny or revoke background
1883 clearance for individuals for whom the department has previously granted background
1884 clearance.

1885 (3) The [department] bureau shall determine whether to grant, deny, or revoke
1886 background clearance for an individual based on an initial and ongoing evaluation of
1887 information the [department] bureau obtains under Subsections (5) and (11), which, at a
1888 minimum, shall include an initial criminal background check of state, regional, and national
1889 databases using the individual's fingerprints.

1890 (4) The [department] bureau shall make rules, in accordance with Title 63G, Chapter 3,
1891 Utah Administrative Rulemaking Act, that specify:

1892 (a) the criteria the ~~[department]~~ bureau will use under Subsection (3) to determine
1893 whether to grant, deny, or revoke background clearance; and

1894 (b) the other personal identification information an individual seeking licensure or
1895 certification under Section ~~[26-8a-302]~~ 53-2d-402 must submit under Subsection (1).

1896 (5) To determine whether to grant, deny, or revoke background clearance, the
1897 ~~[department]~~ bureau may access and evaluate any of the following:

1898 (a) Department of Public Safety arrest, conviction, and disposition records described in
1899 ~~[Title 53, Chapter 10, Criminal Investigations and Technical Services Act]~~ Chapter 10,
1900 Criminal Investigations and Technical Services Act, including information in state, regional,
1901 and national records files;

1902 (b) adjudications by a juvenile court of committing an act that if committed by an adult
1903 would be a felony or misdemeanor, if:

1904 (i) the applicant is under 28 years old; or

1905 (ii) the applicant:

1906 (A) is over 28 years old; and

1907 (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in
1908 abeyance or diversion agreement for a felony or misdemeanor;

1909 (c) juvenile court arrest, adjudication, and disposition records, other than those under
1910 Subsection (5)(b), as allowed under Section 78A-6-209;

1911 (d) child abuse or neglect findings described in Section 80-3-404;

1912 (e) the department's Licensing Information System described in Section 80-2-1002;

1913 (f) the department's database of reports of vulnerable adult abuse, neglect, or
1914 exploitation, described in Section 62A-3-311.1;

1915 (g) Division of Professional Licensing records of licensing and certification under Title
1916 58, Occupations and Professions;

1917 (h) records in other federal criminal background databases available to the state; and

1918 (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance,

1919 pending diversion agreements, or dispositions.

1920 (6) Except for the Department of Public Safety, an agency may not charge the
1921 [department] bureau for information accessed under Subsection (5).

1922 (7) When evaluating information under Subsection (3), the [department] bureau shall
1923 classify a crime committed in another state according to the closest matching crime under Utah
1924 law, regardless of how the crime is classified in the state where the crime was committed.

1925 (8) The [department] bureau shall adopt measures to protect the security of information
1926 the department accesses under Subsection (5), which shall include limiting access by
1927 department employees to those responsible for acquiring, evaluating, or otherwise processing
1928 the information.

1929 (9) The [department] bureau may disclose personal identification information the
1930 [department] bureau receives under Subsection (1) to the department to verify that the subject
1931 of the information is not identified as a perpetrator or offender in the information sources
1932 described in Subsections (5)(d) through (f).

1933 (10) The [department] bureau may charge fees, in accordance with Section [63J-1-504](#),
1934 to pay for:

1935 (a) the cost of obtaining, storing, and evaluating information needed under Subsection
1936 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke
1937 background clearance; and

1938 (b) other [department] bureau costs related to granting, denying, or revoking
1939 background clearance.

1940 (11) The Criminal Investigations and Technical Services Division within the
1941 Department of Public Safety shall:

1942 (a) retain, separate from other division records, personal information under Subsection
1943 (1), including any fingerprints sent to it by the department; and

1944 (b) notify the [department] bureau upon receiving notice that an individual for whom
1945 personal information has been retained is the subject of:

- 1946 (i) a warrant for arrest;
- 1947 (ii) an arrest;
- 1948 (iii) a conviction, including a plea in abeyance; or
- 1949 (iv) a pending diversion agreement.

1950 (12) The ~~[department]~~ bureau shall use the Direct Access Clearance System database
 1951 created under Section ~~26-21-209~~ to manage information about the background clearance status
 1952 of each individual for whom the ~~[department]~~ bureau is required to make a determination under
 1953 Subsection (1).

1954 (13) Clearance granted for an individual licensed or certified under Section
 1955 ~~[26-8a-302]~~ 53-2d-402 is valid until two years after the day on which the individual is no
 1956 longer licensed or certified in Utah as emergency medical service personnel.

1957 Section 53. Section **53-2d-410.5**, which is renumbered from Section 26-8a-310.5 is
 1958 renumbered and amended to read:

1959 ~~[26-8a-310.5]~~. **53-2d-410.5. Background check requirements for emergency**
 1960 **medical dispatchers.**

1961 An emergency medical dispatcher seeking certification under Section ~~[26-8a-302]~~
 1962 53-2d-402 shall undergo the background clearance process described in Section ~~[26-8a-310]~~
 1963 53-2d-410 unless the emergency medical dispatcher can demonstrate that the emergency
 1964 medical dispatcher has received and currently holds an approved Department of Public Safety
 1965 background clearance.

1966 Section 54. Section **53-2d-501**, which is renumbered from Section 26-8a-401 is
 1967 renumbered and amended to read:

Part 5. Ambulance and Paramedic Providers

1969 ~~[26-8a-401]~~. **53-2d-501. State regulation of emergency medical services**
 1970 **market -- License term.**

1971 (1) To ensure emergency medical service quality and minimize unnecessary
 1972 duplication, the ~~[department]~~ bureau shall regulate the emergency medical services market by

1973 creating and operating a statewide system that:

1974 (a) consists of exclusive geographic service areas as provided in Section [~~26-8a-402~~]
1975 [53-2d-502](#); and

1976 (b) establishes maximum rates as provided in Section [~~26-8a-403~~] [53-2d-503](#).

1977 (2) A license issued or renewed under this part is valid for four years.

1978 Section 55. Section **53-2d-502**, which is renumbered from Section 26-8a-402 is
1979 renumbered and amended to read:

1980 [~~26-8a-402~~]. **53-2d-502. Exclusive geographic service areas.**

1981 (1) (a) Each ground ambulance provider license issued under this part shall be for an
1982 exclusive geographic service area as described in the license.

1983 (b) Only the licensed ground ambulance provider may respond to an ambulance request
1984 that originates within the provider's exclusive geographic service area, except as provided in
1985 Subsection (5) and Section [~~26-8a-416~~] [53-2d-516](#).

1986 (2) (a) Each paramedic provider license issued under this part shall be for an exclusive
1987 geographic service area as described in the license.

1988 (b) Only the licensed paramedic provider may respond to a paramedic request that
1989 originates within the exclusive geographic service area, except as provided in Subsection (6)
1990 and Section [~~26-8a-416~~] [53-2d-516](#).

1991 (3) Nothing in this section may be construed as either requiring or prohibiting that the
1992 formation of boundaries in a given location be the same for a licensed paramedic provider and
1993 a licensed ambulance provider.

1994 (4) (a) A licensed ground ambulance or paramedic provider may, as necessary, enter
1995 into a mutual aid agreement to allow another licensed provider to give assistance in times of
1996 unusual demand, as that term is defined by the committee in rule.

1997 (b) A mutual aid agreement shall include a formal written plan detailing the type of
1998 assistance and the circumstances under which it would be given.

1999 (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the

2000 department.

2001 (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with
2002 another entity to provide services in the licensed provider's exclusive geographic service area.

2003 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may
2004 respond to an ambulance request that originates from the exclusive geographic area of another
2005 provider:

2006 (a) pursuant to a mutual aid agreement;

2007 (b) to render assistance on a case-by-case basis to that provider; and

2008 (c) as necessary to meet needs in time of disaster or other major emergency.

2009 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
2010 paramedic request that originates from the exclusive geographic area of another provider:

2011 (a) pursuant to a mutual aid agreement;

2012 (b) to render assistance on a case-by-case basis to that provider; and

2013 (c) as necessary to meet needs in time of disaster or other major emergency.

2014 (7) The [~~department~~] bureau may, upon the renewal of a license, align the boundaries
2015 of an exclusive geographic area with the boundaries of a political subdivision:

2016 (a) if the alignment is practical and in the public interest;

2017 (b) if each licensed provider that would be affected by the alignment agrees to the
2018 alignment; and

2019 (c) taking into consideration the requirements of:

2020 (i) Section [11-48-103](#); and

2021 (ii) Section [~~26-8a-408~~] [53-2d-508](#).

2022 Section 56. Section **53-2d-503**, which is renumbered from Section 26-8a-403 is
2023 renumbered and amended to read:

2024 [~~26-8a-403~~]. **53-2d-503. Establishment of maximum rates.**

2025 (1) The [~~department~~] bureau shall, after receiving recommendations under Subsection

2026 (2), establish maximum rates for ground ambulance providers and paramedic providers that are

2027 just and reasonable.

2028 (2) The committee may make recommendations to the [department] bureau on the
2029 maximum rates that should be set under Subsection (1).

2030 (3) (a) The [department] bureau shall prohibit ground ambulance providers and
2031 paramedic providers from charging fees for transporting a patient when the provider does not
2032 transport the patient.

2033 (b) The provisions of Subsection (3)(a) do not apply to ambulance providers or
2034 paramedic providers in a geographic service area which contains a town as defined in
2035 Subsection 10-2-301(2)(f).

2036 Section 57. Section ~~53-2d-504~~, which is renumbered from Section 26-8a-404 is
2037 renumbered and amended to read:

2038 ~~[26-8a-404]~~. **53-2d-504. Ground ambulance and paramedic licenses --**
2039 **Application and department review.**

2040 (1) Except as provided in Section ~~[26-8a-413]~~ 53-2d-513, an applicant for a ground
2041 ambulance or paramedic license shall apply to the [department] bureau for a license only by:

- 2042 (a) submitting a completed application;
- 2043 (b) providing information in the format required by the department; and
- 2044 (c) paying the required fees, including the cost of the hearing officer.

2045 (2) The [department] bureau shall make rules establishing minimum qualifications and
2046 requirements for:

- 2047 (a) personnel;
- 2048 (b) capital reserves;
- 2049 (c) equipment;
- 2050 (d) a business plan;
- 2051 (e) operational procedures;
- 2052 (f) medical direction agreements;
- 2053 (g) management and control; and

2054 (h) other matters that may be relevant to an applicant's ability to provide ground
2055 ambulance or paramedic service.

2056 (3) An application for a license to provide ground ambulance service or paramedic
2057 service shall be for all ground ambulance services or paramedic services arising within the
2058 geographic service area, except that an applicant may apply for a license for less than all
2059 ground ambulance services or all paramedic services arising within an exclusive geographic
2060 area if it can demonstrate how the remainder of that area will be served.

2061 (4) (a) A ground ambulance service licensee may apply to the [department] bureau for
2062 a license to provide a higher level of service as defined by [department] bureau rule if the
2063 application includes:

2064 (i) a copy of the new treatment protocols for the higher level of service approved by the
2065 off-line medical director;

2066 (ii) an assessment of field performance by the applicant's off-line director; and

2067 (iii) an updated plan of operation demonstrating the ability of the applicant to provide
2068 the higher level of service.

2069 (b) If the [department] bureau determines that the applicant has demonstrated the
2070 ability to provide the higher level of service in accordance with Subsection (4)(a), the
2071 [department] bureau shall issue a revised license reflecting the higher level of service and the
2072 requirements of Section 26-8a-408 do not apply.

2073 (c) A revised license issued under Subsection (4)(b):

2074 (i) may only affect the level of service that the licensee may provide; and

2075 (ii) may not affect any other terms, conditions, or limitations of the original license.

2076 (5) Upon receiving a completed application and the required fees, the [department]
2077 bureau shall review the application and determine whether the application meets the minimum
2078 qualifications and requirements for licensure.

2079 (6) The [department] bureau may deny an application if it finds that it contains any
2080 materially false or misleading information, is incomplete, or if the application demonstrates

2081 that the applicant fails to meet the minimum qualifications and requirements for licensure
2082 under Subsection (2).

2083 (7) If the department denies an application, it shall notify the applicant in writing
2084 setting forth the grounds for the denial. A denial may be appealed under Title 63G, Chapter 4,
2085 Administrative Procedures Act.

2086 Section 58. Section **53-2d-505**, which is renumbered from Section 26-8a-405 is
2087 renumbered and amended to read:

2088 ~~[26-8a-405].~~ **53-2d-505. Ground ambulance and paramedic licenses --**
2089 **Agency notice of approval.**

2090 (1) ~~[Beginning January 1, 2004, if]~~ If the ~~[department]~~ bureau determines that the
2091 application meets the minimum requirements for licensure under Section ~~[26-8a-404]~~
2092 53-2d-504, the ~~[department]~~ bureau shall issue a notice of the approved application to the
2093 applicant.

2094 (2) A current license holder responding to a request for proposal under Section
2095 ~~[26-8a-405.2]~~ 53-2d-505.2 is considered an approved applicant for purposes of Section
2096 ~~[26-8a-405.2]~~ 53-2d-505.2 if the current license holder, prior to responding to the request for
2097 proposal, submits the following to the department:

2098 (a) the information described in Subsections ~~[26-8a-404(4)(a)(i)]~~ 53-2d-504(4)(a)(i)
2099 through (iii); and

2100 (b) (i) if the license holder is a private entity, a financial statement, a pro forma budget
2101 and necessary letters of credit demonstrating a financial ability to expand service to a new
2102 service area; or

2103 (ii) if the license holder is a governmental entity, a letter from the governmental entity's
2104 governing body demonstrating the governing body's willingness to financially support the
2105 application.

2106 Section 59. Section **53-2d-505.1**, which is renumbered from Section 26-8a-405.1 is
2107 renumbered and amended to read:

2108 ~~[26-8a-405.1]~~. **53-2d-505.1. Selection of provider by political subdivision.**

2109 (1) (a) Only an applicant approved under Section ~~[26-8a-405]~~ 53-2d-505.1 may
2110 respond to a request for a proposal issued in accordance with Section ~~[26-8a-405.2]~~
2111 53-2d-505.2 or ~~[Section 26-8a-405.4]~~ 53-2d-505.4 by a political subdivision.

2112 (b) A response to a request for proposal is subject to the maximum rates established by
2113 the ~~[department]~~ bureau under Section ~~[26-8a-403]~~ 53-2d-503.

2114 (c) A political subdivision may award a contract to an applicant in response to a
2115 request for proposal:

2116 (i) in accordance with Section ~~[26-8a-405.2]~~ 53-2d-505.2; and

2117 (ii) subject to Subsections (2) and (3).

2118 (2) (a) The ~~[department]~~ bureau shall issue a license to an applicant selected by a
2119 political subdivision under Subsection (1) unless the ~~[department]~~ bureau finds that issuing a
2120 license to that applicant would jeopardize the health, safety, and welfare of the citizens of the
2121 geographic service area.

2122 (b) A license issued under this Subsection (2):

2123 (i) is for the exclusive geographic service area approved by the ~~[department]~~ bureau in
2124 accordance with Subsection ~~[26-8a-405.2(2)]~~ 53-2d-505.2(2);

2125 (ii) is valid for four years;

2126 (iii) is not subject to a request for license from another applicant under the provisions
2127 of Sections ~~[26-8a-406]~~ 53-2d-506 through ~~[26-8a-409]~~ 53-2d-509 during the four-year term,
2128 unless the applicant's license is revoked under Section ~~[26-8a-504]~~ 53-2d-604;

2129 (iv) is subject to revocation or revision under Subsection (3)(d); and

2130 (v) is subject to supervision by the department under Sections ~~[26-8a-503]~~ 53-2d-603
2131 and ~~[26-8a-504]~~ 53-2d-604.

2132 (3) Notwithstanding Subsection (2)(b), a political subdivision may terminate a contract
2133 described in Subsection (1)(c), with or without cause, if:

2134 (a) the contract:

2135 (i) is entered into on or after May 5, 2021; and
2136 (ii) allows an applicant to provide 911 ambulance services;
2137 (b) the political subdivision provides written notice to the applicant described in
2138 Subsection (3)(a)(ii) and the ~~[department]~~ bureau:
2139 (i) at least 18 months before the day on which the contract is terminated; or
2140 (ii) within a period of time shorter than 18 months before the day on which the contract
2141 is terminated, if otherwise agreed to by the applicant and the department;
2142 (c) the political subdivision selects another applicant to provide 911 ambulance
2143 services for the political subdivision in accordance with Section ~~[26-8a-405.2]~~ [53-2d-505.2](#);
2144 (d) the ~~[department]~~ bureau:
2145 (i) revokes the license of the applicant described in Subsection (3)(a)(ii), or issues a
2146 new or revised license for the applicant described in Subsection (3)(a)(ii):
2147 (A) in order to remove the area that is subject to the contract from the applicant's
2148 exclusive geographic service area; and
2149 (B) to take effect the day on which the contract is terminated; and
2150 (ii) issues a new or revised license for the applicant described in Subsection (3)(c):
2151 (A) in order to allow the applicant to provide 911 ambulance services for the area
2152 described in Subsection (3)(d)(i)(A); and
2153 (B) to take effect the day on which the contract is terminated; and
2154 (e) the termination does not create an orphaned area.
2155 (4) Except as provided in Subsection ~~[26-8a-405.3(4)(a)]~~, [53-2d-505.3\(4\)\(a\)](#) the
2156 provisions of Sections ~~[26-8a-406]~~ [53-2d-506](#) through ~~[26-8a-409]~~ [53-2d-509](#) do not apply to a
2157 license issued under this section.
2158 Section 60. Section **53-2d-505.2**, which is renumbered from Section 26-8a-405.2 is
2159 renumbered and amended to read:
2160 ~~[26-8a-405.2]~~. **53-2d-505.2. Selection of provider -- Request for competitive**
2161 **sealed proposal -- Public convenience and necessity.**

2162 (1) (a) A political subdivision may contract with an applicant approved under Section
2163 ~~[26-8a-404]~~ [53-2d-504](#) to provide services for the geographic service area that is approved by
2164 the department in accordance with Subsection (2), if:

2165 (i) the political subdivision complies with the provisions of this section and Section
2166 ~~[26-8a-405.3]~~ [53-2d-505.3](#) if the contract is for 911 ambulance or paramedic services; or

2167 (ii) the political subdivision complies with Sections ~~[26-8a-405.3]~~ [53-2d-505.3](#) and
2168 ~~[26-8a-405.4]~~ [53-2d-505.4](#), if the contract is for non-911 services.

2169 (b) (i) The provisions of this section and Sections ~~[26-8a-405.1]~~ [53-2d-505.1](#),
2170 ~~[26-8a-405.3]~~ [53-2d-505.3](#), and ~~[26-8a-405.4]~~ [53-2d-505.4](#) do not require a political
2171 subdivision to issue a request for proposal for ambulance or paramedic services or non-911
2172 services.

2173 (ii) If a political subdivision does not contract with an applicant in accordance with this
2174 section and Section ~~[26-8a-405.3]~~ [53-2d-505.3](#), the provisions of Sections ~~[26-8a-406]~~
2175 [53-2d-506](#) through ~~[26-8a-409]~~ [53-2d-509](#) apply to the issuance of a license for ambulance or
2176 paramedic services in the geographic service area that is within the boundaries of the political
2177 subdivision.

2178 (iii) If a political subdivision does not contract with an applicant in accordance with
2179 this section, Section ~~[26-8a-405.3]~~ [53-2d-505.3](#), and Section ~~[26-8a-405.4]~~ [53-2d-505.4](#), a
2180 license for the non-911 services in the geographic service area that is within the boundaries of
2181 the political subdivision may be issued:

2182 (A) under the public convenience and necessity provisions of Sections ~~[26-8a-406]~~
2183 [53-2d-506](#) through ~~[26-8a-409]~~ [53-2d-509](#); or

2184 (B) by a request for proposal issued by the department under Section ~~[26-8a-405.5]~~
2185 [53-2d-505.5](#).

2186 (c) (i) For purposes of this Subsection (1)(c):

2187 (A) "Fire district" means a local district under Title 17B, Limited Purpose Local
2188 Government Entities - Local Districts, that:

2189 (I) is located in a county of the first or second class; and
2190 (II) provides fire protection, paramedic, and emergency services.

2191 (B) "Participating municipality" means a city or town whose area is partly or entirely
2192 included within a county service area or fire district.

2193 (C) "Participating county" means a county whose unincorporated area is partly or
2194 entirely included within a fire district.

2195 (ii) A participating municipality or participating county may as provided in this section
2196 and Section [~~26-8a-405.3~~] [53-2d-505.3](#), contract with a provider for 911 ambulance or
2197 paramedic service.

2198 (iii) If the participating municipality or participating county contracts with a provider
2199 for services under this section and Section [~~26-8a-405.3~~] [53-2d-505.3](#):

2200 (A) the fire district is not obligated to provide the services that are included in the
2201 contract between the participating municipality or the participating county and the provider;

2202 (B) the fire district may impose taxes and obligations within the fire district in the same
2203 manner as if the participating municipality or participating county were receiving all services
2204 offered by the fire district; and

2205 (C) the participating municipality's and participating county's obligations to the fire
2206 district are not diminished.

2207 (2) (a) The political subdivision shall submit the request for proposal and the exclusive
2208 geographic service area to be included in a request for proposal issued under [~~Subsections~~]
2209 Subsection (1)(a)(i) or (ii) to the [~~department~~] bureau for approval prior to issuing the request
2210 for proposal.

2211 (b) The department shall approve the request for proposal and the exclusive geographic
2212 service area:

2213 (i) unless the geographic service area creates an orphaned area; and
2214 (ii) in accordance with Subsections [~~(2)(b)~~] (2)(c) and [~~(c)~~] (d).

2215 [~~(b)~~] (c) The exclusive geographic service area may:

2216 (i) include the entire geographic service area that is within the political subdivision's
2217 boundaries;

2218 (ii) include islands within or adjacent to other peripheral areas not included in the
2219 political subdivision that governs the geographic service area; or

2220 (iii) exclude portions of the geographic service area within the political subdivision's
2221 boundaries if another political subdivision or licensed provider agrees to include the excluded
2222 area within their license.

2223 ~~[(c)]~~ (d) (i) The proposed geographic service area for 911 ambulance or paramedic
2224 service shall demonstrate that non-911 ambulance or paramedic service will be provided in the
2225 geographic service area, either by the current provider, the applicant, or some other method
2226 acceptable to the ~~[department]~~ bureau.

2227 (ii) The ~~[department]~~ bureau may consider the effect of the proposed geographic
2228 service area on the costs to the non-911 provider and that provider's ability to provide only
2229 non-911 services in the proposed area.

2230 Section 61. Section **53-2d-505.3**, which is renumbered from Section 26-8a-405.3 is
2231 renumbered and amended to read:

2232 ~~[26-8a-405.3]~~. **53-2d-505.3. Use of competitive sealed proposals --**
2233 **Procedure -- Appeal rights.**

2234 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under
2235 Section ~~[26-8a-405.2]~~ 53-2d-505.2, or for non-911 services under Section ~~[26-8a-405.4]~~
2236 53-2d-505.4, shall be solicited through a request for proposal and the provisions of this section.

2237 (b) The governing body of the political subdivision shall approve the request for
2238 proposal prior to the notice of the request for proposals under Subsection (1)(c).

2239 (c) Notice of the request for proposals shall be published:

2240 (i) by posting the notice for at least 20 days in at least five public places in the county;

2241 and

2242 (ii) by posting the notice on the Utah Public Notice Website, created in Section

2243 [63A-16-601](#), for at least 20 days.

2244 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
2245 offerors during the process of negotiations.

2246 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
2247 political subdivision shall hold a presubmission conference with interested applicants for the
2248 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

2249 (ii) A political subdivision shall allow at least 90 days from the presubmission
2250 conference for the proposers to submit proposals.

2251 (c) (i) Subsequent to the presubmission conference, the political subdivision may issue
2252 addenda to the request for proposals.

2253 (ii) An [~~addenda~~] addendum to a request for proposal shall be finalized and posted by
2254 the political subdivision at least 45 days before the day on which the proposal must be
2255 submitted.

2256 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
2257 respect to any opportunity for discussion and revisions of proposals, and revisions may be
2258 permitted after submission and before a contract is awarded for the purpose of obtaining best
2259 and final offers.

2260 (e) In conducting discussions, there shall be no disclosures of any information derived
2261 from proposals submitted by competing offerors.

2262 (3) (a) (i) A political subdivision may select an applicant approved by the [~~department~~]
2263 bureau under Section [~~26-8a-404~~] [53-2d-504](#) to provide 911 ambulance or paramedic services
2264 by contract to the most responsible offeror as defined in Section [63G-6a-103](#).

2265 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
2266 proposal is determined in writing to be the most advantageous to the political subdivision,
2267 taking into consideration price and the evaluation factors set forth in the request for proposal.

2268 (b) The applicants who are approved under Section [~~26-8a-405~~] [53-2d-505](#) and who
2269 are selected under this section may be the political subdivision issuing the request for

2270 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2271 or any combination thereof.

2272 (c) A political subdivision may reject all of the competitive proposals.

2273 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2274 a political subdivision:

2275 (a) shall apply the public convenience and necessity factors listed in Subsections
2276 [~~26-8a-408(2)~~ [53-2d-508\(2\)](#) through (6);

2277 (b) shall require the applicant responding to the proposal to disclose how the applicant
2278 will meet performance standards in the request for proposal;

2279 (c) may not require or restrict an applicant to a certain method of meeting the
2280 performance standards, including:

2281 (i) requiring ambulance medical personnel to also be a firefighter; or

2282 (ii) mandating that offerors use fire stations or dispatch services of the political
2283 subdivision;

2284 (d) shall require an applicant to submit the proposal:

2285 (i) based on full cost accounting in accordance with generally accepted accounting
2286 principals; and

2287 (ii) if the applicant is a governmental entity, in addition to the requirements of
2288 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
2289 in compliance with the State of Utah Legal Compliance Audit Guide; and

2290 (e) shall set forth in the request for proposal:

2291 (i) the method for determining full cost accounting in accordance with generally
2292 accepted accounting principles, and require an applicant to submit the proposal based on such
2293 full cost accounting principles;

2294 (ii) guidelines established to further competition and provider accountability; and

2295 (iii) a list of the factors that will be considered by the political subdivision in the award
2296 of the contract, including by percentage, the relative weight of the factors established under this

2297 Subsection (4)(e), which may include such things as:

2298 (A) response times;

2299 (B) staging locations;

2300 (C) experience;

2301 (D) quality of care; and

2302 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

2303 (5) (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement
2304 Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply
2305 to the procurement process required by this section, except as provided in Subsection (5)(c).

2306 (b) A procurement appeals panel described in Section [63G-6a-1702](#) shall have
2307 jurisdiction to review and determine an appeal of an offeror under this section.

2308 (c) (i) (A) An offeror may appeal the solicitation or award as provided by the political
2309 subdivision's procedures.

2310 (B) After all political subdivision appeal rights are exhausted, the offeror may appeal
2311 under [~~the provisions of~~] Subsections (5)(a) and (b).

2312 (ii) A procurement appeals panel described in Section [63G-6a-1702](#) shall determine
2313 whether the solicitation or award was made in accordance with the procedures set forth in this
2314 section and Section [~~26-8a-405.2~~] [53-2d-505.2](#).

2315 (d) The determination of an issue of fact by the appeals board shall be final and
2316 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
2317 [63G-6a-1705](#).

2318 Section 62. Section [53-2d-505.4](#), which is renumbered from Section 26-8a-405.4 is
2319 renumbered and amended to read:

2320 [~~26-8a-405.4~~]. [53-2d-505.4](#). **Non-911 provider -- Finding of meritorious**
2321 **complaint -- Request for proposals.**

2322 (1) (a) This section applies to a non-911 provider license under this chapter.

2323 (b) The [~~department~~] bureau shall, in accordance with Subsections (3) and (4):

- 2324 (i) receive a complaint about a non-911 provider;
- 2325 (ii) determine whether the complaint has merit;
- 2326 (iii) issue a finding of:
 - 2327 (A) a meritorious complaint; or
 - 2328 (B) a non-meritorious complaint; and
- 2329 (iv) forward a finding of a meritorious complaint to the governing body of the political
- 2330 subdivision:
 - 2331 (A) in which the non-911 provider is licensed; or
 - 2332 (B) that provides the non-911 services, if different from Subsection (1)(b)(iv)(A).
- 2333 (2) (a) A political subdivision that receives a finding of a meritorious complaint from
- 2334 ~~[the department:]~~ the bureau shall take corrective action that the political subdivision
- 2335 determines is appropriate.
- 2336 ~~[(i) shall take corrective action that the political subdivision determines is appropriate;~~
- 2337 ~~and]~~
- 2338 ~~[(ii) (b) [shall, if the] A political subdivision that determines corrective action will not~~
- 2339 ~~resolve the complaint or is not appropriate shall:~~
- 2340 ~~[(A)] (i) subject to Subsection (2)(c), issue a request for proposal for non-911 service~~
- 2341 ~~in the geographic service area [if the political subdivision will not respond to the request for~~
- 2342 ~~proposal]; or~~
- 2343 ~~[(B)] (ii) [(H)] (A) make a finding that a request for proposal for non-911 services is~~
- 2344 ~~appropriate [and the political subdivision intends to respond to a request for proposal]; and~~
- 2345 ~~[(H)] (B) submit the political subdivision's findings to the [department] bureau with a~~
- 2346 ~~request that the [department] bureau issue a request for proposal in accordance with Section~~
- 2347 ~~[26-8a-405.5] [53-2d-505.5](#).~~
- 2348 ~~[(b)] (c) A political subdivision that issues a request for proposal under Subsection~~
- 2349 ~~(2)(b)(i):~~
- 2350 ~~(i) may not respond to the request for proposal; and~~

2351 (ii) shall issue the request for proposal in accordance with Sections 53-2d-505.1
2352 through 53-2d-505.3.

2353 [~~(i) If Subsection (2)(a)(ii)(A) applies, the political subdivision shall issue the request~~
2354 ~~for proposal in accordance with Sections 26-8a-405.1 through 26-8a-405.3.]~~

2355 [(ii) (d) If [~~Subsection (2)(a)(ii)(B) applies~~] a political subdivision submits a request to
2356 the bureau described in Subsection (2)(b)(ii), the [~~department~~] bureau shall issue a request for
2357 proposal for non-911 services in accordance with Section 26-8a-405.5.

2358 (3) The [~~department~~] bureau shall make a determination under Subsection (1)(b) if:

2359 (a) the [~~department~~] bureau receives a written complaint from any of the following in
2360 the geographic service area:

2361 (i) a hospital;

2362 (ii) a health care facility;

2363 (iii) a political subdivision; or

2364 (iv) an individual; and

2365 (b) the [~~department~~] bureau determines, in accordance with Subsection (1)(b), that the
2366 complaint has merit.

2367 (4) (a) If the [~~department~~] bureau receives a complaint under Subsection (1)(b), the
2368 department shall request a written response from the non-911 provider concerning the
2369 complaint.

2370 (b) The [~~department~~] bureau shall make a determination under Subsection (1)(b) based
2371 on:

2372 (i) the written response from the non-911 provider; and

2373 (ii) other information that the department may have concerning the quality of service of
2374 the non-911 provider.

2375 (c) (i) The [~~department's~~] bureau's determination under Subsection (1)(b) is not subject
2376 to an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

2377 (ii) The [~~department~~] bureau shall adopt administrative rules in accordance with Title

2378 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of
2379 Subsection (1)(b).

2380 Section 63. Section **53-2d-505.5**, which is renumbered from Section 26-8a-405.5 is
2381 renumbered and amended to read:

2382 ~~[26-8a-405.5]~~. **53-2d-505.5. Use of competitive sealed proposals --**
2383 **Procedure -- Appeal rights.**

2384 (1) (a) The [department] bureau shall issue a request for proposal for non-911 services
2385 in a geographic service area if the [department] bureau receives a request from a political
2386 subdivision under Subsection ~~[26-8a-405.4(2)(a)(ii)(B)]~~ 53-2d-505.4(2)(d) to issue a request
2387 for proposal for non-911 services.

2388 (b) Competitive sealed proposals for non-911 services under Subsection (1)(a) shall be
2389 solicited through a request for proposal and the provisions of this section.

2390 (c) (i) Notice of the request for proposals shall be published:

2391 (A) at least once a week for three consecutive weeks in a newspaper of general
2392 circulation published in the county; or

2393 (B) if there is no such newspaper, then notice shall be posted for at least 20 days in at
2394 least five public places in the county; and

2395 (ii) in accordance with Section 45-1-101 for at least 20 days.

2396 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
2397 offerors during the process of negotiations.

2398 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
2399 department shall hold a presubmission conference with interested applicants for the purpose of
2400 assuring full understanding of, and responsiveness to, solicitation requirements.

2401 (ii) The department shall allow at least 90 days from the presubmission conference for
2402 the proposers to submit proposals.

2403 (c) (i) Subsequent to the presubmission conference, the department may issue addenda
2404 to the request for proposals.

2405 (ii) An [~~addenda~~] addendum to a request for proposal shall be finalized and posted by
2406 the department at least 45 days before the day on which the proposal must be submitted.

2407 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
2408 respect to any opportunity for discussion and revisions of proposals, and revisions may be
2409 permitted after submission and before a contract is awarded for the purpose of obtaining best
2410 and final offers.

2411 (e) In conducting discussions, there shall be no disclosures of any information derived
2412 from proposals submitted by competing offerors.

2413 (3) (a) (i) The [~~department~~] bureau may select an applicant approved by the
2414 [~~department~~] bureau under Section [~~26-8a-404~~] 53-2d-504 to provide non-911 services by
2415 contract to the most responsible offeror as defined in Section 63G-6a-103.

2416 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
2417 proposal is determined in writing to be the most advantageous to the public, taking into
2418 consideration price and the evaluation factors set forth in the request for proposal.

2419 (b) The applicants who are approved under Section [~~26-8a-405~~] 53-2d-504 and who
2420 are selected under this section may be the political subdivision responding to the request for
2421 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2422 or any combination thereof.

2423 (c) The [~~department~~] bureau may reject all of the competitive proposals.

2424 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2425 the [~~department~~] bureau:

2426 (a) shall consider the public convenience and necessity factors listed in Subsections
2427 [~~26-8a-408(2)~~] 53-2d-508(2) through (6);

2428 (b) shall require the applicant responding to the proposal to disclose how the applicant
2429 will meet performance standards in the request for proposal;

2430 (c) may not require or restrict an applicant to a certain method of meeting the
2431 performance standards, including:

2432 (i) requiring ambulance medical personnel to also be a firefighter; or
2433 (ii) mandating that offerors use fire stations or dispatch services of the political
2434 subdivision;
2435 (d) shall require an applicant to submit the proposal:
2436 (i) based on full cost accounting in accordance with generally accepted accounting
2437 principals; and
2438 (ii) if the applicant is a governmental entity, in addition to the requirements of
2439 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
2440 in compliance with the State of Utah Legal Compliance Audit Guide; and
2441 (e) shall set forth in the request for proposal:
2442 (i) the method for determining full cost accounting in accordance with generally
2443 accepted accounting principles, and require an applicant to submit the proposal based on such
2444 full cost accounting principles;
2445 (ii) guidelines established to further competition and provider accountability; and
2446 (iii) a list of the factors that will be considered by the department in the award of the
2447 contract, including by percentage, the relative weight of the factors established under this
2448 Subsection (4)(e), which may include:
2449 (A) response times;
2450 (B) staging locations;
2451 (C) experience;
2452 (D) quality of care; and
2453 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).
2454 (5) A license issued under this section:
2455 (a) is for the exclusive geographic service area approved by the department;
2456 (b) is valid for four years;
2457 (c) is not subject to a request for license from another applicant under the provisions of
2458 Sections [~~26-8a-406~~] 53-2d-506 through [~~26-8a-409~~] 53-2d-509 during the four-year term,

2459 unless the applicant's license is revoked under Section [~~26-8a-504~~] 53-2d-604;

2460 (d) is subject to supervision by the department under Sections [~~26-8a-503~~] 53-2d-603
2461 and [~~26-8a-504~~] 53-2d-604; and

2462 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections
2463 [~~26-8a-406~~] 53-2d-506 through [~~26-8a-409~~] 53-2d-509.

2464 Section 64. Section **53-2d-506**, which is renumbered from Section 26-8a-406 is
2465 renumbered and amended to read:

2466 [~~26-8a-406~~]. **53-2d-506. Ground ambulance and paramedic licenses --**
2467 **Parties.**

2468 (1) When an applicant approved under Section [~~26-8a-404~~] 53-2d-504 seeks licensure
2469 under the provisions of Sections [~~26-8a-406~~] 53-2d-506 through [~~26-8a-409~~] 53-2d-509, the
2470 [~~department~~] bureau shall:

2471 (a) issue a notice of agency action to the applicant to commence an informal
2472 administrative proceeding;

2473 (b) provide notice of the application to all interested parties; and

2474 (c) publish notice of the application, at the applicant's expense:

2475 (i) once a week for four consecutive weeks, in a newspaper of general circulation in the
2476 geographic service area that is the subject of the application; and

2477 (ii) in accordance with Section 45-1-101 for four weeks.

2478 (2) An interested party has 30 days to object to an application.

2479 (3) If an interested party objects, the presiding officer shall join the interested party as
2480 an indispensable party to the proceeding.

2481 (4) The [~~department~~] bureau may join the proceeding as a party to represent the public
2482 interest.

2483 (5) Others who may be affected by the grant of a license to the applicant may join the
2484 proceeding, if the presiding officer determines that they meet the requirement of legal standing.

2485 Section 65. Section **53-2d-507**, which is renumbered from Section 26-8a-407 is

2486 renumbered and amended to read:

2487 ~~[26-8a-407]~~. 53-2d-507. **Ground ambulance and paramedic licenses --**

2488 **Proceedings.**

2489 (1) The presiding officer shall:

2490 (a) commence an informal adjudicative proceeding within 120 days of receiving a
2491 completed application;

2492 (b) meet with the applicant and objecting interested parties and provide no less than
2493 120 days for a negotiated resolution, consistent with the criteria in Section ~~[26-8a-408]~~
2494 53-2d-508;

2495 (c) set aside a separate time during the proceedings to accept public comment on the
2496 application; and

2497 (d) present a written decision to the executive director if a resolution has been reached
2498 that satisfies the criteria in Section ~~[26-8a-408]~~ 53-2d-508.

2499 (2) At any time during an informal adjudicative proceeding under Subsection (1), any
2500 party may request conversion of the informal adjudicative proceeding to a formal adjudicative
2501 proceeding in accordance with Section 63G-4-202.

2502 (3) (a) Upon conversion to a formal adjudicative proceeding, a hearing officer shall be
2503 assigned to the application as provided in Section ~~[26-8a-409]~~ 53-2d-509.

2504 (b) The hearing office shall:

2505 ~~[(a)]~~ (i) set aside a separate time during the proceedings to accept public comment on
2506 the application;

2507 ~~[(b)]~~ (ii) apply the criteria established in Section ~~[26-8a-408]~~ 53-2d-508; and

2508 ~~[(c)]~~ (iii) present a recommended decision to the executive director in writing.

2509 (4) The executive director may, as set forth in a final written order, accept, modify,
2510 reject, or remand the decision of a presiding or hearing officer after:

2511 (a) reviewing the record;

2512 (b) giving due deference to the officer's decision; and

2513 (c) determining whether the criteria in Section [~~26-8a-408~~] 53-2d-508 have been
2514 satisfied.

2515 Section 66. Section **53-2d-508**, which is renumbered from Section 26-8a-408 is
2516 renumbered and amended to read:

2517 [~~26-8a-408~~]. **53-2d-508. Criteria for determining public convenience and**
2518 **necessity.**

2519 (1) The criteria for determining public convenience and necessity is set forth in
2520 Subsections (2) through (6).

2521 (2) (a) Access to emergency medical services shall be maintained or improved.

2522 (b) The officer shall consider the impact on existing services, including the impact on
2523 response times, call volumes, populations and exclusive geographic service areas served, and
2524 the ability of surrounding licensed providers to service their exclusive geographic service areas.

2525 (c) The issuance or amendment of a license may not create an orphaned area.

2526 (3) (a) The quality of service in the area shall be maintained or improved.

2527 (b) The officer shall consider the:

2528 [~~(a)~~] (i) staffing and equipment standards of the current licensed provider and the
2529 applicant;

2530 [~~(b)~~] (ii) training and licensure levels of the current licensed provider's staff and the
2531 applicant's staff;

2532 [~~(c)~~] (iii) continuing medical education provided by the current licensed provider and
2533 the applicant;

2534 [~~(d)~~] (iv) levels of care as defined by department rule;

2535 [~~(e)~~] (v) plan of medical control; and

2536 [~~(f)~~] (vi) the negative or beneficial impact on the regional emergency medical service
2537 system to provide service to the public.

2538 (4) (a) The cost to the public shall be justified.

2539 (b) The officer shall consider:

2540 [~~(a)~~] (i) the financial solvency of the applicant;

2541 [~~(b)~~] (ii) the applicant's ability to provide services within the rates established under

2542 Section [~~26-8a-403~~] [53-2d-503](#);

2543 [~~(c)~~] (iii) the applicant's ability to comply with cost reporting requirements;

2544 [~~(d)~~] (iv) the cost efficiency of the applicant; and

2545 [~~(e)~~] (v) the cost effect of the application on the public, interested parties, and the

2546 emergency medical services system.

2547 (5) (a) Local desires concerning cost, quality, and access shall be considered.

2548 (b) The officer shall assess and consider:

2549 [~~(a)~~] (i) the existing provider's record of providing services and the applicant's record

2550 and ability to provide similar or improved services;

2551 [~~(b)~~] (ii) locally established emergency medical services goals, including those

2552 established in Subsection (7);

2553 [~~(c)~~] (iii) comment by local governments on the applicant's business and operations

2554 plans;

2555 [~~(d)~~] (iv) comment by interested parties that are providers on the impact of the

2556 application on the parties' ability to provide emergency medical services;

2557 [~~(e)~~] (v) comment by interested parties that are local governments on the impact of the

2558 application on the citizens it represents; and

2559 [~~(f)~~] (vi) public comment on any aspect of the application or proposed license.

2560 (6) Other related criteria:

2561 (a) the officer considers necessary; or

2562 (b) established by [~~department~~] bureau rule.

2563 (7) Local governments shall establish cost, quality, and access goals for the ground

2564 ambulance and paramedic services that serve their areas.

2565 (8) In a formal adjudicative proceeding, the applicant bears the burden of establishing

2566 that public convenience and necessity require the approval of the application for all or part of

2567 the exclusive geographic service area requested.

2568 Section 67. Section **53-2d-509**, which is renumbered from Section 26-8a-409 is
2569 renumbered and amended to read:

2570 ~~[26-8a-409]~~. **53-2d-509**. **Ground ambulance and paramedic licenses --**
2571 **Hearing and presiding officers.**

2572 (1) The [department] bureau shall set training standards for hearing officers and
2573 presiding officers.

2574 (2) At a minimum, a presiding officer shall:

2575 (a) be familiar with the theory and application of public convenience and necessity; and

2576 (b) have a working knowledge of the emergency medical service system in the state.

2577 (3) In addition to the requirements in Subsection (2), a hearing officer shall also be
2578 licensed to practice law in the state.

2579 (4) The [department] bureau shall provide training for hearing officer and presiding
2580 officer candidates in the theory and application of public convenience and necessity and on the
2581 emergency medical system in the state.

2582 (5) The [department] bureau shall maintain a roster of no less than five individuals who
2583 meet the minimum qualifications for both presiding and hearing officers and the standards set
2584 by the [department] bureau.

2585 (6) The parties may mutually select an officer from the roster if the officer is available.

2586 (7) If the parties cannot agree upon an officer under Subsection (4), the [department]
2587 bureau shall randomly select an officer from the roster or from a smaller group of the roster
2588 agreed upon by the applicant and the objecting interested parties.

2589 Section 68. Section **53-2d-510**, which is renumbered from Section 26-8a-410 is
2590 renumbered and amended to read:

2591 ~~[26-8a-410]~~. **53-2d-510**. **Local approvals.**

2592 (1) Licensed ambulance providers and paramedic providers shall meet all local zoning
2593 and business licensing standards generally applicable to businesses operating within the

2594 jurisdiction.

2595 (2) Publicly subsidized providers shall demonstrate approval of the taxing authority
2596 that will provide the subsidy.

2597 (3) A publicly operated service shall demonstrate that the governing body has approved
2598 the provision of services to the entire exclusive geographic service area that is the subject of
2599 the license, including those areas that may lie outside the territorial or jurisdictional boundaries
2600 of the governing body.

2601 Section 69. Section **53-2d-511**, which is renumbered from Section 26-8a-411 is
2602 renumbered and amended to read:

2603 ~~[26-8a-411]~~. **53-2d-511. Limitation on repetitive applications.**

2604 A person who has previously applied for a license under Sections ~~[26-8a-406]~~
2605 53-2d-506 through ~~[26-8a-409]~~ 53-2d-509 may not apply for a license for the same service that
2606 covers any exclusive geographic service area that was the subject of the prior application
2607 unless:

2608 (1) one year has passed from the date of the issuance of a final decision under Section
2609 ~~[26-8a-407]~~ 53-2d-507; or

2610 (2) all interested parties and the department agree that a new application is in the public
2611 interest.

2612 Section 70. Section **53-2d-512**, which is renumbered from Section 26-8a-412 is
2613 renumbered and amended to read:

2614 ~~[26-8a-412]~~. **53-2d-512. License for air ambulance providers.**

2615 (1) An applicant for an air ambulance provider shall apply to the ~~[department]~~ bureau
2616 for a license only by:

2617 (a) submitting a complete application;

2618 (b) providing information in the format required by the ~~[department]~~ bureau; and

2619 (c) paying the required fees.

2620 (2) The ~~[department]~~ bureau may make rules establishing minimum qualifications and

2621 requirements for:

2622 (a) personnel;

2623 (b) capital reserves;

2624 (c) equipment;

2625 (d) business plan;

2626 (e) operational procedures;

2627 (f) resource hospital and medical direction agreements;

2628 (g) management and control qualifications and requirements; and

2629 (h) other matters that may be relevant to an applicant's ability to provide air ambulance
2630 services.

2631 (3) Upon receiving a completed application and the required fees, the [department]
2632 bureau shall review the application and determine whether the application meets the minimum
2633 requirements for licensure.

2634 (4) The [department] bureau may deny an application for an air ambulance if:

2635 (a) the [department] bureau finds that the application contains any materially false or
2636 misleading information or is incomplete;

2637 (b) the application demonstrates that the applicant fails to meet the minimum
2638 requirements for licensure; or

2639 (c) the [department] bureau finds after inspection that the applicant does not meet the
2640 minimum requirements for licensure.

2641 (5) If the [department] bureau denies an application under this section, it shall notify
2642 the applicant in writing setting forth the grounds for the denial.

2643 Section 71. Section **53-2d-513**, which is renumbered from Section 26-8a-413 is
2644 renumbered and amended to read:

2645 ~~[26-8a-413]~~. **53-2d-513. License renewals.**

2646 (1) A licensed provider desiring to renew its license shall meet the renewal
2647 requirements established by [department] bureau rule.

2648 (2) The [department] bureau shall issue a renewal license for a ground ambulance
2649 provider or a paramedic provider upon the licensee's application for a renewal and without a
2650 public hearing if:

2651 (a) the applicant was licensed under the provisions of Sections [~~26-8a-406~~] [53-2d-506](#)
2652 through [~~26-8a-409~~] [53-2d-509](#); and

2653 (b) there has been:

2654 (i) no change in controlling interest in the ownership of the licensee as defined in
2655 Section [~~26-8a-415~~] [53-2d-515](#);

2656 (ii) no serious, substantiated public complaints filed with the department against the
2657 licensee during the term of the previous license;

2658 (iii) no material or substantial change in the basis upon which the license was
2659 originally granted;

2660 (iv) no reasoned objection from the committee or the department; and

2661 (v) no change to the license type.

2662 (3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the
2663 provisions of Sections [~~26-8a-405.1~~] [53-2d-505.1](#) and [~~26-8a-405.2~~] [53-2d-505.2](#).

2664 (ii) A provider may renew its license if the provisions of Subsections (1) and (2) and
2665 this Subsection (3) are met.

2666 (b) (i) The [department] bureau shall issue a renewal license to a provider upon the
2667 provider's application for renewal for one additional four-year term if the political subdivision
2668 certifies to the [department] bureau that the provider has met all of the specifications of the
2669 original bid.

2670 (ii) If the political subdivision does not certify to the [department] bureau that the
2671 provider has met all of the specifications of the original bid, the [department] bureau may not
2672 issue a renewal license and the political subdivision shall enter into a public bid process under
2673 Sections [~~26-8a-405.1~~] [53-2d-505.1](#) and [~~26-8a-405.2~~] [53-2d-505.2](#).

2674 (c) (i) The [department] bureau shall issue an additional renewal license to a provider

2675 who has already been issued a one-time renewal license under the provisions of Subsection
2676 (3)(b)(i) if the [department] bureau and the political subdivision do not receive, prior to the
2677 expiration of the provider's license, written notice from an approved applicant informing the
2678 political subdivision of the approved applicant's desire to submit a bid for ambulance or
2679 paramedic service.

2680 (ii) If the [department] bureau and the political subdivision receive the notice in
2681 accordance with Subsection (3)(c)(i), the [department] bureau may not issue a renewal license
2682 and the political subdivision shall enter into a public bid process under Sections [~~26-8a-405.1~~]
2683 [53-2d-505.1](#) and [~~26-8a-405.2~~] [53-2d-505.2](#).

2684 (4) The [department] bureau shall issue a renewal license for an air ambulance provider
2685 upon the licensee's application for renewal and completion of the renewal requirements
2686 established by [department] bureau rule.

2687 Section 72. Section **53-2d-514**, which is renumbered from Section 26-8a-414 is
2688 renumbered and amended to read:

2689 ~~[26-8a-414]~~. **53-2d-514. Annexations.**

2690 (1) A municipality shall comply with the provisions of this section if the municipality
2691 is licensed under this chapter and desires to provide service to an area that is:

2692 (a) included in a petition for annexation under Title 10, Chapter 2, Part 4, Annexation;
2693 and

2694 (b) currently serviced by another provider licensed under this chapter.

2695 (2) (a) (i) At least 45 days prior to approving a petition for annexation, the municipality
2696 shall certify to the [department] bureau that by the time of the approval of the annexation the
2697 municipality can meet or exceed the current level of service provided by the existing licensee
2698 for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and

2699 (ii) no later than three business days after the municipality files a petition for
2700 annexation in accordance with Section [10-2-403](#), provide written notice of the petition for
2701 annexation to:

2702 (A) the existing licensee providing service to the area included in the petition of
2703 annexation; and

2704 (B) the [department] bureau.

2705 (b) (i) After receiving a certification under Subsection (2)(a), but prior to the
2706 municipality approving a petition for annexation, the [department] bureau may audit the
2707 municipality only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).

2708 (ii) If the [department] bureau elects to conduct an audit, the [department] bureau shall
2709 make a finding that the municipality can meet or exceed the current level of service provided
2710 by the existing licensee for the annexed area if the [department] bureau finds that the
2711 municipality has or will have by the time of the approval of the annexation:

2712 (A) adequate trained personnel to deliver basic and advanced life support services;

2713 (B) adequate apparatus and equipment to deliver emergency medical services;

2714 (C) adequate funding for personnel and equipment; and

2715 (D) appropriate medical controls, such as a medical director and base hospital.

2716 (iii) The [department] bureau shall submit the results of the audit in writing to the
2717 municipal legislative body.

2718 (3) (a) If the [department] bureau audit finds that the municipality meets the
2719 requirements of Subsection (2)(b)(ii), the [department] bureau shall issue an amended license
2720 to the municipality and all other affected licensees to reflect the municipality's new boundaries
2721 after the [department] bureau receives notice of the approval of the petition for annexation
2722 from the municipality in accordance with Section [10-2-425](#).

2723 (b) (i) Notwithstanding the provisions of Subsection [63G-4-102\(2\)\(k\)](#), if the
2724 [department] bureau audit finds that the municipality fails to meet the requirements of
2725 Subsection (2)(b)(ii), the municipality may request an adjudicative proceeding under the
2726 provisions of Title 63G, Chapter 4, Administrative Procedures Act. []The municipality may
2727 approve the petition for annexation while an adjudicative proceeding requested under this
2728 Subsection (3)(b)(i) is pending.

2729 (ii) The [department] bureau shall conduct an adjudicative proceeding when requested
2730 under Subsection (3)(b)(i).

2731 (iii) Notwithstanding the provisions of Sections [~~26-8a-404~~] [53-2d-504](#) through
2732 [~~26-8a-409~~] [53-2d-509](#), in any adjudicative proceeding held under the provisions of Subsection
2733 (3)(b)(i), the [department] bureau bears the burden of establishing that the municipality cannot,
2734 by the time of the approval of the annexation, meet the requirements of Subsection (2)(b)(ii).

2735 (c) If, at the time of the approval of the annexation, an adjudicative proceeding is
2736 pending under the provisions of Subsection (3)(b)(i), the [department] bureau shall issue
2737 amended licenses if the municipality prevails in the adjudicative proceeding.

2738 Section 73. Section **53-2d-515**, which is renumbered from Section 26-8a-415 is
2739 renumbered and amended to read:

2740 ~~[26-8a-415]~~. **53-2d-515. Changes in ownership.**

2741 (1) A licensed provider whose ownership or controlling ownership interest has changed
2742 shall submit information to the [department] bureau, as required by [department] bureau rule:

2743 (a) to establish whether the new owner or new controlling party meets minimum
2744 requirements for licensure; and

2745 (b) except as provided in Subsection (2), to commence an administrative proceeding to
2746 determine whether the new owner meets the requirement of public convenience and necessity
2747 under Section [~~26-8a-408~~] [53-2d-508](#).

2748 (2) An administrative proceeding is not required under Subsection (1)(b) if:

2749 (a) the change in ownership interest is among existing owners of a closely held
2750 corporation and the change does not result in a change in the management of the licensee or in
2751 the name of the licensee;

2752 (b) the change in ownership in a closely held corporation results in the introduction of
2753 new owners, provided that:

2754 (i) the new owners are limited to individuals who would be entitled to the equity in the
2755 closely held corporation by the laws of intestate succession had the transferor died intestate at

2756 the time of the transfer;

2757 (ii) the majority owners on January 1, 1999, have been disclosed to the department by
2758 October 1, 1999, and the majority owners on January 1, 1999, retain a majority interest in the
2759 closely held corporation; and

2760 (iii) the name of the licensed provider remains the same;

2761 (c) the change in ownership is the result of one or more owners transferring their
2762 interests to a trust, limited liability company, partnership, or closely held corporation so long as
2763 the transferors retain control over the receiving entity;

2764 (d) the change in ownership is the result of a distribution of an estate or a trust upon the
2765 death of the testator or the trustor and the recipients are limited to individuals who would be
2766 entitled to the interest by the laws of intestate succession had the transferor died intestate at the
2767 time of the transfer; or

2768 (e) other similar changes that the department establishes, by rule, as having no
2769 significant impact on the cost, quality, or access to emergency medical services.

2770 Section 74. Section **53-2d-516**, which is renumbered from Section 26-8a-416 is
2771 renumbered and amended to read:

2772 ~~[26-8a-416]~~. **53-2d-516. Overlapping licenses.**

2773 (1) As used in this section:

2774 (a) "Overlap" means two ground ambulance interfacility transport providers that are
2775 licensed at the same level of service in all or part of a single geographic service area.

2776 (b) "Overlay" means two ground ambulance interfacility transport providers that are
2777 licensed at a different level of service in all or part of a single geographic service area.

2778 (2) Notwithstanding the exclusive geographic service requirement of Section
2779 ~~[26-8a-402]~~ 53-2d-502, the ~~[department]~~ bureau shall recognize overlap and overlay ground
2780 ambulance interfacility transport licenses that existed on or before May 4, 2022.

2781 (3) The ~~[department]~~ bureau may, without an adjudicative proceeding but with at least
2782 30 days notice to providers in the same geographic service area, amend an existing overlay

2783 ground ambulance interfacility transport license solely to convert an overlap into an overlap if
2784 the existing ground ambulance interfacility transport licensed provider meets the requirements
2785 described in Subsection [~~26-8a-404~~(4)] 53-2d-504(4).

2786 (4) An amendment of a license under this section may not alter:

2787 (a) other terms of the original license, including the applicable geographic service area;

2788 or

2789 (b) the license of other providers that provide interfacility transport services in the
2790 geographic service area.

2791 (5) Notwithstanding Subsection (2), any license for an overlap area terminates upon:

2792 (a) relinquishment by the provider; or

2793 (b) revocation by the department.

2794 Section 75. Section **53-2d-601**, which is renumbered from Section 26-8a-501 is
2795 renumbered and amended to read:

2796 **Part 6. Enforcement Provisions**

2797 [~~26-8a-501~~]. **53-2d-601. Discrimination prohibited.**

2798 (1) No person licensed or designated pursuant to this chapter may discriminate in the
2799 provision of emergency medical services on the basis of race, sex, color, creed, or prior inquiry
2800 as to ability to pay.

2801 (2) This chapter does not authorize or require medical assistance or transportation over
2802 the objection of an individual on religious grounds.

2803 Section 76. Section **53-2d-602**, which is renumbered from Section 26-8a-502 is
2804 renumbered and amended to read:

2805 [~~26-8a-502~~]. **53-2d-602. Illegal activity.**

2806 (1) Except as provided in Section [~~26-8a-308~~] 53-2d-408 or [~~26-8b-201~~] 53-2d-201, a
2807 person may not:

2808 (a) practice or engage in the practice, represent that the person is practicing or engaging
2809 in the practice, or attempt to practice or engage in the practice of any activity that requires a

2810 license, certification, or designation under this chapter unless that person is licensed, certified,
 2811 or designated under this chapter; or

2812 (b) offer an emergency medical service that requires a license, certification, or
 2813 designation under this chapter unless the person is licensed, certified, or designated under this
 2814 chapter.

2815 (2) A person may not:

2816 (a) advertise or represent that the person holds a license, certification, or designation
 2817 required under this chapter, unless that person holds the license, certification, or designation
 2818 under this chapter[-];

2819 [(3)] (b) [A person may not] employ or permit any employee to perform any service for
 2820 which a license or certification is required by this chapter, unless the person performing the
 2821 service possesses the required license or certification under this chapter[-];

2822 [(4)] (c) [A person may not wear,] display, sell, reproduce, or otherwise use any Utah
 2823 Emergency Medical Services insignia without authorization from the [department.] bureau;

2824 [(5)] (d) [A person may not] reproduce or otherwise use materials developed by the
 2825 department for licensure or certification testing or examination without authorization from the
 2826 [department.] bureau; or

2827 [(6)] (e) [A person may not] willfully summon an ambulance or emergency response
 2828 vehicle or report that one is needed when the person knows that the ambulance or emergency
 2829 response vehicle is not needed.

2830 (3) A violation of Subsection (1) or (2) is a class B misdemeanor.

2831 [(7) A person who violates this section is subject to Section 26-23-6.]

2832 Section 77. Section **53-2d-602.1**, which is renumbered from Section 26-8a-502.1 is
 2833 renumbered and amended to read:

2834 [~~26-8a-502.1~~]. **53-2d-602.1. Prohibition on the use of "911"**.

2835 (1) As used in this section:

2836 (a) "Emergency services" means services provided by a person in response to an

2837 emergency.

2838 (b) "Emergency services" includes:

2839 (i) fire protection services;

2840 (ii) paramedic services;

2841 (iii) law enforcement services;

2842 (iv) 911 ambulance or paramedic services, as defined in Section [26-8a-102](#); and

2843 (v) any other emergency services.

2844 (2) A person may not use "911" or other similar sequence of numbers in the person's
2845 name with the purpose to deceive the public that the person operates or represents emergency
2846 services, unless the person is authorized to provide emergency services.

2847 (3) A violation of Subsection (2) is:

2848 (a) a class C misdemeanor; and

2849 (b) subject to a fine of up to \$500 per violation.

2850 Section 78. Section **53-2d-603**, which is renumbered from Section 26-8a-503 is
2851 renumbered and amended to read:

2852 ~~[26-8a-503]~~. **53-2d-603. Discipline of emergency medical services**
2853 **personnel.**

2854 (1) The ~~[department]~~ bureau may refuse to issue a license or renewal, or revoke,
2855 suspend, restrict, or place on probation an individual's license if:

2856 (a) the individual does not meet the qualifications for licensure under Section
2857 ~~[26-8a-302]~~ [53-2d-402](#);

2858 (b) the individual has engaged in conduct, as defined by committee rule, that:

2859 (i) is unprofessional;

2860 (ii) is adverse to the public health, safety, morals, or welfare; or

2861 (iii) would adversely affect public trust in the emergency medical service system;

2862 (c) the individual has violated Section ~~[26-8a-502]~~ [53-2d-602](#) or other provision of this
2863 chapter;

- 2864 (d) the individual has violated Section [58-1-509](#);
- 2865 (e) a court of competent jurisdiction has determined the individual to be mentally
- 2866 incompetent for any reason; or
- 2867 (f) the individual is unable to provide emergency medical services with reasonable skill
- 2868 and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type
- 2869 of material, or as a result of any other mental or physical condition, when the individual's
- 2870 condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers,
- 2871 or the public health, safety, or welfare that cannot be reasonably mitigated.

2872 (2) (a) An action to revoke, suspend, restrict, or place a license on probation shall be
2873 done in:

2874 (i) consultation with the peer review board created in Section ~~[26-8a-105]~~ [53-2d-103](#);

2875 and

2876 (ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.

2877 (b) Notwithstanding Subsection (2)(a), the ~~[department]~~ bureau may issue a cease and
2878 desist order under Section ~~[26-8a-507]~~ [53-2d-607](#) to immediately suspend an individual's
2879 license pending an administrative proceeding to be held within 30 days if there is evidence to
2880 show that the individual poses a clear, immediate, and unjustifiable threat or potential threat to
2881 the public health, safety, or welfare.

2882 (3) An individual whose license has been suspended, revoked, or restricted may apply
2883 for reinstatement of the license at reasonable intervals and upon compliance with any
2884 conditions imposed upon the license by statute, committee rule, or the terms of the suspension,
2885 revocation, or restriction.

2886 ~~[(4) In addition to taking disciplinary action under Subsection (1), the department may~~
2887 ~~impose sanctions in accordance with Section [26-23-6](#).]~~

2888 Section 79. Section **53-2d-604**, which is renumbered from Section 26-8a-504 is
2889 renumbered and amended to read:

2890 ~~[26-8a-504]~~. **53-2d-604. Discipline of designated and licensed providers.**

2891 (1) The ~~[department]~~ bureau may refuse to issue a license or designation or a renewal,
2892 or revoke, suspend, restrict, or place on probation, an emergency medical service provider's
2893 license or designation if the provider has:

2894 (a) failed to abide by terms of the license or designation;

2895 (b) violated statute or rule;

2896 (c) failed to provide services at the level or in the exclusive geographic service area
2897 required by the license or designation;

2898 (d) failed to submit a renewal application in a timely fashion as required by department
2899 rule;

2900 (e) failed to follow operational standards established by the committee; or

2901 (f) committed an act in the performance of a professional duty that endangered the
2902 public or constituted gross negligence.

2903 (2) (a) An action to revoke, suspend, restrict, or place a license or designation on
2904 probation shall be done in accordance with Title 63G, Chapter 4, Administrative Procedures
2905 Act.

2906 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist
2907 order under Section ~~[26-8a-507]~~ 53-2d-607 to immediately suspend a license or designation
2908 pending an administrative proceeding to be held within 30 days if there is evidence to show
2909 that the provider or facility poses a clear, immediate, and unjustifiable threat or potential threat
2910 to the public health, safety, or welfare.

2911 ~~[(3) In addition to taking disciplinary action under Subsection (1), the department may~~
2912 ~~impose sanctions in accordance with Section 26-23-6.]~~

2913 Section 80. Section **53-2d-605**, which is renumbered from Section 26-8a-505 is
2914 renumbered and amended to read:

2915 ~~[26-8a-505].~~ **53-2d-605. Service interruption or cessation -- Receivership**
2916 **-- Default coverage -- Notice.**

2917 (1) Acting in the public interest, the department may petition the district court where an

2918 ambulance or paramedic provider operates or the district court with jurisdiction in Salt Lake
2919 County to appoint the [department] bureau or an independent receiver to continue the
2920 operations of a provider upon any one of the following conditions:

- 2921 (a) the provider ceases or intends to cease operations;
- 2922 (b) the provider becomes insolvent;
- 2923 (c) the [department] bureau has initiated proceedings to revoke the provider's license
2924 and has determined that the lives, health, safety, or welfare of the population served within the
2925 provider's exclusive geographic service area are endangered because of the provider's action or
2926 inaction pending a full hearing on the license revocation; or
- 2927 (d) the [department] bureau has revoked the provider's license and has been unable to
2928 adequately arrange for another provider to take over the provider's exclusive geographic service
2929 area.

2930 (2) If a licensed or designated provider ceases operations or is otherwise unable to
2931 provide services, the [department] bureau may arrange for another licensed provider to provide
2932 services on a temporary basis until a license is issued.

2933 (3) A licensed provider shall give the department 30 days notice of its intent to cease
2934 operations.

2935 Section 81. Section **53-2d-606**, which is renumbered from Section 26-8a-506 is
2936 renumbered and amended to read:

2937 ~~[26-8a-506]~~. **53-2d-606. Investigations for enforcement of chapter.**

2938 (1) The [department] bureau may, for the purpose of ascertaining compliance with the
2939 provisions of this chapter, enter and inspect on a routine basis the business premises and
2940 equipment of a person:

- 2941 (a) with a designation, permit, or license; or
- 2942 (b) who holds himself out to the general public as providing a service for which a
2943 designation, permit, or license is required under Section ~~[26-8a-301]~~ [53-2d-401](#).

2944 (2) Before conducting an inspection under Subsection (1), the [department] bureau

2945 shall, after identifying the person in charge:

2946 (a) give proper identification;

2947 (b) describe the nature and purpose of the inspection; and

2948 (c) if necessary, explain the authority of the department to conduct the inspection.

2949 (3) In conducting an inspection under Subsection (1), the [~~department~~] bureau may,
2950 after meeting the requirements of Subsection (2):

2951 (a) inspect records, equipment, and vehicles; and

2952 (b) interview personnel.

2953 (4) An inspection conducted under Subsection (1) shall be during regular operational
2954 hours.

2955 Section 82. Section **53-2d-607**, which is renumbered from Section 26-8a-507 is
2956 renumbered and amended to read:

2957 ~~[26-8a-507]~~. **53-2d-607**. **Cease and desist orders.**

2958 The [~~department~~] bureau may issue a cease and desist order to any person who:

2959 (1) may be disciplined under Section [~~26-8a-503~~] 53-2d-603 or [~~26-8a-504~~] 53-2d-604;

2960 or

2961 (2) otherwise violates this chapter or any rules adopted under this chapter.

2962 Section 83. Section **53-2d-701**, which is renumbered from Section 26-8a-601 is
2963 renumbered and amended to read:

2964 **Part 7. Miscellaneous**

2965 ~~[26-8a-601]~~. **53-2d-701**. **Persons and activities exempt from civil liability.**

2966 (1) (a) Except as provided in Subsection (1)(b), a licensed physician, physician's
2967 assistant, or licensed registered nurse who, gratuitously and in good faith, gives oral or written
2968 instructions to any of the following is not liable for any civil damages as a result of issuing the
2969 instructions:

2970 (i) an individual licensed or certified under Section [~~26-8a-302~~] 53-2b-402;

2971 (ii) an individual who uses a fully automated external defibrillator[~~, as defined in~~

2972 Section ~~26-8b-102~~; or

2973 (iii) an individual who administers CPR [~~as defined in Section 26-8b-102~~].

2974 (b) The liability protection described in Subsection (1)(a) does not apply if the
2975 instructions given were the result of gross negligence or willful misconduct.

2976 (2) An individual licensed or certified under Section [~~26-8a-302~~] 53-2d-402, during
2977 either training or after licensure or certification, a licensed physician, a physician assistant, or a
2978 registered nurse who, gratuitously and in good faith, provides emergency medical instructions
2979 or renders emergency medical care authorized by this chapter is not liable for any civil damages
2980 as a result of any act or omission in providing the emergency medical instructions or medical
2981 care, unless the act or omission is the result of gross negligence or willful misconduct.

2982 (3) An individual licensed or certified under Section [~~26-8a-302~~] 53-2d-402 is not
2983 subject to civil liability for failure to obtain consent in rendering emergency medical services
2984 authorized by this chapter to any individual who is unable to give his consent, regardless of the
2985 individual's age, where there is no other person present legally authorized to consent to
2986 emergency medical care, provided that the licensed individual acted in good faith.

2987 (4) A principal, agent, contractor, employee, or representative of an agency,
2988 organization, institution, corporation, or entity of state or local government that sponsors,
2989 authorizes, supports, finances, or supervises any functions of an individual licensed or certified
2990 under Section [~~26-8a-302~~] 53-2d-402 is not liable for any civil damages for any act or omission
2991 in connection with the sponsorship, authorization, support, finance, or supervision of the
2992 licensed or certified individual where the act or omission occurs in connection with the
2993 licensed or certified individual's training or occurs outside a hospital where the life of a patient
2994 is in immediate danger, unless the act or omission is inconsistent with the training of the
2995 licensed or certified individual, and unless the act or omission is the result of gross negligence
2996 or willful misconduct.

2997 (5) A physician or physician assistant who gratuitously and in good faith arranges for,
2998 requests, recommends, or initiates the transfer of a patient from a hospital to a critical care unit

2999 in another hospital is not liable for any civil damages as a result of such transfer where:

3000 (a) sound medical judgment indicates that the patient's medical condition is beyond the
3001 care capability of the transferring hospital or the medical community in which that hospital is
3002 located; and

3003 (b) the physician or physician assistant has secured an agreement from the receiving
3004 facility to accept and render necessary treatment to the patient.

3005 (6) An individual who is a registered member of the National Ski Patrol System
3006 [~~NSPS~~] or a member of a ski patrol who has completed a course in winter emergency care
3007 offered by the [~~NSPS~~] National Ski Patrol System combined with CPR for medical technicians
3008 offered by the American Red Cross or American Heart Association, or an equivalent course of
3009 instruction, and who in good faith renders emergency care in the course of ski patrol duties is
3010 not liable for civil damages as a result of any act or omission in rendering the emergency care,
3011 unless the act or omission is the result of gross negligence or willful misconduct.

3012 (7) An emergency medical service provider who, in good faith, transports an individual
3013 against his will but at the direction of a law enforcement officer pursuant to Section
3014 [62A-15-629](#) is not liable for civil damages for transporting the individual.

3015 Section 84. Section **53-2d-702**, which is renumbered from Section 26-8a-602 is
3016 renumbered and amended to read:

3017 ~~[26-8a-602]~~. **53-2d-702. Notification of air ambulance policies and**
3018 **charges.**

3019 (1) For any patient who is in need of air medical transport provider services, an
3020 emergency medical service provider shall:

3021 (a) provide the patient or the patient's representative with the information described in
3022 Subsection [~~26-8a-107(7)(a)~~] 53-2d-107(7)(a) before contacting an air medical transport
3023 provider; and

3024 (b) if multiple air medical transport providers are capable of providing the patient with
3025 services, provide the patient or the patient's representative an opportunity to choose the air

3026 medical transport provider.

3027 (2) Subsection (1) does not apply if the patient:

3028 (a) is unconscious and the patient's representative is not physically present with the
3029 patient; or

3030 (b) is unable, due to a medical condition, to make an informed decision about the
3031 choice of an air medical transport provider, and the patient's representative is not physically
3032 present with the patient.

3033 Section 85. Section **53-2d-703**, which is renumbered from Section 26-8a-603 is
3034 renumbered and amended to read:

3035 ~~[26-8a-603]~~. **53-2d-703. Volunteer Emergency Medical Service Personnel**
3036 **Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits --**
3037 **Rulemaking -- Advisory board.**

3038 (1) As used in this section:

3039 (a) "Health benefit plan" means the same as that term is defined in Section [31A-1-301](#).

3040 (b) "Local government entity" means a political subdivision that:

3041 (i) is licensed as a ground ambulance provider under ~~[Part 4, Ambulance and~~
3042 ~~Paramedic Providers]~~ Part 5, Ambulance and Paramedic Providers; and

3043 (ii) as of January 1, 2022, does not offer health insurance benefits to volunteer
3044 emergency medical service personnel.

3045 (c) "PEHP" means the Public Employees' Benefit and Insurance Program created in
3046 Section [49-20-103](#).

3047 (d) "Political subdivision" means a county, a municipality, a limited purpose
3048 government entity described in Title 17B, Limited Purpose Local Government Entities - Local
3049 Districts, or Title 17D, Limited Purpose Local Government Entities - Other Entities, or an
3050 entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation
3051 Act.

3052 (e) "Qualifying association" means an association that represents two or more political

3053 subdivisions in the state.

3054 (2) The Volunteer Emergency Medical Service Personnel Health Insurance Program
3055 shall promote recruitment and retention of volunteer emergency medical service personnel by
3056 making health insurance available to volunteer emergency medical service personnel.

3057 (3) The ~~[department]~~ bureau shall contract with a qualifying association to create,
3058 implement, and administer the Volunteer Emergency Medical Service Personnel Health
3059 Insurance Program described in this section.

3060 (4) Participation in the program is limited to emergency medical service personnel
3061 who:

3062 (a) are licensed under Section ~~[26-8a-302]~~ 53-2d-402 and are able to perform all
3063 necessary functions associated with the license;

3064 (b) provide emergency medical services under the direction of a local governmental
3065 entity:

3066 (i) by responding to 20% of calls for emergency medical services in a rolling
3067 twelve-month period;

3068 (ii) within a county of the third, fourth, fifth, or sixth class; and

3069 (iii) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R.
3070 Sec. 553.106;

3071 (c) are not eligible for a health benefit plan through an employer or a spouse's
3072 employer;

3073 (d) are not eligible for medical coverage under a government sponsored healthcare
3074 program; and

3075 (e) reside in the state.

3076 (5) (a) A participant in the program is eligible to participate in PEHP in accordance
3077 with Subsection (5)(b) and Subsection 49-20-201(3).

3078 (b) Benefits available to program participants under PEHP are limited to health
3079 insurance that:

3080 (i) covers the program participant and the program participant's eligible dependents on
3081 a July 1 plan year;

3082 (ii) accepts enrollment during an open enrollment period or for a special enrollment
3083 event, including the initial eligibility of a program participant;

3084 (iii) if the program participant is no longer eligible for benefits, terminates on the last
3085 day of the last month for which the individual is a participant in the Volunteer Emergency
3086 Medical Service Personnel Health Insurance Program; and

3087 (iv) is not subject to continuation rights under state or federal law.

3088 (6) (a) The [~~department~~] bureau may make rules in accordance with Title 63G, Chapter
3089 3, Utah Administrative Rulemaking Act, to define additional criteria regarding benefit design
3090 and eligibility for the program.

3091 (b) The [~~department~~] bureau shall convene an advisory board:

3092 (i) to advise the [~~department~~] bureau on making rules under Subsection (6)(a); and

3093 (ii) that includes representation from at least the following entities:

3094 (A) the qualifying association that receives the contract under Subsection (3); and

3095 (B) PEHP.

3096 (7) For purposes of this section, the qualifying association that receives the contract
3097 under Subsection (3) shall be considered the public agency for whom the program participant is
3098 volunteering under 29 C.F.R. Sec. 553.101.

3099 Section 86. Section **53-2d-801**, which is renumbered from Section 26-8b-201 is
3100 renumbered and amended to read:

3101 **Part 8. Utah Sudden Cardiac Arrest Survival Act**

3102 [~~26-8b-201~~]. **53-2d-801. Authority to administer CPR or use an AED.**

3103 [(+)] A person may:

3104 (1) [~~may~~] administer CPR on another [~~person~~] individual without a license, certificate,
3105 or other governmental authorization if the person reasonably believes that the [~~other person~~]
3106 individual is in sudden cardiac arrest[.]; or

3107 ~~[(2) A person]~~

3108 (2) ~~[may]~~ use an AED on another ~~[person]~~ individual without a license, certificate, or
3109 other governmental authorization if the person reasonably believes that the ~~[other person]~~
3110 individual is in sudden cardiac arrest.

3111 Section 87. Section **53-2d-802**, which is renumbered from Section 26-8b-202 is
3112 renumbered and amended to read:

3113 ~~[26-8b-202]~~. **53-2d-802. Immunity.**

3114 (1) Except as provided in Subsection (3), the following persons are not subject to civil
3115 liability for any act or omission relating to preparing to care for, responding to care for, or
3116 providing care to, another ~~[person]~~ individual who reasonably appears to be in sudden cardiac
3117 arrest:

3118 (a) a person authorized, under Section ~~[26-8b-201]~~ 53-2d-801, to administer CPR,
3119 who:

3120 (i) gratuitously and in good faith attempts to administer or administers CPR to another
3121 person; or

3122 (ii) fails to administer CPR to another person;

3123 (b) a person authorized, under Section ~~[26-8b-201]~~ 53-2d-801, to use an AED who:

3124 (i) gratuitously and in good faith attempts to use or uses an AED; or

3125 (ii) fails to use an AED;

3126 (c) a person that teaches or provides a training course in administering CPR or using an
3127 AED;

3128 (d) a person that acquires an AED;

3129 (e) a person that owns, manages, or is otherwise responsible for the premises or
3130 conveyance where an AED is located;

3131 (f) a person who retrieves an AED in response to a perceived or potential sudden
3132 cardiac arrest;

3133 (g) a person that authorizes, directs, or supervises the installation or provision of an

3134 AED;

3135 (h) a person involved with, or responsible for, the design, management, or operation of
3136 a CPR or AED program;

3137 (i) a person involved with, or responsible for, reporting, receiving, recording, updating,
3138 giving, or distributing information relating to the ownership or location of an AED under [~~Part~~
3139 ~~3, Automatic External Defibrillator Databases~~] Section 53-2d-803; or

3140 (j) a physician who gratuitously and in good faith:

3141 (i) provides medical oversight for a public AED program; or

3142 (ii) issues a prescription for a person to acquire or use an AED.

3143 (2) This section does not relieve a manufacturer, designer, developer, marketer, or
3144 commercial distributor of an AED, or an accessory for an AED, of any liability.

3145 (3) The liability protection described in Subsection (1) does not apply to an act or
3146 omission that constitutes gross negligence or willful misconduct.

3147 Section 88. Section **53-2d-803**, which is renumbered from Section 26-8b-301 is
3148 renumbered and amended to read:

3149 ~~[26-8b-301]~~. **53-2d-803. Reporting location of automatic external**
3150 **defibrillators.**

3151 (1) In accordance with Subsection (2) and except as provided in Subsection (3):

3152 (a) a person who owns or leases an AED shall report the person's name, address, and
3153 telephone number, and the exact location of the AED, in writing or by a web-based AED
3154 registration form, if available, to the emergency medical dispatch center that provides
3155 emergency dispatch services for the location where the AED is installed, if the person:

3156 (i) installs the AED;

3157 (ii) causes the AED to be installed; or

3158 (iii) allows the AED to be installed; and

3159 (b) a person who owns or leases an AED that is removed from a location where it is
3160 installed shall report the person's name, address, and telephone number, and the exact location

3161 from which the AED is removed, in writing or by a web-based AED registration form, if
3162 available, to the emergency medical dispatch center that provides emergency dispatch services
3163 for the location from which the AED is removed, if the person:

- 3164 (i) removes the AED;
- 3165 (ii) causes the AED to be removed; or
- 3166 (iii) allows the AED to be removed.

3167 (2) A report required under Subsection (1) shall be made within 14 days after the day
3168 on which the AED is installed or removed.

3169 (3) Subsection (1) does not apply to an AED:

- 3170 (a) at a private residence; or
- 3171 (b) in a vehicle or other mobile or temporary location.

3172 (4) A person who owns or leases an AED that is installed in, or removed from, a
3173 private residence may voluntarily report the location of, or removal of, the AED to the
3174 emergency medical dispatch center that provides emergency dispatch services for the location
3175 where the private residence is located.

3176 (5) The department may not impose a penalty on a person for failing to comply with
3177 the requirements of this section.

3178 Section 89. Section **53-2d-804**, which is renumbered from Section 26-8b-302 is
3179 renumbered and amended to read:

3180 ~~[26-8b-302]~~. **53-2d-804. Distributors to notify of reporting requirements.**

3181 A person in the business of selling or leasing an AED shall, at the time the person
3182 provides, sells, or leases an AED to another person, notify the other person, in writing, of the
3183 reporting requirements described in Section ~~[26-8b-301]~~ 53-2d-803.

3184 Section 90. Section **53-2d-805**, which is renumbered from Section 26-8b-303 is
3185 renumbered and amended to read:

3186 ~~[26-8b-303]~~. **53-2d-805. Duties of emergency medical dispatch centers.**

3187 An emergency medical dispatch center shall:

- 3188 (1) implement a system to receive and manage the information reported to the
3189 emergency medical dispatch center under Section ~~[26-8b-301]~~ [53-2d-803](#);
- 3190 (2) record in the system described in Subsection (1), all information received under
3191 Section ~~[26-8b-301]~~ [53-2d-803](#) within 14 days after the day on which the information is
3192 received;
- 3193 (3) inform ~~[a person]~~ an individual who calls to report a potential incident of sudden
3194 cardiac arrest of the location of an AED located at the address of the potential sudden cardiac
3195 arrest;
- 3196 (4) provide verbal instructions to ~~[a person]~~ an individual described in Subsection (3)
3197 to:
- 3198 (a) help ~~[a person]~~ the individual determine if a patient is in cardiac arrest; and
3199 (b) if needed:
- 3200 (i) provide direction to start CPR;
3201 (ii) offer instructions on how to perform CPR; or
3202 (iii) offer instructions on how to use an AED, if one is available; and
- 3203 (5) provide the information contained in the system described in Subsection (1), upon
3204 request, to the bureau.

3205 Section 91. Section **53-2d-806**, which is renumbered from Section 26-8b-401 is
3206 renumbered and amended to read:

3207 ~~[26-8b-401]~~. **53-2d-806. Education and training.**

3208 (1) The bureau shall work in cooperation with federal, state, and local agencies and
3209 schools, to encourage individuals to complete courses on the administration of CPR and the use
3210 of an AED.

3211 (2) A person who owns or leases an AED shall encourage each ~~[person]~~ individual
3212 who is likely to use the AED to complete courses on the administration of CPR and the use of
3213 an AED.

3214 Section 92. Section **53-2d-807**, which is renumbered from Section 26-8b-402 is

3215 renumbered and amended to read:

3216 ~~[26-8b-402].~~ **53-2d-807. AEDs for demonstration purposes.**

3217 (1) Any AED used solely for demonstration or training purposes, which is not
3218 operational for emergency use is, except for the provisions of this section, exempt from the
3219 provisions of this chapter.

3220 (2) The owner of an AED described in Subsection (1) shall clearly mark on the exterior
3221 of the AED that the AED is for demonstration or training use only.

3222 Section 93. Section **53-2d-808**, which is renumbered from Section 26-8b-501 is
3223 renumbered and amended to read:

3224 ~~[26-8b-501].~~ **53-2d-808. Tampering with an AED prohibited -- Penalties.**

3225 A person is guilty of a class C misdemeanor if the person removes, tampers with, or
3226 otherwise disturbs an AED, AED cabinet or enclosure, or AED sign, unless:

3227 (1) the person is authorized by the AED owner for the purpose of:

3228 (a) inspecting the AED or AED cabinet or enclosure; or

3229 (b) performing maintenance or repairs on the AED, the AED cabinet or enclosure, a
3230 wall or structure that the AED cabinet or enclosure is directly attached to, or an AED sign;

3231 (2) the person is responding to, or providing care to, a potential sudden cardiac arrest
3232 patient; or

3233 (3) the person acts in good faith with the intent to support, and not to violate, the
3234 recognized purposes of the AED.

3235 Section 94. Section **53-2d-809**, which is renumbered from Section 26-8b-602 is
3236 renumbered and amended to read:

3237 ~~[26-8b-602].~~ **53-2d-809. Automatic External Defibrillator Restricted**
3238 **Account.**

3239 (1) (a) There is created a restricted account within the General Fund known as the
3240 Automatic External Defibrillator Restricted Account to provide AEDs to entities under
3241 Subsection (4).

3242 (b) The director of the bureau shall administer the account in accordance with rules
3243 made by the bureau in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3244 Act.

3245 (2) The restricted account shall consist of money appropriated to the account by the
3246 Legislature.

3247 (3) The director of the bureau shall distribute funds deposited in the account to eligible
3248 entities, under Subsection (4), for the purpose of purchasing:

3249 (a) an AED;

3250 (b) an AED carrying case;

3251 (c) a wall-mounted AED cabinet; or

3252 (d) an AED sign.

3253 (4) Upon appropriation, the director of the bureau shall distribute funds deposited in
3254 the account, for the purpose of purchasing items under Subsection (3), to:

3255 (a) a municipal department of safety that routinely responds to incidents, or potential
3256 incidents, of sudden cardiac arrest;

3257 (b) a municipal or county law enforcement agency that routinely responds to incidents,
3258 or potential incidents, of sudden cardiac arrest;

3259 (c) a state law enforcement agency that routinely responds to incidents, or potential
3260 incidents, of sudden cardiac arrest;

3261 (d) a school that offers instruction to grades kindergarten through 6;

3262 (e) a school that offers instruction to grades 7 through 12; or

3263 (f) a state institution of higher education.

3264 (5) The director of the bureau shall distribute funds under this section to a municipality
3265 only if the municipality provides a match in funding for the total cost of items under
3266 Subsection (3):

3267 (a) of 50% for the municipality, if the municipality is a city of first, second, or third
3268 class under Section 10-2-301; or

3269 (b) of 75% for the municipality, other than a municipality described in Subsection
3270 (5)(a).

3271 (6) The director of the bureau shall distribute funds under this section to a county only
3272 if the county provides a match in funding for the total cost of items under Subsection (3):

3273 (a) of 50% for the county, if the county is a county of first, second, or third class under
3274 Section [17-50-501](#); or

3275 (b) of 75% for the county, other than a county described in Subsection (6)(a).

3276 (7) In accordance with rules made by the bureau, an entity described in Subsection (4)
3277 may apply to the director of the bureau to receive a distribution of funds from the account by
3278 filing an application with the bureau on or before October 1 of each year.

3279 Section 95. Section **53-2d-901**, which is renumbered from Section 26-8d-102 is
3280 renumbered and amended to read:

3281 **Part 9. Statewide Stroke and Cardiac Registries**

3282 ~~[26-8d-102]~~. **53-2d-901. Statewide stroke registry.**

3283 (1) The ~~[department]~~ bureau shall establish and supervise a statewide stroke registry to:

3284 (a) analyze information on the incidence, severity, causes, outcomes, and rehabilitation
3285 of stroke;

3286 (b) promote optimal care for stroke patients;

3287 (c) alleviate unnecessary death and disability from stroke;

3288 (d) encourage the efficient and effective continuum of patient care, including
3289 prevention, prehospital care, hospital care, and rehabilitative care; and

3290 (e) minimize the overall cost of stroke.

3291 (2) The ~~[department]~~ bureau shall utilize the registry established under Subsection (1)
3292 to assess:

3293 (a) the effectiveness of the data collected by the registry; and

3294 (b) the impact of the statewide stroke registry on the provision of stroke care.

3295 (3) (a) The ~~[department]~~ bureau shall make rules in accordance with Title 63G,

3296 Chapter 3, Utah Administrative Rulemaking Act, to establish:

3297 (i) the data elements that general acute hospitals shall report to the registry; and

3298 (ii) the time frame and format for reporting.

3299 (b) The data elements described in Subsection (3)(a)(i) shall include consensus metrics
3300 consistent with data elements used in nationally recognized data set platforms for stroke care.

3301 (c) The department shall permit a general acute hospital to submit data required under
3302 this section through an electronic exchange of clinical health information that meets the
3303 standards established by the department under Section 26-1-37.

3304 (4) A general acute hospital shall submit stroke data in accordance with rules
3305 established under Subsection (3).

3306 (5) Data collected under this section shall be subject to Title 26, Chapter 3, Health
3307 Statistics.

3308 (6) No person may be held civilly liable for providing data to the department in
3309 accordance with this section.

3310 Section 96. Section **53-2d-902**, which is renumbered from Section 26-8d-103 is
3311 renumbered and amended to read:

3312 ~~[26-8d-103]~~. **53-2d-902. Statewide cardiac registry.**

3313 (1) The ~~[department]~~ bureau shall establish and supervise a statewide cardiac registry
3314 to:

3315 (a) analyze information on the incidence, severity, causes, outcomes, and rehabilitation
3316 of cardiac diseases;

3317 (b) promote optimal care for cardiac patients;

3318 (c) alleviate unnecessary death and disability from cardiac diseases;

3319 (d) encourage the efficient and effective continuum of patient care, including
3320 prevention, prehospital care, hospital care, and rehabilitative care; and

3321 (e) minimize the overall cost of cardiac care.

3322 (2) The ~~[department]~~ bureau shall utilize the registry established under Subsection (1)

3323 to assess:

3324 (a) the effectiveness of the data collected by the registry; and

3325 (b) the impact of the statewide cardiac registry on the provision of cardiac care.

3326 (3) (a) The [~~department~~] bureau shall make rules in accordance with Title 63G,
3327 Chapter 3, Utah Administrative Rulemaking Act, to establish:

3328 (i) the data elements that general acute hospitals shall report to the registry; and

3329 (ii) the time frame and format for reporting.

3330 (b) The data elements described in Subsection (3)(a)(i) shall include consensus metrics
3331 consistent with data elements used in nationally recognized data set platforms for cardiac care.

3332 (c) The [~~department~~] bureau shall permit a general acute hospital to submit data
3333 required under this section through an electronic exchange of clinical health information that
3334 meets the standards established by the department under Section [26-1-37](#).

3335 (4) A general acute hospital shall submit cardiac data in accordance with rules
3336 established under Subsection (3).

3337 (5) Data collected under this section shall be subject to Title 26, Chapter 3, Health
3338 Statistics.

3339 (6) No person may be held civilly liable for providing data to the [~~department~~] bureau
3340 in accordance with this section.

3341 Section 97. Section **53-2d-903**, which is renumbered from Section 26-8d-104 is
3342 renumbered and amended to read:

3343 ~~[26-8d-104]~~. **53-2d-903. Stroke registry advisory committee.**

3344 (1) There is created within the [~~department~~] bureau a stroke registry advisory
3345 committee.

3346 (2) The stroke registry advisory committee created in Subsection (1) shall:

3347 (a) be composed of individuals knowledgeable in adult and pediatric stroke care,
3348 including physicians, physician assistants, nurses, hospital administrators, emergency medical
3349 services personnel, government officials, consumers, and persons affiliated with professional

3350 health care associations;

3351 (b) advise the [~~department~~] bureau regarding the development and implementation of
3352 the stroke registry;

3353 (c) assist the [~~department~~] bureau in evaluating the quality and outcomes of the stroke
3354 registry; and

3355 (d) review and comment on proposals and rules governing the statewide stroke registry.

3356 Section 98. Section **53-2d-904**, which is renumbered from Section 26-8d-105 is
3357 renumbered and amended to read:

3358 ~~[26-8d-105]~~. **53-2d-904. Cardiac registry advisory committee.**

3359 (1) There is created within the [~~department~~] bureau a cardiac registry advisory
3360 committee.

3361 (2) The cardiac registry advisory committee created in Subsection (1) shall:

3362 (a) be composed of individuals knowledgeable in adult and pediatric cardiac care,
3363 including physicians, physician assistants, nurses, hospital administrators, emergency medical
3364 services personnel, government officials, consumers, and persons affiliated with professional
3365 health care associations;

3366 (b) advise the [~~department~~] bureau regarding the development and implementation of
3367 the cardiac registry;

3368 (c) assist the [~~department~~] bureau in evaluating the quality and outcomes of the cardiac
3369 registry; and

3370 (d) review and comment on proposals and rules governing the statewide cardiac
3371 registry.

3372 Section 99. Section **53-2e-101**, which is renumbered from Section 26-8c-102 is
3373 renumbered and amended to read:

3374 **CHAPTER 2e. EMS PERSONNEL LICENSURE INTERSTATE COMPACT**

3375 ~~[26-8c-102]~~. **53-2e-101. EMS Personnel Licensure Interstate Compact.**

3376 EMS PERSONNEL LICENSURE INTERSTATE COMPACT

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SECTION 1. PURPOSE

In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and paramedics. This Compact is intended to facilitate the day to day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This Compact is designed to achieve the following purposes and objectives:

1. Increase public access to EMS personnel;
2. Enhance the states' ability to protect the public's health and safety, especially patient safety;
3. Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;
4. Support licensing of military members who are separating from an active duty tour and their spouses;
5. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information;
6. Promote compliance with the laws governing EMS personnel practice in each member state; and
7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

SECTION 2. DEFINITIONS

In this compact:

3404 A. "Advanced Emergency Medical Technician (AEMT)" means: an individual licensed
3405 with cognitive knowledge and a scope of practice that corresponds to that level in the National
3406 EMS Education Standards and National EMS Scope of Practice Model.

3407 B. "Adverse Action" means: any administrative, civil, equitable or criminal action
3408 permitted by a state's laws which may be imposed against licensed EMS personnel by a state
3409 EMS authority or state court, including, but not limited to, actions against an individual's
3410 license such as revocation, suspension, probation, consent agreement, monitoring or other
3411 limitation or encumbrance on the individual's practice, letters of reprimand or admonition,
3412 fines, criminal convictions and state court judgments enforcing adverse actions by the state
3413 EMS authority.

3414 C. "Alternative program" means: a voluntary, non-disciplinary substance abuse
3415 recovery program approved by a state EMS authority.

3416 D. "Certification" means: the successful verification of entry-level cognitive and
3417 psychomotor competency using a reliable, validated, and legally defensible examination.

3418 E. "Commission" means: the national administrative body of which all states that have
3419 enacted the compact are members.

3420 F. "Emergency Medical Technician (EMT)" means: an individual licensed with
3421 cognitive knowledge and a scope of practice that corresponds to that level in the National EMS
3422 Education Standards and National EMS Scope of Practice Model.

3423 G. "Home State" means: a member state where an individual is licensed to practice
3424 emergency medical services.

3425 H. "License" means: the authorization by a state for an individual to practice as an
3426 EMT, AEMT, paramedic, or a level in between EMT and paramedic.

3427 I. "Medical Director" means: a physician licensed in a member state who is
3428 accountable for the care delivered by EMS personnel.

3429 J. "Member State" means: a state that has enacted this compact.

3430 K. "Privilege to Practice" means: an individual's authority to deliver emergency

3431 medical services in remote states as authorized under this compact.

3432 L. "Paramedic" means: an individual licensed with cognitive knowledge and a scope of
3433 practice that corresponds to that level in the National EMS Education Standards and National
3434 EMS Scope of Practice Model.

3435 M. "Remote State" means: a member state in which an individual is not licensed.

3436 N. "Restricted" means: the outcome of an adverse action that limits a license or the
3437 privilege to practice.

3438 O. "Rule" means: a written statement by the interstate Commission promulgated
3439 pursuant to Section 12 of this compact that is of general applicability; implements, interprets,
3440 or prescribes a policy or provision of the compact; or is an organizational, procedural, or
3441 practice requirement of the Commission and has the force and effect of statutory law in a
3442 member state and includes the amendment, repeal, or suspension of an existing rule.

3443 P. "Scope of Practice" means: defined parameters of various duties or services that may
3444 be provided by an individual with specific credentials. Whether regulated by rule, statute, or
3445 court decision, it tends to represent the limits of services an individual may perform.

3446 Q. "Significant Investigatory Information" means:

3447 1. investigative information that a state EMS authority, after a preliminary inquiry that
3448 includes notification and an opportunity to respond if required by state law, has reason to
3449 believe, if proved true, would result in the imposition of an adverse action on a license or
3450 privilege to practice; or

3451 2. investigative information that indicates that the individual represents an immediate
3452 threat to public health and safety regardless of whether the individual has been notified and had
3453 an opportunity to respond.

3454 R. "State" means: means any state, commonwealth, district, or territory of the United
3455 States.

3456 S. "State EMS Authority" means: the board, office, or other agency with the legislative
3457 mandate to license EMS personnel.

3458

SECTION 3. HOME STATE LICENSURE

3459

A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

3461

B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

3464

C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

3466

1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

3469

2. Has a mechanism in place for receiving and investigating complaints about individuals;

3471

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

3473

4. No later than five years after activation of the Compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. Sec. 731.202 and submit documentation of such as promulgated in the rules of the Commission; and

3479

5. Complies with the rules of the Commission.

3480

SECTION 4. COMPACT PRIVILEGE TO PRACTICE

3481

A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with Section 3.

3483

B. To exercise the privilege to practice under the terms and provisions of this compact, an individual must:

3484

- 3485 1. Be at least 18 years of age;
- 3486 2. Possess a current unrestricted license in a member state as an EMT, AEMT,
- 3487 paramedic, or state recognized and licensed level with a scope of practice and authority
- 3488 between EMT and paramedic; and
- 3489 3. Practice under the supervision of a medical director.
- 3490 C. An individual providing patient care in a remote state under the privilege to practice
- 3491 shall function within the scope of practice authorized by the home state unless and until
- 3492 modified by an appropriate authority in the remote state as may be defined in the rules of the
- 3493 commission.
- 3494 D. Except as provided in Section 4 subsection C, an individual practicing in a remote
- 3495 state will be subject to the remote state's authority and laws. A remote state may, in accordance
- 3496 with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to
- 3497 practice in the remote state and may take any other necessary actions to protect the health and
- 3498 safety of its citizens. If a remote state takes action it shall promptly notify the home state and
- 3499 the Commission.
- 3500 E. If an individual's license in any home state is restricted or suspended, the individual
- 3501 shall not be eligible to practice in a remote state under the privilege to practice until the
- 3502 individual's home state license is restored.
- 3503 F. If an individual's privilege to practice in any remote state is restricted, suspended, or
- 3504 revoked the individual shall not be eligible to practice in any remote state until the individual's
- 3505 privilege to practice is restored.

3506 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

3507 An individual may practice in a remote state under a privilege to practice only in the

3508 performance of the individual's EMS duties as assigned by an appropriate authority, as defined

3509 in the rules of the Commission, and under the following circumstances:

- 3510 1. The individual originates a patient transport in a home state and transports the
- 3511 patient to a remote state;

3512 2. The individual originates in the home state and enters a remote state to pick up a
3513 patient and provide care and transport of the patient to the home state;

3514 3. The individual enters a remote state to provide patient care and/or transport within
3515 that remote state;

3516 4. The individual enters a remote state to pick up a patient and provide care and
3517 transport to a third member state;

3518 5. Other conditions as determined by rules promulgated by the commission.

3519 SECTION 6. RELATIONSHIP TO EMERGENCY

3520 MANAGEMENT ASSISTANCE COMPACT

3521 Upon a member state's governor's declaration of a state of emergency or disaster that
3522 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
3523 provisions of EMAC shall apply and to the extent any terms or provisions of this Compact
3524 conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual
3525 practicing in the remote state in response to such declaration.

3526 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING

3527 FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

3528 A. Member states shall consider a veteran, active military service member, and
3529 member of the National Guard and Reserves separating from an active duty tour, and a spouse
3530 thereof, who holds a current valid and unrestricted NREMT certification at or above the level
3531 of the state license being sought as satisfying the minimum training and examination
3532 requirements for such licensure.

3533 B. Member states shall expedite the processing of licensure applications submitted by
3534 veterans, active military service members, and members of the National Guard and Reserves
3535 separating from an active duty tour, and their spouses.

3536 C. All individuals functioning with a privilege to practice under this Section remain
3537 subject to the Adverse Actions provisions of Section VIII.

3538 SECTION 8. ADVERSE ACTIONS

3539 A. A home state shall have exclusive power to impose adverse action against an
3540 individual's license issued by the home state.

3541 B. If an individual's license in any home state is restricted or suspended, the individual
3542 shall not be eligible to practice in a remote state under the privilege to practice until the
3543 individual's home state license is restored.

3544 1. All home state adverse action orders shall include a statement that the individual's
3545 compact privileges are inactive. The order may allow the individual to practice in remote states
3546 with prior written authorization from both the home state and remote state's EMS authority.

3547 2. An individual currently subject to adverse action in the home state shall not practice
3548 in any remote state without prior written authorization from both the home state and remote
3549 state's EMS authority.

3550 C. A member state shall report adverse actions and any occurrences that the
3551 individual's compact privileges are restricted, suspended, or revoked to the Commission in
3552 accordance with the rules of the Commission.

3553 D. A remote state may take adverse action on an individual's privilege to practice
3554 within that state.

3555 E. Any member state may take adverse action against an individual's privilege to
3556 practice in that state based on the factual findings of another member state, so long as each
3557 state follows its own procedures for imposing such adverse action.

3558 F. A home state's EMS authority shall investigate and take appropriate action with
3559 respect to reported conduct in a remote state as it would if such conduct had occurred within
3560 the home state. In such cases, the home state's law shall control in determining the appropriate
3561 adverse action.

3562 G. Nothing in this Compact shall override a member state's decision that participation
3563 in an alternative program may be used in lieu of adverse action and that such participation shall
3564 remain non-public if required by the member state's laws. Member states must require
3565 individuals who enter any alternative programs to agree not to practice in any other member

3566 state during the term of the alternative program without prior authorization from such other
3567 member state.

3568 SECTION 9. ADDITIONAL POWERS INVESTED

3569 IN A MEMBER STATE'S EMS AUTHORITY

3570 A member state's EMS authority, in addition to any other powers granted under state
3571 law, is authorized under this compact to:

3572 1. Issue subpoenas for both hearings and investigations that require the attendance and
3573 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's
3574 EMS authority for the attendance and testimony of witnesses, and/or the production of
3575 evidence from another member state, shall be enforced in the remote state by any court of
3576 competent jurisdiction, according to that court's practice and procedure in considering
3577 subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any
3578 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
3579 state where the witnesses and/or evidence are located; and

3580 2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege
3581 to practice in the state.

3582 SECTION 10. ESTABLISHMENT OF THE INTERSTATE

3583 COMMISSION FOR EMS PERSONNEL PRACTICE

3584 A. The Compact states hereby create and establish a joint public agency known as the
3585 Interstate Commission for EMS Personnel Practice.

3586 1. The Commission is a body politic and an instrumentality of the Compact states.

3587 2. Venue is proper and judicial proceedings by or against the Commission shall be
3588 brought solely and exclusively in a court of competent jurisdiction where the principal office of
3589 the Commission is located. The Commission may waive venue and jurisdictional defenses to
3590 the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3591 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

3592 B. Membership, Voting, and Meetings

3593 1. Each member state shall have and be limited to one (1) delegate. The responsible
3594 official of the state EMS authority or his designee shall be the delegate to this Compact for
3595 each member state. Any delegate may be removed or suspended from office as provided by the
3596 law of the state from which the delegate is appointed. Any vacancy occurring in the
3597 Commission shall be filled in accordance with the laws of the member state in which the
3598 vacancy exists. In the event that more than one board, office, or other agency with the
3599 legislative mandate to license EMS personnel at and above the level of EMT exists, the
3600 Governor of the state will determine which entity will be responsible for assigning the delegate.

3601 2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of
3602 rules and creation of bylaws and shall otherwise have an opportunity to participate in the
3603 business and affairs of the Commission. A delegate shall vote in person or by such other
3604 means as provided in the bylaws. The bylaws may provide for delegates' participation in
3605 meetings by telephone or other means of communication.

3606 3. The Commission shall meet at least once during each calendar year. Additional
3607 meetings shall be held as set forth in the bylaws.

3608 4. All meetings shall be open to the public, and public notice of meetings shall be
3609 given in the same manner as required under the rulemaking provisions in Section XII.

3610 5. The Commission may convene in a closed, non-public meeting if the Commission
3611 must discuss:

- 3612 a. Non-compliance of a member state with its obligations under the Compact;
- 3613 b. The employment, compensation, discipline or other personnel matters, practices or
3614 procedures related to specific employees or other matters related to the Commission's internal
3615 personnel practices and procedures;
- 3616 c. Current, threatened, or reasonably anticipated litigation;
- 3617 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- 3618 e. Accusing any person of a crime or formally censuring any person;
- 3619 f. Disclosure of trade secrets or commercial or financial information that is privileged

3620 or confidential;

3621 g. Disclosure of information of a personal nature where disclosure would constitute a
3622 clearly unwarranted invasion of personal privacy;

3623 h. Disclosure of investigatory records compiled for law enforcement purposes;

3624 i. Disclosure of information related to any investigatory reports prepared by or on
3625 behalf of or for use of the Commission or other committee charged with responsibility of
3626 investigation or determination of compliance issues pursuant to the compact; or

3627 j. Matters specifically exempted from disclosure by federal or member state statute.

3628 6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
3629 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
3630 reference each relevant exempting provision. The Commission shall keep minutes that fully
3631 and clearly describe all matters discussed in a meeting and shall provide a full and accurate
3632 summary of actions taken, and the reasons therefore, including a description of the views
3633 expressed. All documents considered in connection with an action shall be identified in such
3634 minutes. All minutes and documents of a closed meeting shall remain under seal, subject to
3635 release by a majority vote of the Commission or order of a court of competent jurisdiction.

3636 C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or
3637 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and
3638 exercise the powers of the compact, including but not limited to:

3639 1. Establishing the fiscal year of the Commission;

3640 2. Providing reasonable standards and procedures:

3641 a. for the establishment and meetings of other committees; and

3642 b. governing any general or specific delegation of any authority or function of the
3643 Commission;

3644 3. Providing reasonable procedures for calling and conducting meetings of the
3645 Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity
3646 for attendance of such meetings by interested parties, with enumerated exceptions designed to

3647 protect the public's interest, the privacy of individuals, and proprietary information, including
3648 trade secrets. The Commission may meet in closed session only after a majority of the
3649 membership votes to close a meeting in whole or in part. As soon as practicable, the
3650 Commission must make public a copy of the vote to close the meeting revealing the vote of
3651 each member with no proxy votes allowed;

3652 4. Establishing the titles, duties and authority, and reasonable procedures for the
3653 election of the officers of the Commission;

3654 5. Providing reasonable standards and procedures for the establishment of the
3655 personnel policies and programs of the Commission. Notwithstanding any civil service or
3656 other similar laws of any member state, the bylaws shall exclusively govern the personnel
3657 policies and programs of the Commission;

3658 6. Promulgating a code of ethics to address permissible and prohibited activities of
3659 Commission members and employees;

3660 7. Providing a mechanism for winding up the operations of the Commission and the
3661 equitable disposition of any surplus funds that may exist after the termination of the Compact
3662 after the payment and/or reserving of all of its debts and obligations;

3663 8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any
3664 amendment thereto, with the appropriate agency or officer in each of the member states, if
3665 any[-];

3666 9. The Commission shall maintain its financial records in accordance with the
3667 bylaws[-]; and

3668 10. The Commission shall meet and take such actions as are consistent with the
3669 provisions of this Compact and the bylaws.

3670 D. The Commission shall have the following powers:

3671 1. The authority to promulgate uniform rules to facilitate and coordinate
3672 implementation and administration of this Compact. The rules shall have the force and effect
3673 of law and shall be binding in all member states;

3674 2. To bring and prosecute legal proceedings or actions in the name of the Commission,
3675 provided that the standing of any state EMS authority or other regulatory body responsible for
3676 EMS personnel licensure to sue or be sued under applicable law shall not be affected;

3677 3. To purchase and maintain insurance and bonds;

3678 4. To borrow, accept, or contract for services of personnel, including, but not limited
3679 to, employees of a member state;

3680 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
3681 such individuals appropriate authority to carry out the purposes of the compact, and to establish
3682 the Commission's personnel policies and programs relating to conflicts of interest,
3683 qualifications of personnel, and other related personnel matters;

3684 6. To accept any and all appropriate donations and grants of money, equipment,
3685 supplies, materials and services, and to receive, utilize and dispose of the same; provided that
3686 at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict
3687 of interest;

3688 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
3689 hold, improve or use, any property, real, personal or mixed; provided that at all times the
3690 Commission shall strive to avoid any appearance of impropriety;

3691 8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
3692 any property real, personal, or mixed;

3693 9. To establish a budget and make expenditures;

3694 10. To borrow money;

3695 11. To appoint committees, including advisory committees comprised of members,
3696 state regulators, state legislators or their representatives, and consumer representatives, and
3697 such other interested persons as may be designated in this compact and the bylaws;

3698 12. To provide and receive information from, and to cooperate with, law enforcement
3699 agencies;

3700 13. To adopt and use an official seal; and

3701 14. To perform such other functions as may be necessary or appropriate to achieve the
3702 purposes of this Compact consistent with the state regulation of EMS personnel licensure and
3703 practice.

3704 E. Financing of the Commission

3705 1. The Commission shall pay, or provide for the payment of, the reasonable expenses
3706 of its establishment, organization, and ongoing activities.

3707 2. The Commission may accept any and all appropriate revenue sources, donations, and
3708 grants of money, equipment, supplies, materials, and services.

3709 3. The Commission may levy on and collect an annual assessment from each member
3710 state or impose fees on other parties to cover the cost of the operations and activities of the
3711 Commission and its staff, which must be in a total amount sufficient to cover its annual budget
3712 as approved each year for which revenue is not provided by other sources. The aggregate
3713 annual assessment amount shall be allocated based upon a formula to be determined by the
3714 Commission, which shall promulgate a rule binding upon all member states.

3715 4. The Commission shall not incur obligations of any kind prior to securing the funds
3716 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
3717 states, except by and with the authority of the member state.

3718 5. The Commission shall keep accurate accounts of all receipts and disbursements.
3719 The receipts and disbursements of the Commission shall be subject to the audit and accounting
3720 procedures established under its bylaws. However, all receipts and disbursements of funds
3721 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
3722 and the report of the audit shall be included in and become part of the annual report of the
3723 Commission.

3724 F. Qualified Immunity, Defense, and Indemnification

3725 1. The members, officers, executive director, employees and representatives of the
3726 Commission shall be immune from suit and liability, either personally or in their official
3727 capacity, for any claim for damage to or loss of property or personal injury or other civil

3728 liability caused by or arising out of any actual or alleged act, error or omission that occurred, or
3729 that the person against whom the claim is made had a reasonable basis for believing occurred
3730 within the scope of Commission employment, duties or responsibilities; provided that nothing
3731 in this paragraph shall be construed to protect any such person from suit and/or liability for any
3732 damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of
3733 that person.

3734 2. The Commission shall defend any member, officer, executive director, employee or
3735 representative of the Commission in any civil action seeking to impose liability arising out of
3736 any actual or alleged act, error, or omission that occurred within the scope of Commission
3737 employment, duties, or responsibilities, or that the person against whom the claim is made had
3738 a reasonable basis for believing occurred within the scope of Commission employment, duties,
3739 or responsibilities; provided that nothing herein shall be construed to prohibit that person from
3740 retaining his or her own counsel; and provided further, that the actual or alleged act, error, or
3741 omission did not result from that person's intentional or willful or wanton misconduct.

3742 3. The Commission shall indemnify and hold harmless any member, officer, executive
3743 director, employee, or representative of the Commission for the amount of any settlement or
3744 judgment obtained against that person arising out of any actual or alleged act, error or omission
3745 that occurred within the scope of Commission employment, duties, or responsibilities, or that
3746 such person had a reasonable basis for believing occurred within the scope of Commission
3747 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
3748 omission did not result from the intentional or willful or wanton misconduct of that person.

3749 SECTION 11. COORDINATED DATABASE

3750 A. The Commission shall provide for the development and maintenance of a
3751 coordinated database and reporting system containing licensure, adverse action, and significant
3752 investigatory information on all licensed individuals in member states.

3753 B. Notwithstanding any other provision of state law to the contrary, a member state
3754 shall submit a uniform data set to the coordinated database on all individuals to whom this

3755 compact is applicable as required by the rules of the Commission, including:

- 3756 1. Identifying information;
- 3757 2. Licensure data;
- 3758 3. Significant investigatory information;
- 3759 4. Adverse actions against an individual's license;
- 3760 5. An indicator that an individual's privilege to practice is restricted, suspended or
3761 revoked;
- 3762 6. Non-confidential information related to alternative program participation;
- 3763 7. Any denial of application for licensure, and the reason(s) for such denial; and
- 3764 8. Other information that may facilitate the administration of this Compact, as
3765 determined by the rules of the Commission.

3766 C. The coordinated database administrator shall promptly notify all member states of
3767 any adverse action taken against, or significant investigative information on, any individual in a
3768 member state.

3769 D. Member states contributing information to the coordinated database may designate
3770 information that may not be shared with the public without the express permission of the
3771 contributing state.

3772 E. Any information submitted to the coordinated database that is subsequently required
3773 to be expunged by the laws of the member state contributing the information shall be removed
3774 from the coordinated database.

3775 **SECTION 12. RULEMAKING**

3776 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set
3777 forth in this Section and the rules adopted thereunder. Rules and amendments shall become
3778 binding as of the date specified in each rule or amendment.

3779 B. If a majority of the legislatures of the member states rejects a rule, by enactment of a
3780 statute or resolution in the same manner used to adopt the Compact, then such rule shall have
3781 no further force and effect in any member state.

3782 C. Rules or amendments to the rules shall be adopted at a regular or special meeting of
3783 the Commission.

3784 D. Prior to promulgation and adoption of a final rule or rules by the Commission, and
3785 at least sixty (60) days in advance of the meeting at which the rule will be considered and voted
3786 upon, the Commission shall file a Notice of Proposed Rulemaking:

- 3787 1. On the website of the Commission; and
3788 2. On the website of each member state EMS authority or the publication in which each
3789 state would otherwise publish proposed rules.

3790 E. The Notice of Proposed Rulemaking shall include:

- 3791 1. The proposed time, date, and location of the meeting in which the rule will be
3792 considered and voted upon;
3793 2. The text of the proposed rule or amendment and the reason for the proposed rule;
3794 3. A request for comments on the proposed rule from any interested person; and
3795 4. The manner in which interested persons may submit notice to the Commission of
3796 their intention to attend the public hearing and any written comments.

3797 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
3798 written data, facts, opinions, and arguments, which shall be made available to the public.

3799 G. The Commission shall grant an opportunity for a public hearing before it adopts a
3800 rule or amendment if a hearing is requested by:

- 3801 1. At least twenty-five (25) persons;
3802 2. A governmental subdivision or agency; or
3803 3. An association having at least twenty-five (25) members.

3804 H. If a hearing is held on the proposed rule or amendment, the Commission shall
3805 publish the place, time, and date of the scheduled public hearing.

3806 1. All persons wishing to be heard at the hearing shall notify the executive director of
3807 the Commission or other designated member in writing of their desire to appear and testify at
3808 the hearing not less than five (5) business days before the scheduled date of the hearing.

3809 2. Hearings shall be conducted in a manner providing each person who wishes to
3810 comment a fair and reasonable opportunity to comment orally or in writing.

3811 3. No transcript of the hearing is required, unless a written request for a transcript is
3812 made, in which case the person requesting the transcript shall bear the cost of producing the
3813 transcript. A recording may be made in lieu of a transcript under the same terms and
3814 conditions as a transcript. This subsection shall not preclude the Commission from making a
3815 transcript or recording of the hearing if it so chooses.

3816 4. Nothing in this section shall be construed as requiring a separate hearing on each
3817 rule. Rules may be grouped for the convenience of the Commission at hearings required by
3818 this section.

3819 I. Following the scheduled hearing date, or by the close of business on the scheduled
3820 hearing date if the hearing was not held, the Commission shall consider all written and oral
3821 comments received.

3822 J. The Commission shall, by majority vote of all members, take final action on the
3823 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
3824 record and the full text of the rule.

3825 K. If no written notice of intent to attend the public hearing by interested parties is
3826 received, the Commission may proceed with promulgation of the proposed rule without a
3827 public hearing.

3828 L. Upon determination that an emergency exists, the Commission may consider and
3829 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
3830 that the usual rulemaking procedures provided in the Compact and in this section shall be
3831 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety
3832 (90) days after the effective date of the rule. For the purposes of this provision, an emergency
3833 rule is one that must be adopted immediately in order to:

- 3834 1. Meet an imminent threat to public health, safety, or welfare;
3835 2. Prevent a loss of Commission or member state funds;

3836 3. Meet a deadline for the promulgation of an administrative rule that is established by
3837 federal law or rule; or

3838 4. Protect public health and safety.

3839 M. The Commission or an authorized committee of the Commission may direct
3840 revisions to a previously adopted rule or amendment for purposes of correcting typographical
3841 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
3842 revisions shall be posted on the website of the Commission. The revision shall be subject to
3843 challenge by any person for a period of thirty (30) days after posting. The revision may be
3844 challenged only on grounds that the revision results in a material change to a rule. A challenge
3845 shall be made in writing, and delivered to the chair of the Commission prior to the end of the
3846 notice period. If no challenge is made, the revision will take effect without further action. If
3847 the revision is challenged, the revision may not take effect without the approval of the
3848 Commission.

3849 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

3850 A. Oversight

3851 1. The executive, legislative, and judicial branches of state government in each
3852 member state shall enforce this compact and take all actions necessary and appropriate to
3853 effectuate the compact's purposes and intent. The provisions of this compact and the rules
3854 promulgated hereunder shall have standing as statutory law.

3855 2. All courts shall take judicial notice of the compact and the rules in any judicial or
3856 administrative proceeding in a member state pertaining to the subject matter of this compact
3857 which may affect the powers, responsibilities or actions of the Commission.

3858 3. The Commission shall be entitled to receive service of process in any such
3859 proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure
3860 to provide service of process to the Commission shall render a judgment or order void as to the
3861 Commission, this Compact, or promulgated rules.

3862 B. Default, Technical Assistance, and Termination

3863 1. If the Commission determines that a member state has defaulted in the performance
3864 of its obligations or responsibilities under this compact or the promulgated rules, the
3865 Commission shall:

3866 a. Provide written notice to the defaulting state and other member states of the nature
3867 of the default, the proposed means of curing the default and/or any other action to be taken by
3868 the Commission; and

3869 b. Provide remedial training and specific technical assistance regarding the default.

3870 2. If a state in default fails to cure the default, the defaulting state may be terminated
3871 from the Compact upon an affirmative vote of a majority of the member states, and all rights,
3872 privileges and benefits conferred by this compact may be terminated on the effective date of
3873 termination. A cure of the default does not relieve the offending state of obligations or
3874 liabilities incurred during the period of default.

3875 3. Termination of membership in the compact shall be imposed only after all other
3876 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
3877 shall be given by the Commission to the governor, the majority and minority leaders of the
3878 defaulting state's legislature, and each of the member states.

3879 4. A state that has been terminated is responsible for all assessments, obligations, and
3880 liabilities incurred through the effective date of termination, including obligations that extend
3881 beyond the effective date of termination.

3882 5. The Commission shall not bear any costs related to a state that is found to be in
3883 default or that has been terminated from the compact, unless agreed upon in writing between
3884 the Commission and the defaulting state.

3885 6. The defaulting state may appeal the action of the Commission by petitioning the
3886 U.S. District Court for the District of Columbia or the federal district where the Commission
3887 has its principal offices. The prevailing member shall be awarded all costs of such litigation,
3888 including reasonable attorney's fees.

3889 C. Dispute Resolution

3890 1. Upon request by a member state, the Commission shall attempt to resolve disputes
3891 related to the compact that arise among member states and between member and non-member
3892 states.

3893 2. The Commission shall promulgate a rule providing for both mediation and binding
3894 dispute resolution for disputes as appropriate.

3895 D. Enforcement

3896 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
3897 provisions and rules of this compact.

3898 2. By majority vote, the Commission may initiate legal action in the United States
3899 District Court for the District of Columbia or the federal district where the Commission has its
3900 principal offices against a member state in default to enforce compliance with the provisions of
3901 the compact and its promulgated rules and bylaws. The relief sought may include both
3902 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
3903 member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3904 3. The remedies herein shall not be the exclusive remedies of the Commission. The
3905 Commission may pursue any other remedies available under federal or state law.

3906 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
3907 COMMISSION FOR EMS PERSONNEL PRACTICE AND
3908 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

3909 A. The compact shall come into effect on the date on which the compact statute is
3910 enacted into law in the tenth member state. The provisions, which become effective at that
3911 time, shall be limited to the powers granted to the Commission relating to assembly and the
3912 promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers
3913 necessary to the implementation and administration of the compact.

3914 B. Any state that joins the compact subsequent to the Commission's initial adoption of
3915 the rules shall be subject to the rules as they exist on the date on which the compact becomes
3916 law in that state. Any rule that has been previously adopted by the Commission shall have the

3917 full force and effect of law on the day the compact becomes law in that state.

3918 C. Any member state may withdraw from this compact by enacting a statute repealing
3919 the same.

3920 1. A member state's withdrawal shall not take effect until six (6) months after
3921 enactment of the repealing statute.

3922 2. Withdrawal shall not affect the continuing requirement of the withdrawing state's
3923 EMS authority to comply with the investigative and adverse action reporting requirements of
3924 this act prior to the effective date of withdrawal.

3925 D. Nothing contained in this compact shall be construed to invalidate or prevent any
3926 EMS personnel licensure agreement or other cooperative arrangement between a member state
3927 and a non-member state that does not conflict with the provisions of this compact.

3928 E. This Compact may be amended by the member states. No amendment to this
3929 Compact shall become effective and binding upon any member state until it is enacted into the
3930 laws of all member states.

3931 SECTION 15. CONSTRUCTION AND SEVERABILITY

3932 This Compact shall be liberally construed so as to effectuate the purposes thereof. If
3933 this compact shall be held contrary to the constitution of any state member thereto, the compact
3934 shall remain in full force and effect as to the remaining member states. Nothing in this
3935 compact supersedes state law or rules related to licensure of EMS agencies.

3936 Section 100. Section **53-10-405** is amended to read:

3937 **53-10-405. DNA specimen analysis -- Saliva sample to be obtained by agency --**
3938 **Blood sample to be drawn by professional.**

3939 (1) (a) A saliva sample shall be obtained by the responsible agency under Subsection
3940 [53-10-404\(5\)](#).

3941 (b) The sample shall be obtained in a professionally acceptable manner, using
3942 appropriate procedures to ensure the sample is adequate for DNA analysis.

3943 (2) (a) A blood sample shall be drawn in a medically acceptable manner by any of the

3944 following:

- 3945 (i) a physician;
- 3946 (ii) a physician assistant;
- 3947 (iii) a registered nurse;
- 3948 (iv) a licensed practical nurse;
- 3949 (v) a paramedic;
- 3950 (vi) as provided in Subsection (2)(b), emergency medical service personnel other than
- 3951 paramedics; or
- 3952 (vii) a person with a valid permit issued by the Department of Health and Human
- 3953 Services under Section [~~26-1-30~~] 26B-1-202.

3954 (b) The Department of Health and Human Services may designate by rule, in

3955 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency

3956 medical service personnel, as defined in Section [~~26-8a-102~~] 53-2d-101, are authorized to draw

3957 blood under Subsection (2)(a)(vi), based on the type of license under Section [~~26-8a-302~~]

3958 53-2d-402.

3959 (c) A person authorized by this section to draw a blood sample may not be held civilly

3960 liable for drawing a sample in a medically acceptable manner.

3961 (3) A test result or opinion based upon a test result regarding a DNA specimen may not

3962 be rendered inadmissible as evidence solely because of deviations from procedures adopted by

3963 the department that do not affect the reliability of the opinion or test result.

3964 (4) A DNA specimen is not required to be obtained if:

3965 (a) the court or the responsible agency confirms with the department that the

3966 department has previously received an adequate DNA specimen obtained from the person in

3967 accordance with this section; or

3968 (b) the court determines that obtaining a DNA specimen would create a substantial and

3969 unreasonable risk to the health of the person.

3970 Section 101. Section **53-21-101** is amended to read:

3971 **53-21-101. Definitions.**

3972 As used in this chapter:

3973 (1) "Crime scene investigator technician" means an individual employed by a law
3974 enforcement agency to collect and analyze evidence from crime scenes and crime-related
3975 incidents.

3976 (2) "Department" means the Department of Public Safety.

3977 (3) "First responder" means:

3978 (a) a law enforcement officer, as defined in Section [53-13-103](#);

3979 (b) an emergency medical technician, as defined in Section ~~[26-8c-102]~~ [53-2e-101](#);

3980 (c) an advanced emergency medical technician, as defined in Section ~~[26-8c-102]~~

3981 [53-2e-101](#);

3982 (d) a paramedic, as defined in Section ~~[26-8c-102]~~ [53-2e-101](#);

3983 (e) a firefighter, as defined in Section [34A-3-113](#);

3984 (f) a dispatcher, as defined in Section [53-6-102](#);

3985 (g) a correctional officer, as defined in Section [53-13-104](#);

3986 (h) a special function officer, as defined in Section [53-13-105](#), employed by a local
3987 sheriff;

3988 (i) a search and rescue worker under the supervision of a local sheriff;

3989 (j) a credentialed criminal justice system victim advocate as defined in Section

3990 ~~77-38-403~~ who responds to incidents with a law enforcement officer;

3991 (k) a crime scene investigator technician; or

3992 (l) a wildland firefighter.

3993 (4) "First responder agency" means a local district, municipality, interlocal entity, or
3994 other political subdivision that employs a first responder to provide fire protection, paramedic,
3995 law enforcement, or emergency services.

3996 (5) "Mental health resources" means:

3997 (a) an assessment to determine appropriate mental health treatment that is performed

3998 by a mental health therapist;

3999 (b) outpatient mental health treatment provided by a mental health therapist; or

4000 (c) peer support services provided by a peer support specialist who is qualified to
4001 provide peer support services under Subsection 62A-15-103(2)(h).

4002 (6) "Mental health therapist" means the same as that term is defined in Section
4003 58-60-102.

4004 (7) "Plan" means a plan to implement or expand a program that provides mental health
4005 resources to first responders for which the division awards a grant under this chapter.

4006 Section 102. Section 58-1-307 is amended to read:

4007 **58-1-307. Exemptions from licensure.**

4008 (1) Except as otherwise provided by statute or rule, the following individuals may
4009 engage in the practice of their occupation or profession, subject to the stated circumstances and
4010 limitations, without being licensed under this title:

4011 (a) an individual serving in the armed forces of the United States, the United States
4012 Public Health Service, the United States Department of Veterans Affairs, or other federal
4013 agencies while engaged in activities regulated under this chapter as a part of employment with
4014 that federal agency if the individual holds a valid license to practice a regulated occupation or
4015 profession issued by any other state or jurisdiction recognized by the division;

4016 (b) a student engaged in activities constituting the practice of a regulated occupation or
4017 profession while in training in a recognized school approved by the division to the extent the
4018 activities are supervised by qualified faculty, staff, or designee and the activities are a defined
4019 part of the training program;

4020 (c) an individual engaged in an internship, residency, preceptorship, postceptorship,
4021 fellowship, apprenticeship, or on-the-job training program approved by the division while
4022 under the supervision of qualified individuals;

4023 (d) an individual residing in another state and licensed to practice a regulated
4024 occupation or profession in that state, who is called in for a consultation by an individual

4025 licensed in this state, and the services provided are limited to that consultation;

4026 (e) an individual who is invited by a recognized school, association, society, or other
4027 body approved by the division to conduct a lecture, clinic, or demonstration of the practice of a
4028 regulated occupation or profession if the individual does not establish a place of business or
4029 regularly engage in the practice of the regulated occupation or profession in this state;

4030 (f) an individual licensed under the laws of this state, other than under this title, to
4031 practice or engage in an occupation or profession, while engaged in the lawful, professional,
4032 and competent practice of that occupation or profession;

4033 (g) an individual licensed in a health care profession in another state who performs that
4034 profession while attending to the immediate needs of a patient for a reasonable period during
4035 which the patient is being transported from outside of this state, into this state, or through this
4036 state;

4037 (h) an individual licensed in another state or country who is in this state temporarily to
4038 attend to the needs of an athletic team or group, except that the practitioner may only attend to
4039 the needs of the athletic team or group, including all individuals who travel with the team or
4040 group in any capacity except as a spectator;

4041 (i) an individual licensed and in good standing in another state, who is in this state:

4042 (i) temporarily, under the invitation and control of a sponsoring entity;

4043 (ii) for a reason associated with a special purpose event, based upon needs that may
4044 exceed the ability of this state to address through its licensees, as determined by the division;
4045 and

4046 (iii) for a limited period of time not to exceed the duration of that event, together with
4047 any necessary preparatory and conclusionary periods; and

4048 (j) the spouse of an individual serving in the armed forces of the United States while
4049 the individual is stationed within this state, provided:

4050 (i) the spouse holds a valid license to practice a regulated occupation or profession
4051 issued by any other state or jurisdiction recognized by the division; and

4052 (ii) the license is current and the spouse is in good standing in the state of licensure.

4053 (2) (a) A practitioner temporarily in this state who is exempted from licensure under
4054 Subsection (1) shall comply with each requirement of the licensing jurisdiction from which the
4055 practitioner derives authority to practice.

4056 (b) Violation of a limitation imposed by this section constitutes grounds for removal of
4057 exempt status, denial of license, or other disciplinary proceedings.

4058 (3) An individual who is licensed under a specific chapter of this title to practice or
4059 engage in an occupation or profession may engage in the lawful, professional, and competent
4060 practice of that occupation or profession without additional licensure under other chapters of
4061 this title, except as otherwise provided by this title.

4062 (4) Upon the declaration of a national, state, or local emergency, a public health
4063 emergency as defined in Section 26-23b-102, or a declaration by the president of the United
4064 States or other federal official requesting public health-related activities, the division in
4065 collaboration with the relevant board may:

4066 (a) suspend the requirements for permanent or temporary licensure of individuals who
4067 are licensed in another state for the duration of the emergency while engaged in the scope of
4068 practice for which they are licensed in the other state;

4069 (b) modify, under the circumstances described in this Subsection (4) and Subsection
4070 (5), the scope of practice restrictions under this title for individuals who are licensed under this
4071 title as:

4072 (i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
4073 Osteopathic Medical Practice Act;

4074 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure
4075 Compact - Revised;

4076 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;

4077 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,
4078 Pharmacy Practice Act;

- 4079 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;
- 4080 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist
- 4081 Practice Act; and
- 4082 (vii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;
- 4083 (c) suspend the requirements for licensure under this title and modify the scope of
- 4084 practice in the circumstances described in this Subsection (4) and Subsection (5) for medical
- 4085 services personnel or paramedics required to be licensed under Section [~~26-8a-302~~] [53-2d-402](#);
- 4086 (d) suspend requirements in Subsections [58-17b-620](#)(3) through (6) which require
- 4087 certain prescriptive procedures;
- 4088 (e) exempt or modify the requirement for licensure of an individual who is activated as
- 4089 a member of a medical reserve corps during a time of emergency as provided in Section
- 4090 [26A-1-126](#);
- 4091 (f) exempt or modify the requirement for licensure of an individual who is registered as
- 4092 a volunteer health practitioner as provided in Title 26, Chapter 49, Uniform Emergency
- 4093 Volunteer Health Practitioners Act; and
- 4094 (g) in accordance with rules made by the division in accordance with Title 63G,
- 4095 Chapter 3, Utah Administrative Rulemaking Act, exempt or modify the requirements for
- 4096 licensure of an individual engaged in one or more of the construction trades described in
- 4097 Chapter 55, Utah Construction Trades Licensing Act.
- 4098 (5) Individuals exempt under Subsection (4)(c) and individuals operating under
- 4099 modified scope of practice provisions under Subsection (4)(b):
- 4100 (a) are exempt from licensure or subject to modified scope of practice for the duration
- 4101 of the emergency;
- 4102 (b) must be engaged in the distribution of medicines or medical devices in response to
- 4103 the emergency or declaration; and
- 4104 (c) must be employed by or volunteering for:
- 4105 (i) a local or state department of health; or

4106 (ii) a host entity as defined in Section 26-49-102.

4107 (6) In accordance with the protocols established under Subsection (8), upon the
4108 declaration of a national, state, or local emergency, the Department of Health or a local health
4109 department shall coordinate with public safety authorities as defined in Subsection
4110 26-23b-110(1) and may:

4111 (a) use a vaccine, antiviral, antibiotic, or other prescription medication that is not a
4112 controlled substance to prevent or treat a disease or condition that gave rise to, or was a
4113 consequence of, the emergency; or

4114 (b) distribute a vaccine, antiviral, antibiotic, or other prescription medication that is not
4115 a controlled substance:

4116 (i) if necessary, to replenish a commercial pharmacy in the event that the commercial
4117 pharmacy's normal source of the vaccine, antiviral, antibiotic, or other prescription medication
4118 is exhausted; or

4119 (ii) for dispensing or direct administration to treat the disease or condition that gave
4120 rise to, or was a consequence of, the emergency by:

4121 (A) a pharmacy;

4122 (B) a prescribing practitioner;

4123 (C) a licensed health care facility;

4124 (D) a federally qualified community health clinic; or

4125 (E) a governmental entity for use by a community more than 50 miles from a person
4126 described in Subsections (6)(b)(ii)(A) through (D).

4127 (7) In accordance with protocols established under Subsection (8), upon the declaration
4128 of a national, state, or local emergency, the Department of Health shall coordinate the
4129 distribution of medications:

4130 (a) received from the strategic national stockpile to local health departments; and

4131 (b) from local health departments to emergency personnel within the local health
4132 departments' geographic region.

4133 (8) The Department of Health shall establish by rule, made in accordance with Title
4134 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for administering, dispensing,
4135 and distributing a vaccine, an antiviral, an antibiotic, or other prescription medication that is
4136 not a controlled substance in the event of a declaration of a national, state, or local emergency.
4137 The protocol shall establish procedures for the Department of Health or a local health
4138 department to:

4139 (a) coordinate the distribution of:

4140 (i) a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a
4141 controlled substance received by the Department of Health from the strategic national stockpile
4142 to local health departments; and

4143 (ii) a vaccine, an antiviral, an antibiotic, or other non-controlled prescription
4144 medication received by a local health department to emergency personnel within the local
4145 health department's geographic region;

4146 (b) authorize the dispensing, administration, or distribution of a vaccine, an antiviral,
4147 an antibiotic, or other prescription medication that is not a controlled substance to the contact
4148 of a patient without a patient-practitioner relationship, if the contact's condition is the same as
4149 that of the physician's or physician assistant's patient; and

4150 (c) authorize the administration, distribution, or dispensing of a vaccine, an antiviral,
4151 an antibiotic, or other non-controlled prescription medication to an individual who:

4152 (i) is working in a triage situation;

4153 (ii) is receiving preventative or medical treatment in a triage situation;

4154 (iii) does not have coverage for the prescription in the individual's health insurance
4155 plan;

4156 (iv) is involved in the delivery of medical or other emergency services in response to
4157 the declared national, state, or local emergency; or

4158 (v) otherwise has a direct impact on public health.

4159 (9) The Department of Health shall give notice to the division upon implementation of

4160 the protocol established under Subsection (8).

4161 Section 103. Section **58-1-509** is amended to read:

4162 **58-1-509. Patient consent for certain medical examinations.**

4163 (1) As used in this section:

4164 (a) "Health care provider" means:

4165 (i) an individual who is:

4166 (A) a healthcare provider as defined in Section [78B-3-403](#); and

4167 (B) licensed under this title;

4168 (ii) emergency medical service personnel as defined in Section ~~[26-8a-102]~~ [53-2d-101](#);

4169 or

4170 (iii) an individual described in Subsection [58-1-307\(1\)\(b\)](#) or (c).

4171 (b) "Patient examination" means a medical examination that requires contact with the
4172 patient's sexual organs.

4173 (2) A health care provider may not perform a patient examination on an anesthetized or
4174 unconscious patient unless:

4175 (a) the health care provider obtains consent from the patient or the patient's
4176 representative in accordance with Subsection (3);

4177 (b) a court orders performance of the patient examination for the collection of
4178 evidence;

4179 (c) the performance of the patient examination is within the scope of care for a
4180 procedure or diagnostic examination scheduled to be performed on the patient; or

4181 (d) the patient examination is immediately necessary for diagnosis or treatment of the
4182 patient.

4183 (3) To obtain consent to perform a patient examination on an anesthetized or
4184 unconscious patient, before performing the patient examination, the health care provider shall:

4185 (a) provide the patient or the patient's representative with a written or electronic
4186 document that:

- 4187 (i) is provided separately from any other notice or agreement;
- 4188 (ii) contains the following heading at the top of the document in not smaller than
- 4189 18-point bold face type: "CONSENT FOR EXAMINATION OF PELVIC REGION";
- 4190 (iii) specifies the nature and purpose of the patient examination;
- 4191 (iv) names one or more primary health care providers whom the patient or the patient's
- 4192 representative may authorize to perform the patient examination;
- 4193 (v) states whether there may be a student or resident that the patient or the patient's
- 4194 representative authorizes to:
- 4195 (A) perform an additional patient examination; or
- 4196 (B) observe or otherwise be present at the patient examination, either in person or
- 4197 through electronic means; and
- 4198 (vi) provides the patient or the patient's representative with a series of check boxes that
- 4199 allow the patient or the patient's representative to:
- 4200 (A) consent to the patient examination for diagnosis or treatment and an additional
- 4201 patient examination performed by a student or resident for an educational or training purpose;
- 4202 (B) consent to the patient examination only for diagnosis or treatment; or
- 4203 (C) refuse to consent to the patient examination;
- 4204 (b) obtain the signature of the patient or the patient's representative on the written or
- 4205 electronic document while witnessed by a third party; and
- 4206 (c) sign the written or electronic document.
- 4207 Section 104. Section **58-37-8** is amended to read:
- 4208 **58-37-8. Prohibited acts -- Penalties.**
- 4209 (1) Prohibited acts A -- Penalties and reporting:
- 4210 (a) Except as authorized by this chapter, it is unlawful for a person to knowingly and
- 4211 intentionally:
- 4212 (i) produce, manufacture, or dispense, or to possess with intent to produce,
- 4213 manufacture, or dispense, a controlled or counterfeit substance;

- 4214 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or
4215 arrange to distribute a controlled or counterfeit substance;
- 4216 (iii) possess a controlled or counterfeit substance with intent to distribute; or
4217 (iv) engage in a continuing criminal enterprise where:
- 4218 (A) the person participates, directs, or engages in conduct that results in a violation of
4219 [~~Chapter 37, Utah Controlled Substances Act~~] this chapter, Chapter 37a, Utah Drug
4220 Paraphernalia Act, Chapter 37b, Imitation Controlled Substances Act, Chapter 37c, Utah
4221 Controlled Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, that is a
4222 felony; and
- 4223 (B) the violation is a part of a continuing series of two or more violations of [~~Chapter
4224 37, Utah Controlled Substances Act~~] this chapter, Chapter 37a, Utah Drug Paraphernalia Act,
4225 Chapter 37b, Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance
4226 Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, on separate occasions that are
4227 undertaken in concert with five or more persons with respect to whom the person occupies a
4228 position of organizer, supervisor, or any other position of management.
- 4229 (b) A person convicted of violating Subsection (1)(a) with respect to:
- 4230 (i) a substance or a counterfeit of a substance classified in Schedule I or II, a controlled
4231 substance analog, or gammahydroxybutyric acid as listed in Schedule III is guilty of a second
4232 degree felony, punishable by imprisonment for not more than 15 years, and upon a second or
4233 subsequent conviction is guilty of a first degree felony;
- 4234 (ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or
4235 marijuana, or a substance listed in Section [58-37-4.2](#) is guilty of a third degree felony, and
4236 upon a second or subsequent conviction is guilty of a second degree felony; or
- 4237 (iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a
4238 class A misdemeanor and upon a second or subsequent conviction is guilty of a third degree
4239 felony.
- 4240 (c) A person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) may

4241 be sentenced to imprisonment for an indeterminate term as provided by law, but if the trier of
4242 fact finds a firearm as defined in Section 76-10-501 was used, carried, or possessed on the
4243 person or in the person's immediate possession during the commission or in furtherance of the
4244 offense, the court shall additionally sentence the person convicted for a term of one year to run
4245 consecutively and not concurrently; and the court may additionally sentence the person
4246 convicted for an indeterminate term not to exceed five years to run consecutively and not
4247 concurrently.

4248 (d) (i) A person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree
4249 felony punishable by imprisonment for an indeterminate term of not less than:

4250 (A) seven years and which may be for life; or

4251 (B) 15 years and which may be for life if the trier of fact determined that the defendant
4252 knew or reasonably should have known that any subordinate under Subsection (1)(a)(iv)(B)
4253 was under 18 years old.

4254 (ii) Imposition or execution of the sentence may not be suspended, and the person is
4255 not eligible for probation.

4256 (iii) Subsection (1)(d)(i)(B) does not apply to any defendant who, at the time of the
4257 offense, was under 18 years old.

4258 (e) The Administrative Office of the Courts shall report to the Division of Professional
4259 Licensing the name, case number, date of conviction, and if known, the date of birth of each
4260 person convicted of violating Subsection (1)(a).

4261 (2) Prohibited acts B -- Penalties and reporting:

4262 (a) It is unlawful:

4263 (i) for a person knowingly and intentionally to possess or use a controlled substance
4264 analog or a controlled substance, unless it was obtained under a valid prescription or order,
4265 directly from a practitioner while acting in the course of the person's professional practice, or as
4266 otherwise authorized by this chapter;

4267 (ii) for an owner, tenant, licensee, or person in control of a building, room, tenement,

4268 vehicle, boat, aircraft, or other place knowingly and intentionally to permit them to be occupied
4269 by persons unlawfully possessing, using, or distributing controlled substances in any of those
4270 locations; or

4271 (iii) for a person knowingly and intentionally to possess an altered or forged
4272 prescription or written order for a controlled substance.

4273 (b) A person convicted of violating Subsection (2)(a)(i) with respect to:

4274 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree felony;

4275 or

4276 (ii) a substance classified in Schedule I or II, or a controlled substance analog, is guilty
4277 of a class A misdemeanor on a first or second conviction, and on a third or subsequent
4278 conviction if each prior offense was committed within seven years before the date of the
4279 offense upon which the current conviction is based is guilty of a third degree felony.

4280 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a
4281 conviction under Subsection (1)(a), that person shall be sentenced to a one degree greater
4282 penalty than provided in this Subsection (2).

4283 (d) A person who violates Subsection (2)(a)(i) with respect to all other controlled
4284 substances not included in Subsection (2)(b)(i) or (ii), including a substance listed in Section
4285 [58-37-4.2](#), or marijuana, is guilty of a class B misdemeanor.

4286 (i) Upon a third conviction the person is guilty of a class A misdemeanor, if each prior
4287 offense was committed within seven years before the date of the offense upon which the
4288 current conviction is based.

4289 (ii) Upon a fourth or subsequent conviction the person is guilty of a third degree felony
4290 if each prior offense was committed within seven years before the date of the offense upon
4291 which the current conviction is based.

4292 (e) A person convicted of violating Subsection (2)(a)(i) while inside the exterior
4293 boundaries of property occupied by a correctional facility as defined in Section [64-13-1](#) or a
4294 public jail or other place of confinement shall be sentenced to a penalty one degree greater than

4295 provided in Subsection (2)(b), and if the conviction is with respect to controlled substances as
4296 listed in:

4297 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an
4298 indeterminate term as provided by law, and:

4299 (A) the court shall additionally sentence the person convicted to a term of one year to
4300 run consecutively and not concurrently; and

4301 (B) the court may additionally sentence the person convicted for an indeterminate term
4302 not to exceed five years to run consecutively and not concurrently; and

4303 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an
4304 indeterminate term as provided by law, and the court shall additionally sentence the person
4305 convicted to a term of six months to run consecutively and not concurrently.

4306 (f) A person convicted of violating Subsection (2)(a)(ii) or (iii) is:

4307 (i) on a first conviction, guilty of a class B misdemeanor;

4308 (ii) on a second conviction, guilty of a class A misdemeanor; and

4309 (iii) on a third or subsequent conviction, guilty of a third degree felony.

4310 (g) The Administrative Office of the Courts shall report to the Division of Professional
4311 Licensing the name, case number, date of conviction, and if known, the date of birth of each
4312 person convicted of violating Subsection (2)(a).

4313 (3) Prohibited acts C -- Penalties:

4314 (a) It is unlawful for a person knowingly and intentionally:

4315 (i) to use in the course of the manufacture or distribution of a controlled substance a
4316 license number which is fictitious, revoked, suspended, or issued to another person or, for the
4317 purpose of obtaining a controlled substance, to assume the title of, or represent oneself to be, a
4318 manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized
4319 person;

4320 (ii) to acquire or obtain possession of, to procure or attempt to procure the
4321 administration of, to obtain a prescription for, to prescribe or dispense to a person known to be

4322 attempting to acquire or obtain possession of, or to procure the administration of a controlled
4323 substance by misrepresentation or failure by the person to disclose receiving a controlled
4324 substance from another source, fraud, forgery, deception, subterfuge, alteration of a
4325 prescription or written order for a controlled substance, or the use of a false name or address;

4326 (iii) to make a false or forged prescription or written order for a controlled substance,
4327 or to utter the same, or to alter a prescription or written order issued or written under the terms
4328 of this chapter; or

4329 (iv) to make, distribute, or possess a punch, die, plate, stone, or other thing designed to
4330 print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or
4331 device of another or any likeness of any of the foregoing upon any drug or container or labeling
4332 so as to render a drug a counterfeit controlled substance.

4333 (b) (i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is a class A
4334 misdemeanor.

4335 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third
4336 degree felony.

4337 (c) A violation of Subsection (3)(a)(iv) is a third degree felony.

4338 (4) Prohibited acts D -- Penalties:

4339 (a) Notwithstanding other provisions of this section, a person not authorized under this
4340 chapter who commits any act that is unlawful under Subsection (1)(a) or Section 58-37b-4 is
4341 upon conviction subject to the penalties and classifications under this Subsection (4) if the trier
4342 of fact finds the act is committed:

4343 (i) in a public or private elementary or secondary school or on the grounds of any of
4344 those schools during the hours of 6 a.m. through 10 p.m.;

4345 (ii) in a public or private vocational school or postsecondary institution or on the
4346 grounds of any of those schools or institutions during the hours of 6 a.m. through 10 p.m.;

4347 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or
4348 facility's hours of operation;

4349 (iv) in a public park, amusement park, arcade, or recreation center when the public or
4350 amusement park, arcade, or recreation center is open to the public;

4351 (v) in or on the grounds of a house of worship as defined in Section 76-10-501;

4352 (vi) in or on the grounds of a library when the library is open to the public;

4353 (vii) within an area that is within 100 feet of any structure, facility, or grounds included
4354 in Subsections (4)(a)(i)[, (ii), (iii), (iv), (v), and] through (vi);

4355 (viii) in the presence of a person younger than 18 years old, regardless of where the act
4356 occurs; or

4357 (ix) for the purpose of facilitating, arranging, or causing the transport, delivery, or
4358 distribution of a substance in violation of this section to an inmate or on the grounds of a
4359 correctional facility as defined in Section 76-8-311.3.

4360 (b) (i) A person convicted under this Subsection (4) is guilty of a first degree felony
4361 and shall be imprisoned for a term of not less than five years if the penalty that would
4362 otherwise have been established but for this Subsection (4) would have been a first degree
4363 felony.

4364 (ii) Imposition or execution of the sentence may not be suspended, and the person is
4365 not eligible for probation.

4366 (c) If the classification that would otherwise have been established would have been
4367 less than a first degree felony but for this Subsection (4), a person convicted under this
4368 Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that
4369 offense.

4370 (d) (i) If the violation is of Subsection (4)(a)(ix):

4371 (A) the person may be sentenced to imprisonment for an indeterminate term as
4372 provided by law, and the court shall additionally sentence the person convicted for a term of
4373 one year to run consecutively and not concurrently; and

4374 (B) the court may additionally sentence the person convicted for an indeterminate term
4375 not to exceed five years to run consecutively and not concurrently; and

4376 (ii) the penalties under this Subsection (4)(d) apply also to a person who, acting with
4377 the mental state required for the commission of an offense, directly or indirectly solicits,
4378 requests, commands, coerces, encourages, or intentionally aids another person to commit a
4379 violation of Subsection (4)(a)(ix).

4380 (e) It is not a defense to a prosecution under this Subsection (4) that:

4381 (i) the actor mistakenly believed the individual to be 18 years old or older at the time of
4382 the offense or was unaware of the individual's true age; or

4383 (ii) the actor mistakenly believed that the location where the act occurred was not as
4384 described in Subsection (4)(a) or was unaware that the location where the act occurred was as
4385 described in Subsection (4)(a).

4386 (5) A violation of this chapter for which no penalty is specified is a class B
4387 misdemeanor.

4388 (6) (a) For purposes of penalty enhancement under Subsections (1) and (2), a plea of
4389 guilty or no contest to a violation or attempted violation of this section or a plea which is held
4390 in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction,
4391 even if the charge has been subsequently reduced or dismissed in accordance with the plea in
4392 abeyance agreement.

4393 (b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a
4394 conviction that is:

4395 (i) from a separate criminal episode than the current charge; and

4396 (ii) from a conviction that is separate from any other conviction used to enhance the
4397 current charge.

4398 (7) A person may be charged and sentenced for a violation of this section,
4399 notwithstanding a charge and sentence for a violation of any other section of this chapter.

4400 (8) (a) A penalty imposed for violation of this section is in addition to, and not in lieu
4401 of, a civil or administrative penalty or sanction authorized by law.

4402 (b) When a violation of this chapter violates a federal law or the law of another state,

4403 conviction or acquittal under federal law or the law of another state for the same act is a bar to
4404 prosecution in this state.

4405 (9) In any prosecution for a violation of this chapter, evidence or proof that shows a
4406 person or persons produced, manufactured, possessed, distributed, or dispensed a controlled
4407 substance or substances, is prima facie evidence that the person or persons did so with
4408 knowledge of the character of the substance or substances.

4409 (10) This section does not prohibit a veterinarian, in good faith and in the course of the
4410 veterinarian's professional practice only and not for humans, from prescribing, dispensing, or
4411 administering controlled substances or from causing the substances to be administered by an
4412 assistant or orderly under the veterinarian's direction and supervision.

4413 (11) Civil or criminal liability may not be imposed under this section on:

4414 (a) a person registered under this chapter who manufactures, distributes, or possesses
4415 an imitation controlled substance for use as a placebo or investigational new drug by a
4416 registered practitioner in the ordinary course of professional practice or research; or

4417 (b) a law enforcement officer acting in the course and legitimate scope of the officer's
4418 employment.

4419 (12) (a) Civil or criminal liability may not be imposed under this section on any Indian,
4420 as defined in Section 58-37-2, who uses, possesses, or transports peyote for bona fide
4421 traditional ceremonial purposes in connection with the practice of a traditional Indian religion
4422 as defined in Section 58-37-2.

4423 (b) In a prosecution alleging violation of this section regarding peyote as defined in
4424 Section 58-37-4, it is an affirmative defense that the peyote was used, possessed, or transported
4425 by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a
4426 traditional Indian religion.

4427 (c) (i) The defendant shall provide written notice of intent to claim an affirmative
4428 defense under this Subsection (12) as soon as practicable, but not later than 10 days before
4429 trial.

4430 (ii) The notice shall include the specific claims of the affirmative defense.
4431 (iii) The court may waive the notice requirement in the interest of justice for good
4432 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.
4433 (d) The defendant shall establish the affirmative defense under this Subsection (12) by
4434 a preponderance of the evidence. If the defense is established, it is a complete defense to the
4435 charges.
4436 (13) (a) It is an affirmative defense that the person produced, possessed, or
4437 administered a controlled substance listed in Section 58-37-4.2 if the person was:
4438 (i) engaged in medical research; and
4439 (ii) a holder of a valid license to possess controlled substances under Section 58-37-6.
4440 (b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed
4441 a controlled substance listed in Section 58-37-4.2.
4442 (14) It is an affirmative defense that the person possessed, in the person's body, a
4443 controlled substance listed in Section 58-37-4.2 if:
4444 (a) the person was the subject of medical research conducted by a holder of a valid
4445 license to possess controlled substances under Section 58-37-6; and
4446 (b) the substance was administered to the person by the medical researcher.
4447 (15) The application of any increase in penalty under this section to a violation of
4448 Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony. This
4449 Subsection (15) takes precedence over any conflicting provision of this section.
4450 (16) (a) It is an affirmative defense to an allegation of the commission of an offense
4451 listed in Subsection (16)(b) that the person or bystander:
4452 (i) reasonably believes that the person or another person is experiencing an overdose
4453 event due to the ingestion, injection, inhalation, or other introduction into the human body of a
4454 controlled substance or other substance;
4455 (ii) reports, or assists a person who reports, in good faith the overdose event to a
4456 medical provider, an emergency medical service provider as defined in Section [26-8a-102]

4457 [53-2d-101](#), a law enforcement officer, a 911 emergency call system, or an emergency dispatch
4458 system, or the person is the subject of a report made under this Subsection (16);

4459 (iii) provides in the report under Subsection (16)(a)(ii) a functional description of the
4460 actual location of the overdose event that facilitates responding to the person experiencing the
4461 overdose event;

4462 (iv) remains at the location of the person experiencing the overdose event until a
4463 responding law enforcement officer or emergency medical service provider arrives, or remains
4464 at the medical care facility where the person experiencing an overdose event is located until a
4465 responding law enforcement officer arrives;

4466 (v) cooperates with the responding medical provider, emergency medical service
4467 provider, and law enforcement officer, including providing information regarding the person
4468 experiencing the overdose event and any substances the person may have injected, inhaled, or
4469 otherwise introduced into the person's body; and

4470 (vi) is alleged to have committed the offense in the same course of events from which
4471 the reported overdose arose.

4472 (b) The offenses referred to in Subsection (16)(a) are:

4473 (i) the possession or use of less than 16 ounces of marijuana;

4474 (ii) the possession or use of a scheduled or listed controlled substance other than
4475 marijuana; and

4476 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,
4477 Imitation Controlled Substances Act.

4478 (c) As used in this Subsection (16) and in Section [76-3-203.11](#), "good faith" does not
4479 include seeking medical assistance under this section during the course of a law enforcement
4480 agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.

4481 (17) If any provision of this chapter, or the application of any provision to any person
4482 or circumstances, is held invalid, the remainder of this chapter shall be given effect without the
4483 invalid provision or application.

4484 (18) A legislative body of a political subdivision may not enact an ordinance that is
4485 less restrictive than any provision of this chapter.

4486 (19) If a minor who is under 18 years old is found by a court to have violated this
4487 section or Subsection [76-5-102.1\(2\)\(b\)](#) or [76-5-207\(2\)\(b\)](#), the court may order the minor to
4488 complete:

4489 (a) a screening as defined in Section [41-6a-501](#);

4490 (b) an assessment as defined in Section [41-6a-501](#) if the screening indicates an
4491 assessment to be appropriate; and

4492 (c) an educational series as defined in Section [41-6a-501](#) or substance use disorder
4493 treatment as indicated by an assessment.

4494 Section 105. Section **59-12-801** is amended to read:

4495 **59-12-801. Definitions.**

4496 As used in this part:

4497 (1) "Emergency medical services" is as defined in Section [~~26-8a-102~~] [53-2d-101](#).

4498 (2) "Federally qualified health center" is as defined in 42 U.S.C. Sec. 1395x.

4499 (3) "Freestanding urgent care center" means a facility that provides outpatient health
4500 care service:

4501 (a) on an as-needed basis, without an appointment;

4502 (b) to the public;

4503 (c) for the diagnosis and treatment of a medical condition if that medical condition
4504 does not require hospitalization or emergency intervention for a life threatening or potentially
4505 permanently disabling condition; and

4506 (d) including one or more of the following services:

4507 (i) a medical history physical examination;

4508 (ii) an assessment of health status; or

4509 (iii) treatment:

4510 (A) for a variety of medical conditions; and

- 4511 (B) that is commonly offered in a physician's office.
- 4512 (4) "Nursing care facility" is as defined in Section 26-21-2.
- 4513 (5) "Rural city hospital" means a hospital owned by a city that is located within a third,
4514 fourth, fifth, or sixth class county.
- 4515 (6) "Rural county health care facility" means a:
4516 (a) rural county hospital; or
4517 (b) rural county nursing care facility.
- 4518 (7) "Rural county hospital" means a hospital owned by a county that is:
4519 (a) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and
4520 (b) located outside of a standard metropolitan statistical area, as designated by the
4521 United States Bureau of the Census.
- 4522 (8) "Rural county nursing care facility" means a nursing care facility owned by:
4523 (a) a county that is:
4524 (i) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and
4525 (ii) located outside of a standard metropolitan statistical area, as designated by the
4526 United States Census Bureau; or
4527 (b) a special service district if the special service district is:
4528 (i) created for the purpose of operating the nursing care facility; and
4529 (ii) within a county that is:
4530 (A) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and
4531 (B) located outside of a standard metropolitan statistical area, as designated by the
4532 United States Census Bureau.
- 4533 (9) "Rural emergency medical services" means emergency medical services that are
4534 provided by a county that is:
4535 (a) a fifth or sixth class county, as defined in Section 17-50-501; and
4536 (b) located outside of a standard metropolitan statistical area, as designated by the
4537 United States Census Bureau.

4538 (10) "Rural health clinic" is as defined in 42 U.S.C. Sec. 1395x.

4539 Section 106. Section **62A-15-629** is amended to read:

4540 **62A-15-629. Temporary commitment -- Requirements and procedures -- Rights.**

4541 (1) An adult shall be temporarily, involuntarily committed to a local mental health
4542 authority upon:

4543 (a) a written application that:

4544 (i) is completed by a responsible individual who has reason to know, stating a belief
4545 that the adult, due to mental illness, is likely to pose substantial danger to self or others if not
4546 restrained and stating the personal knowledge of the adult's condition or circumstances that
4547 lead to the individual's belief; and

4548 (ii) includes a certification by a licensed physician, licensed physician assistant,
4549 licensed nurse practitioner, or designated examiner stating that the physician, physician
4550 assistant, nurse practitioner, or designated examiner has examined the adult within a three-day
4551 period immediately preceding the certification, and that the physician, physician assistant,
4552 nurse practitioner, or designated examiner is of the opinion that, due to mental illness, the adult
4553 poses a substantial danger to self or others; or

4554 (b) a peace officer or a mental health officer:

4555 (i) observing an adult's conduct that gives the peace officer or mental health officer
4556 probable cause to believe that:

4557 (A) the adult has a mental illness; and

4558 (B) because of the adult's mental illness and conduct, the adult poses a substantial
4559 danger to self or others; and

4560 (ii) completing a temporary commitment application that:

4561 (A) is on a form prescribed by the division;

4562 (B) states the peace officer's or mental health officer's belief that the adult poses a
4563 substantial danger to self or others;

4564 (C) states the specific nature of the danger;

4565 (D) provides a summary of the observations upon which the statement of danger is
4566 based; and

4567 (E) provides a statement of the facts that called the adult to the peace officer's or
4568 mental health officer's attention.

4569 (2) If at any time a patient committed under this section no longer meets the
4570 commitment criteria described in Subsection (1), the local mental health authority or the local
4571 mental health authority's designee shall document the change and release the patient.

4572 (3) (a) A patient committed under this section may be held for a maximum of 24 hours
4573 after commitment, excluding Saturdays, Sundays, and legal holidays, unless:

4574 (i) as described in Section 62A-15-631, an application for involuntary commitment is
4575 commenced, which may be accompanied by an order of detention described in Subsection
4576 62A-15-631(4);

4577 (ii) the patient makes a voluntary application for admission; or

4578 (iii) before expiration of the 24 hour period, a licensed physician, licensed physician
4579 assistant, licensed nurse practitioner, or designated examiner examines the patient and certifies
4580 in writing that:

4581 (A) the patient, due to mental illness, poses a substantial danger to self or others;

4582 (B) additional time is necessary for evaluation and treatment of the patient's mental
4583 illness; and

4584 (C) there is no appropriate less-restrictive alternative to commitment to evaluate and
4585 treat the patient's mental illness.

4586 (b) A patient described in Subsection (3)(a)(iii) may be held for a maximum of 48
4587 hours after the 24 hour period described in Subsection (3)(a) expires, excluding Saturdays,
4588 Sundays, and legal holidays.

4589 (c) Subsection (3)(a)(iii) applies to an adult patient.

4590 (4) Upon a written application described in Subsection (1)(a) or the observation and
4591 belief described in Subsection (1)(b)(i), the adult shall be:

4592 (a) taken into a peace officer's protective custody, by reasonable means, if necessary for
4593 public safety; and

4594 (b) transported for temporary commitment to a facility designated by the local mental
4595 health authority, by means of:

4596 (i) an ambulance, if the adult meets any of the criteria described in Section [26-8a-305](#);

4597 (ii) an ambulance, if a peace officer is not necessary for public safety, and
4598 transportation arrangements are made by a physician, physician assistant, nurse practitioner,
4599 designated examiner, or mental health officer;

4600 (iii) the city, town, or municipal law enforcement authority with jurisdiction over the
4601 location where the adult is present, if the adult is not transported by ambulance;

4602 (iv) the county sheriff, if the designated facility is outside of the jurisdiction of the law
4603 enforcement authority described in Subsection (4)(b)(iii) and the adult is not transported by
4604 ambulance; or

4605 (v) nonemergency secured behavioral health transport as that term is defined in Section
4606 ~~[26-8a-102]~~ [53-2d-101](#).

4607 (5) Notwithstanding Subsection (4):

4608 (a) an individual shall be transported by ambulance to an appropriate medical facility
4609 for treatment if the individual requires physical medical attention;

4610 (b) if an officer has probable cause to believe, based on the officer's experience and
4611 de-escalation training that taking an individual into protective custody or transporting an
4612 individual for temporary commitment would increase the risk of substantial danger to the
4613 individual or others, a peace officer may exercise discretion to not take the individual into
4614 custody or transport the individual, as permitted by policies and procedures established by the
4615 officer's law enforcement agency and any applicable federal or state statute, or case law; and

4616 (c) if an officer exercises discretion under Subsection (4)(b) to not take an individual
4617 into protective custody or transport an individual, the officer shall document in the officer's
4618 report the details and circumstances that led to the officer's decision.

4619 (6) (a) The local mental health authority shall inform an adult patient committed under
4620 this section of the reason for commitment.

4621 (b) An adult patient committed under this section has the right to:

4622 (i) within three hours after arrival at the local mental health authority, make a
4623 telephone call, at the expense of the local mental health authority, to an individual of the
4624 patient's choice; and

4625 (ii) see and communicate with an attorney.

4626 (7) (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to this
4627 section.

4628 (b) This section does not create a special duty of care.

4629 Section 107. Section **62A-15-1401** is amended to read:

4630 **62A-15-1401. Definitions.**

4631 As used in this part:

4632 (1) "Commission" means the Behavioral Health Crisis Response Commission created
4633 in Section [63C-18-202](#).

4634 (2) "Emergency medical service personnel" means the same as that term is defined in
4635 Section [~~26-8a-102~~] [53-2d-101](#).

4636 (3) "Emergency medical services" means the same as that term is defined in Section
4637 [~~26-8a-102~~] [53-2d-101](#).

4638 (4) "MCOT certification" means the certification created in this part for MCOT
4639 personnel and mental health crisis outreach services.

4640 (5) "MCOT personnel" means a licensed mental health therapist or other mental health
4641 professional, as determined by the division, who is a part of a mobile crisis outreach team.

4642 (6) "Mental health crisis" means a mental health condition that manifests itself by
4643 symptoms of sufficient severity that a prudent layperson who possesses an average knowledge
4644 of mental health issues could reasonably expect the absence of immediate attention or
4645 intervention to result in:

4646 (a) serious jeopardy to the individual's health or well-being; or

4647 (b) a danger to others.

4648 (7) (a) "Mental health crisis services" means mental health services and on-site
4649 intervention that a person renders to an individual suffering from a mental health crisis.

4650 (b) "Mental health crisis services" includes the provision of safety and care plans,
4651 stabilization services offered for a minimum of 60 days, and referrals to other community
4652 resources.

4653 (8) "Mental health therapist" means the same as that term is defined in Section
4654 [58-60-102](#).

4655 (9) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
4656 mental health professionals that provides mental health crisis services and, based on the
4657 individual circumstances of each case, coordinates with local law enforcement, emergency
4658 medical service personnel, and other appropriate state or local resources.

4659 Section 108. Section **63I-1-226** is amended to read:

4660 **63I-1-226. Repeal dates: Title 26 through 26B.**

4661 (1) Section [26-1-7.5](#), which creates the Utah Health Advisory Council, is repealed July
4662 1, 2025.

4663 [~~(2)~~ Section [26-1-40](#) is repealed July 1, 2022.]

4664 [~~(3)~~ (2) Section [26-1-41](#) is repealed July 1, 2026.

4665 [~~(4)~~ (3) Section [26-1-43](#) is repealed December 31, 2025.

4666 [~~(5)~~ (4) Section [26-7-10](#) is repealed July 1, 2025.

4667 [~~(6)~~ (5) Subsection [26-7-11\(5\)](#), regarding reports to the Legislature, is repealed July 1,
4668 2028.

4669 [~~(7)~~ (6) Section [26-7-14](#) is repealed December 31, 2027.

4670 [~~(8)~~ Section [26-8a-603](#) is repealed July 1, 2027.]

4671 [~~(9)~~ (7) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
4672 July 1, 2025.

4673 [~~(10)~~] (8) Subsection [26-10-6\(5\)](#), which creates the Newborn Hearing Screening
4674 Committee, is repealed July 1, 2026.

4675 [~~(11)~~] (9) Section [26-10b-106](#), which creates the Primary Care Grant Committee, is
4676 repealed July 1, 2025.

4677 [~~(12)~~] Subsection [26-15c-104\(3\)](#), relating to a limitation on the number of
4678 microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.]

4679 [~~(13)~~] (10) Subsection [26-18-2.6\(9\)](#), which addresses reimbursement for dental
4680 hygienists, is repealed July 1, 2028.

4681 [~~(14)~~] (11) Section [26-18-27](#) is repealed July 1, 2025.

4682 [~~(15)~~] (12) Section [26-18-28](#) is repealed June 30, 2027.

4683 [~~(16)~~] (13) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed
4684 July 1, 2027.

4685 [~~(17)~~] (14) Subsection [26-18-418\(2\)](#), the language that states "and the Behavioral
4686 Health Crisis Response Commission created in Section [63C-18-202](#)" is repealed July 1, 2023.

4687 [~~(18)~~] (15) Section [26-33a-117](#) is repealed December 31, 2023.

4688 [~~(19)~~] (16) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
4689 2024.

4690 [~~(20)~~] (17) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July
4691 1, 2024.

4692 [~~(21)~~] (18) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is
4693 repealed July 1, 2024.

4694 [~~(22)~~] (19) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July
4695 1, 2024.

4696 [~~(23)~~] (20) Section [26-39-201](#), which creates the Residential Child Care Licensing
4697 Advisory Committee, is repealed July 1, 2024.

4698 [~~(24)~~] (21) Section [26-39-405](#), Drinking water quality in child care centers, is repealed
4699 July 1, 2027.

4700 ~~[(25)]~~ (22) Section [26-40-104](#), which creates the Utah Children's Health Insurance
4701 Program Advisory Council, is repealed July 1, 2025.

4702 ~~[(26)]~~ (23) Section [26-50-202](#), which creates the Traumatic Brain Injury Advisory
4703 Committee, is repealed July 1, 2025.

4704 ~~[(27)]~~ (24) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
4705 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

4706 ~~[(28)]~~ (25) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
4707 July 1, 2026.

4708 ~~[(29)]~~ (26) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July
4709 1, 2024.

4710 ~~[(30)]~~ (27) Section [26-69-406](#) is repealed July 1, 2025.

4711 ~~[(31)]~~ (28) Subsection ~~[[26B-1-204\(2\)\(i\)](#);~~ [26B-1-204\(2\)\(g\)](#), related to the Residential
4712 Child Care Licensing Advisory Committee, is repealed July 1, 2024.

4713 ~~[(32)]~~ (29) Subsection ~~[[26B-1-204\(2\)\(k\)](#);~~ [26B-1-204\(2\)\(i\)](#), related to the Primary Care
4714 Grant Committee, is repealed July 1, 2025.

4715 Section 109. Section **63I-1-253** is amended to read:

4716 **63I-1-253. Repeal dates: Titles 53 through 53G.**

4717 (1) Section [53-2a-105](#), which creates the Emergency Management Administration
4718 Council, is repealed July 1, 2027.

4719 (2) Sections [53-2a-1103](#) and [53-2a-1104](#), which create the Search and Rescue Advisory
4720 Board, are repealed July 1, 2027.

4721 (3) Section [53-2d-703](#) is repealed July 1, 2027.

4722 ~~[(3)]~~ (4) Section [53-5-703](#), which creates the Concealed Firearm Review Board, is
4723 repealed July 1, 2023.

4724 ~~[(4)]~~ (5) Section [53B-6-105.5](#), which creates the Technology Initiative Advisory Board,
4725 is repealed July 1, 2024.

4726 ~~[(5)]~~ (6) Section [53B-7-709](#), regarding five-year performance goals for the Utah

4727 System of Higher Education is repealed July 1, 2027.

4728 ~~[(6)]~~ (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

4729 ~~[(7)]~~ (8) Section [53B-17-1203](#), which creates the SafeUT and School Safety

4730 Commission, is repealed January 1, 2025.

4731 ~~[(8)]~~ (9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

4732 ~~[(9)]~~ (10) Subsection [53C-3-203](#)(4)(b)(vii), which provides for the distribution of

4733 money from the Land Exchange Distribution Account to the Geological Survey for test wells

4734 and other hydrologic studies in the West Desert, is repealed July 1, 2030.

4735 ~~[(10)]~~ (11) ~~[Subsection]~~ Subsections [53E-3-503](#)(5) and (6), which create coordinating

4736 councils for youth in custody, are repealed July 1, 2027.

4737 ~~[(11)]~~ (12) In relation to a standards review committee, on January 1, 2028:

4738 (a) in Subsection [53E-4-202](#)(8), the language "by a standards review committee and the

4739 recommendations of a standards review committee established under Section [53E-4-203](#)" is

4740 repealed; and

4741 (b) Section [53E-4-203](#) is repealed.

4742 ~~[(12)]~~ (13) Section [53E-4-402](#), which creates the State Instructional Materials

4743 Commission, is repealed July 1, 2027.

4744 ~~[(13)]~~ (14) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory

4745 Commission, is repealed July 1, 2023.

4746 ~~[(14)]~~ (15) Section [53F-2-420](#), which creates the Intensive Services Special Education

4747 Pilot Program, is repealed July 1, 2024.

4748 ~~[(15)]~~ (16) Section [53F-5-203](#) is repealed July 1, 2024.

4749 ~~[(16)]~~ (17) Section [53F-5-213](#) is repealed July 1, 2023.

4750 ~~[(17)]~~ (18) Section [53F-5-214](#), in relation to a grant for professional learning, is

4751 repealed July 1, 2025.

4752 ~~[(18)]~~ (19) Section [53F-5-215](#), in relation to an elementary teacher preparation grant, is

4753 repealed July 1, 2025.

4754 [~~(19)~~] (20) Section 53F-5-219, which creates the Local [~~Innovations~~] Innovations
 4755 Civics Education Pilot Program, is repealed on July 1, 2025.

4756 [~~(20)~~] (21) Subsection 53F-9-203(7), which creates the Charter School Revolving
 4757 Account Committee, is repealed July 1, 2024.

4758 [~~(21)~~] (22) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
 4759 Commission, are repealed January 1, 2025.

4760 [~~(22)~~] (23) Subsection 53G-8-211(5), regarding referrals of a minor to court for a class
 4761 C misdemeanor, is repealed July 1, 2027.

4762 [~~(23)~~] (24) Section 53G-9-212, Drinking water quality in schools, is repealed July 1,
 4763 2027.

4764 [~~(24)~~] (25) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed
 4765 July 1, 2027.

4766 Section 110. Section **63I-2-226** is amended to read:

4767 **63I-2-226. Repeal dates: Titles 26 through 26B.**

4768 [~~(1) Subsection 26-2-12.6(3), relating to the report for birth certificate fees, is repealed~~
 4769 ~~December 31, 2022.~~]

4770 [~~(2)~~] (1) Subsection 26-7-8(3) is repealed January 1, 2027.

4771 [~~(3) Section 26-8a-107 is repealed July 1, 2024.~~]

4772 [~~(4) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.~~]

4773 [~~(5) Section 26-8a-211 is repealed July 1, 2023. (6) In relation to the Air Ambulance~~
 4774 ~~Committee, on July 1, 2024, Subsection 26-8a-602(1)(a) is amended to read:~~

4775 ~~———"a) provide the patient or the patient's representative with the following information~~
 4776 ~~before contacting an air medical transport provider:~~

4777 ~~———(i) which health insurers in the state the air medical transport provider contracts with;~~

4778 ~~———(ii) if sufficient data is available, the average charge for air medical transport services~~
 4779 ~~for a patient who is uninsured or out of network; and~~

4780 ~~———(iii) whether the air medical transport provider balance bills a patient for any charge not~~

4781 ~~paid by the patient's health insurer; and".]~~

4782 ~~[(7)]~~ (2) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

4783 ~~[(8)]~~ (3) Subsection 26-18-411(8), related to reporting on the health coverage
4784 improvement program, is repealed January 1, 2023.

4785 ~~[(9)]~~ (4) Subsection 26-18-420(5), related to reporting on coverage for in vitro
4786 fertilization and genetic testing, is repealed July 1, 2030.

4787 ~~[(10)]~~ (5) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
4788 26-21-32(1)(a) is amended to read:

4789 "(a) provide the patient or the patient's representative with the following information
4790 before contacting an air medical transport provider:

4791 (i) which health insurers in the state the air medical transport provider contracts with;

4792 (ii) if sufficient data is available, the average charge for air medical transport services
4793 for a patient who is uninsured or out of network; and

4794 (iii) whether the air medical transport provider balance bills a patient for any charge not
4795 paid by the patient's health insurer; and".

4796 ~~[(11)]~~ (6) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

4797 ~~[(12)]~~ (7) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
4798 Program, is repealed July 1, 2027.

4799 ~~[(13) Subsection 26-61-202(4)(b) is repealed January 1, 2022.]~~

4800 ~~[(14) Subsection 26-61-202(5) is repealed January 1, 2022.]~~

4801 ~~[(15) Subsection 26B-1-204(2)(f), relating to the Air Ambulance Committee, is
4802 repealed July 1, 2024.]~~

4803 Section 111. Section 63I-2-253 is amended to read:

4804 **63I-2-253. Repeal dates: Titles 53 through 53G.**

4805 (1) Subsection 53-1-104(1)(g), regarding the Air Ambulance Committee, is repealed
4806 July 1, 2024.

4807 (2) Section 53-2d-107, regarding the Air Ambulance Committee, is repealed July 1,

4808 2024.

4809 (3) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection

4810 53-2d-702(1)(a) is amended to read:

4811 "(a) provide the patient or the patient's representative with the following information

4812 before contacting an air medical transport provider:

4813 (i) which health insurers in the state the air medical transport provider contracts with;

4814 (ii) if sufficient data is available, the average charge for air medical transport services

4815 for a patient who is uninsured or out of network; and

4816 (iii) whether the air medical transport provider balance bills a patient for any charge

4817 not paid by the patient's health insurer; and".

4818 (4) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a

4819 technical college board of trustees, is repealed July 1, 2022.

4820 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and

4821 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make

4822 necessary changes to subsection numbering and cross references.

4823 [~~(2)~~] (5) Section 53B-6-105.7 is repealed July 1, 2024.

4824 [~~(3)~~] (6) Section 53B-7-707 regarding performance metrics for technical colleges is

4825 repealed July 1, 2023.

4826 [~~(4)~~] (7) Section 53B-8-114 is repealed July 1, 2024.

4827 [~~(5)~~] (8) The following provisions, regarding the Regents' scholarship program, are

4828 repealed on July 1, 2023:

4829 (a) in Subsection 53B-8-105(12), the language that states, "or any scholarship

4830 established under Sections 53B-8-202 through 53B-8-205";

4831 (b) Section 53B-8-202;

4832 (c) Section 53B-8-203;

4833 (d) Section 53B-8-204; and

4834 (e) Section 53B-8-205.

- 4835 [(6)] (9) Section 53B-10-101 is repealed on July 1, 2027.
- 4836 [(7)] (10) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
4837 repealed July 1, 2023.
- 4838 [(8)] (11) Subsection 53E-1-201(1)(s) regarding the report by the Educational
4839 Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.
- 4840 [(9)] (12) Section 53E-1-202.2, regarding a Public Education Appropriations
4841 Subcommittee evaluation and recommendations, is repealed January 1, 2024.
- 4842 [(10)] (13) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed
4843 July 1, 2024.
- 4844 [(11)] (14) In Subsections 53F-2-205(4) and (5), regarding the State Board of
4845 Education's duties if contributions from the minimum basic tax rate are overestimated or
4846 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,
4847 2023.
- 4848 [(12)] (15) Section 53F-2-209, regarding local education agency budgetary flexibility,
4849 is repealed July 1, 2024.
- 4850 [(13)] (16) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
4851 repealed July 1, 2023.
- 4852 [(14)] (17) Section 53F-2-302.1, regarding the Enrollment Growth Contingency
4853 Program, is repealed July 1, 2023.
- 4854 [(15)] (18) Subsection 53F-2-314(4), relating to a one-time expenditure between the
4855 at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.
- 4856 [(16)] (19) Section 53F-2-524, regarding teacher bonuses for extra work assignments,
4857 is repealed July 1, 2024.
- 4858 [(17)] (20) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
4859 applicable" is repealed July 1, 2023.
- 4860 [(18) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for enrollment
4861 in kindergarten, is repealed July 1, 2022.]

4862 [~~(19) In Subsection 53F-4-404(4)(c), the language that states "Except as provided in~~
4863 ~~Subsection (4)(d)" is repealed July 1, 2022.~~]

4864 [~~(20) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.~~]

4865 (21) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
4866 applicable" is repealed July 1, 2023.

4867 (22) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
4868 applicable" is repealed July 1, 2023.

4869 (23) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
4870 applicable" is repealed July 1, 2023.

4871 (24) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as
4872 applicable" is repealed July 1, 2023.

4873 (25) On July 1, 2023, when making changes in this section, the Office of Legislative
4874 Research and General Counsel shall, in addition to the office's authority under Subsection
4875 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in
4876 this section are complete sentences and accurately reflect the office's perception of the
4877 Legislature's intent.

4878 Section 112. Section 63J-1-602.2 is amended to read:

4879 **63J-1-602.2. List of nonlapsing appropriations to programs.**

4880 Appropriations made to the following programs are nonlapsing:

4881 (1) The Legislature and the Legislature's committees.

4882 (2) The State Board of Education, including all appropriations to agencies, line items,
4883 and programs under the jurisdiction of the State Board of Education, in accordance with
4884 Section 53F-9-103.

4885 (3) The Percent-for-Art Program created in Section 9-6-404.

4886 (4) The LeRay McAllister Critical Land Conservation Program created in Section
4887 4-46-301.

4888 (5) The Utah Lake Authority created in Section 11-65-201.

4889 (6) Dedicated credits accrued to the Utah Marriage Commission as provided under
4890 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

4891 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
4892 the Pelican Management Act, as provided in Section [23-21a-6](#).

4893 ~~[(8) The Emergency Medical Services Grant Program in Section [26-8a-207](#).]~~

4894 ~~[(9)]~~ (8) The primary care grant program created in Section [26-10b-102](#).

4895 ~~[(10)]~~ (9) Sanctions collected as dedicated credits from Medicaid providers under
4896 Subsection [26-18-3\(7\)](#).

4897 ~~[(11)]~~ (10) The Utah Health Care Workforce Financial Assistance Program created in
4898 Section [26-46-102](#).

4899 ~~[(12)]~~ (11) The Rural Physician Loan Repayment Program created in Section
4900 [26-46a-103](#).

4901 ~~[(13)]~~ (12) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).

4902 ~~[(14)]~~ (13) The Utah Medical Education Council for the:

4903 (a) administration of the Utah Medical Education Program created in Section
4904 [26-69-403](#);

4905 (b) provision of medical residency grants described in Section [26-69-407](#); and

4906 (c) provision of the forensic psychiatric fellowship grant described in Section
4907 [26-69-408](#).

4908 ~~[(15)]~~ (14) Funds that the Department of Alcoholic Beverage Services retains in
4909 accordance with Subsection [32B-2-301\(8\)\(a\)](#) or (b).

4910 ~~[(16)]~~ (15) The General Assistance program administered by the Department of
4911 Workforce Services, as provided in Section [35A-3-401](#).

4912 ~~[(17)]~~ (16) The Utah National Guard, created in Title 39, Militia and Armories.

4913 ~~[(18)]~~ (17) The State Tax Commission under Section [41-1a-1201](#) for the:

4914 (a) purchase and distribution of license plates and decals; and

4915 (b) administration and enforcement of motor vehicle registration requirements.

- 4916 [~~(19)~~] (18) The Search and Rescue Financial Assistance Program, as provided in
4917 Section [53-2a-1102](#).
- 4918 (19) The Emergency Medical Services Grant Program in Section [53-2d-207](#).
- 4919 (20) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 4920 (21) The Utah Board of Higher Education for teacher preparation programs, as
4921 provided in Section [53B-6-104](#).
- 4922 (22) Innovation grants under Section [53G-10-608](#), except as provided in Subsection
4923 [53G-10-608\(6\)](#).
- 4924 (23) The Division of Services for People with Disabilities, as provided in Section
4925 [62A-5-102](#).
- 4926 (24) The Division of Fleet Operations for the purpose of upgrading underground
4927 storage tanks under Section [63A-9-401](#).
- 4928 (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 4929 (26) The Division of Technology Services for technology innovation as provided under
4930 Section [63A-16-903](#).
- 4931 (27) The Office of Administrative Rules for publishing, as provided in Section
4932 [63G-3-402](#).
- 4933 (28) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
4934 Colorado River Authority of Utah Act.
- 4935 (29) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
4936 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 4937 (30) The Governor's Office of Economic Opportunity's Rural Employment Expansion
4938 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.
- 4939 (31) Programs for the Jordan River Recreation Area as described in Section [65A-2-8](#).
- 4940 (32) The Division of Human Resource Management user training program, as provided
4941 in Section [63A-17-106](#).
- 4942 (33) A public safety answering point's emergency telecommunications service fund, as

4943 provided in Section 69-2-301.

4944 (34) The Traffic Noise Abatement Program created in Section 72-6-112.

4945 (35) The money appropriated from the Navajo Water Rights Negotiation Account to
4946 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
4947 settlement of federal reserved water right claims.

4948 (36) The Judicial Council for compensation for special prosecutors, as provided in
4949 Section 77-10a-19.

4950 (37) A state rehabilitative employment program, as provided in Section 78A-6-210.

4951 (38) The Utah Geological Survey, as provided in Section 79-3-401.

4952 (39) The Bonneville Shoreline Trail Program created under Section 79-5-503.

4953 (40) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
4954 78B-6-144.5.

4955 (41) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
4956 Defense Commission.

4957 (42) The program established by the Division of Facilities Construction and
4958 Management under Section 63A-5b-703 under which state agencies receive an appropriation
4959 and pay lease payments for the use and occupancy of buildings owned by the Division of
4960 Facilities Construction and Management.

4961 (43) The State Tax Commission for reimbursing counties for deferred property taxes in
4962 accordance with Section 59-2-1802.

4963 Section 113. Section 63M-7-209 is amended to read:

4964 **63M-7-209. Trauma-informed justice program.**

4965 (1) As used in this section:

4966 (a) "Committee" means the Multi-Disciplinary Trauma-Informed Committee created
4967 under Subsection (2).

4968 (b) "First responder" includes:

4969 (i) a law enforcement officer, as defined in Section 53-13-103;

4970 (ii) emergency medical service personnel, as defined in Section [26-8a-102]
4971 [53-2d-101](#); and
4972 (iii) a firefighter.

4973 (c) "Trauma-informed" means a policy, procedure, program, or practice that
4974 demonstrates an ability to minimize retraumatization associated with the criminal and juvenile
4975 justice system.

4976 (d) "Victim" means the same as that term is defined in Section [77-37-2](#).

4977 (2) (a) The commission shall create a committee known as the Multi-Disciplinary
4978 Trauma-Informed Committee to assist the commission in meeting the requirements of this
4979 section. The commission shall provide for the membership, terms, and quorum requirements of
4980 the committee, except that:

4981 (i) at least one member of the committee shall be a victim;
4982 (ii) the executive director of the Department of Health or the executive director's
4983 designee shall be on the committee;

4984 (iii) the executive director of the Department of Human Services or the executive
4985 director's designee shall be on the committee; and
4986 (iv) the commission shall terminate the committee on June 30, 2020.

4987 (b) The commission shall use the Utah Office for Victims of Crime, the Utah Office on
4988 Domestic and Sexual Violence, and the Utah Council on Victims of Crime in meeting the
4989 requirements of this section.

4990 (3) (a) The committee shall work with statewide coalitions, children's justice centers,
4991 and other stakeholders to complete, by no later than September 1, 2019, a review of current and
4992 recommended trauma-informed policies, procedures, programs, or practices in the state's
4993 criminal and juvenile justice system, including:

4994 (i) reviewing the role of victim advocates and victim services in the criminal and
4995 juvenile justice system and:
4996 (A) how to implement the option of a comprehensive, seamless victim advocate system

4997 that is based on the best interests of victims and assists a victim throughout the criminal and
4998 juvenile justice system or a victim's process of recovering from the trauma the victim
4999 experienced as a result of being a victim of crime; and

5000 (B) recommending what minimum qualifications a victim advocate must meet,
5001 including recommending trauma-informed training or trauma-informed continuing education
5002 hours;

5003 (ii) reviewing of best practice standards and protocols, including recommending
5004 adoption or creation of trauma-informed interview protocols, that may be used to train persons
5005 within the criminal and juvenile justice system concerning trauma-informed policies,
5006 procedures, programs, or practices, including training of:

5007 (A) peace officers that is consistent with the training developed under Section
5008 [53-10-908](#);

5009 (B) first responders;

5010 (C) prosecutors;

5011 (D) defense counsel;

5012 (E) judges and other court personnel;

5013 (F) the Board of Pardons and Parole and its personnel;

5014 (G) the Department of Corrections, including Adult Probation and Parole; and

5015 (H) others involved in the state's criminal and juvenile justice system;

5016 (iii) recommending outcome based metrics to measure achievement related to
5017 trauma-informed policies, procedures, programs, or practices in the criminal and juvenile
5018 justice system;

5019 (iv) recommending minimum qualifications and continuing education of individuals
5020 providing training, consultation, or administrative supervisory consultation within the criminal
5021 and juvenile justice system regarding trauma-informed policies, procedures, programs, or
5022 practices;

5023 (v) identifying needs that are not funded or that would benefit from additional

5024 resources;

5025 (vi) identifying funding sources, including outlining the restrictions on the funding

5026 sources, that may fund trauma-informed policies, procedures, programs, or practices;

5027 (vii) reviewing which governmental entities should have the authority to implement

5028 recommendations of the committee; and

5029 (viii) reviewing the need, if any, for legislation or appropriations to meet budget needs.

5030 (b) Whenever the commission conducts a related survey, the commission, when

5031 possible, shall include how victims and their family members interact with Utah's criminal and

5032 juvenile justice system, including whether the victims and family members are treated with

5033 trauma-informed policies, procedures, programs, or practices throughout the criminal and

5034 juvenile justice system.

5035 (4) The commission shall establish and administer a performance incentive grant

5036 program that allocates money appropriated by the Legislature to public or private entities:

5037 (a) to provide advocacy and related service for victims in connection with the Board of

5038 Pardons and Parole process; and

5039 (b) that have demonstrated experience and competency in the best practices and

5040 standards of trauma-informed care.

5041 (5) The commission shall report to the Judiciary Interim Committee, at the request of

5042 the Judiciary Interim Committee, and the Law Enforcement and Criminal Justice Interim

5043 Committee by no later than the September 2019 interim regarding the grant under Subsection

5044 (4), the committee's activities under this section, and whether the committee should be

5045 extended beyond June 30, 2020.

5046 Section 114. Section **67-20-2** is amended to read:

5047 **67-20-2. Definitions.**

5048 As used in this chapter:

5049 (1) "Agency" means:

5050 (a) a department, institution, office, college, university, authority, division, board,

- 5051 bureau, commission, council, or other agency of the state;
- 5052 (b) a county, city, town, school district, or special improvement or taxing district; or
- 5053 (c) any other political subdivision.
- 5054 (2) "Compensatory service worker" means a person who performs a public service with
- 5055 or without compensation for an agency as a condition or part of the person's:
- 5056 (a) incarceration;
- 5057 (b) plea;
- 5058 (c) sentence;
- 5059 (d) diversion;
- 5060 (e) probation; or
- 5061 (f) parole.
- 5062 (3) "Emergency medical service volunteer" means an individual who:
- 5063 (a) provides services as a volunteer under the supervision of a supervising agency or
- 5064 government officer; and
- 5065 (b) at the time the individual provides the services described in Subsection (3)(a), is:
- 5066 (i) an emergency medical technician volunteer, a paramedic volunteer, an ambulance
- 5067 volunteer, a volunteer firefighter, or another volunteer provider of emergency medical services;
- 5068 and
- 5069 (ii) acting in the capacity of a volunteer described in Subsection (3)(b)(i).
- 5070 (4) "IRS aggregate amount" means the fixed or determinable income aggregate amount
- 5071 described in 26 C.F.R. Sec. 1.6041-1(a)(1)(i)(A).
- 5072 (5) (a) "Volunteer" means an individual who donates service without pay or other
- 5073 compensation except the following, as approved by the supervising agency:
- 5074 (i) expenses actually and reasonably incurred;
- 5075 (ii) a stipend for future higher education expenses, awarded from the National Service
- 5076 Trust under 45 C.F.R. Secs. 2526.10 and 2527.10;
- 5077 (iii) a stipend, below the IRS aggregate amount, for:

5078 (A) emergency volunteers, including emergency medical service volunteers, volunteer
5079 safety officers, and volunteer search and rescue team members; or

5080 (B) non-emergency volunteers, including senior program volunteers and community
5081 event volunteers;

5082 (iv) (A) health benefits provided through the supervising agency; or

5083 (B) for a volunteer who participates in the Volunteer Emergency Medical Service
5084 Personnel Health Insurance Program described in Section [~~26-8a-603~~] [53-2d-703](#), health
5085 insurance provided through the program.

5086 (v) passthrough stipends or other compensation provided to volunteers through a
5087 federal or state program, including Americorp Seniors volunteers, consistent with 42 U.S.C.
5088 Sec. 5058;

5089 (vi) stipends or other compensation, below the IRS aggregate amount, provided to
5090 volunteers from any person;

5091 (vii) uniforms, identification, personal protective equipment, or safety equipment used
5092 by a volunteer only while volunteering for the supervising entity;

5093 (viii) a nonpecuniary item not exceeding \$50 in value;

5094 (ix) nonpecuniary items, below the IRS aggregate amount, donated to the supervising
5095 agency with the express intent of benefitting a volunteer; or

5096 (x) meals or gifts, not exceeding \$50 in value, provided as part of a volunteers
5097 appreciation event by the volunteering agency.

5098 (b) "Volunteer" does not include:

5099 (i) a person participating in human subjects research to the extent that the participation
5100 is governed by federal law or regulation inconsistent with this chapter; or

5101 (ii) a compensatory service worker.

5102 (c) "Volunteer" includes a juror or potential juror appearing in response to a summons
5103 for a trial jury or grand jury.

5104 (6) "Volunteer facilitator" means a business or nonprofit organization that, from

5105 individuals who have a relationship with the business or nonprofit organization, such as
5106 membership or employment, provides volunteers to an agency or facilitates volunteers
5107 volunteering with an agency.

5108 (7) "Volunteer safety officer" means an individual who:

5109 (a) provides services as a volunteer under the supervision of an agency; and

5110 (b) at the time the individual provides the services to the supervising agency described
5111 in Subsection (7)(a), the individual is:

5112 (i) exercising peace officer authority as provided in Section 53-13-102; or

5113 (ii) if the supervising agency described in Subsection (7)(a) is a fire department:

5114 (A) on the rolls of the supervising agency as a firefighter;

5115 (B) not regularly employed as a firefighter by the supervising agency; and

5116 (C) acting in a capacity that includes the responsibility for the extinguishment of fire.

5117 (8) "Volunteer search and rescue team member" means an individual who:

5118 (a) provides services as a volunteer under the supervision of a county sheriff; and

5119 (b) at the time the individual provides the services to the county sheriff described in
5120 Subsection (8)(a), is:

5121 (i) certified as a member of the county sheriff's search and rescue team; and

5122 (ii) acting in the capacity of a member of the search and rescue team of the supervising
5123 county sheriff.

5124 Section 115. Section 72-10-502 is amended to read:

5125 **72-10-502. Implied consent to chemical tests for alcohol or drugs -- Number of**
5126 **tests -- Refusal -- Person incapable of refusal -- Results of test available -- Who may give**
5127 **test -- Evidence -- Immunity from liability.**

5128 (1) (a) A person operating an aircraft in this state consents to a chemical test or tests of
5129 the person's breath, blood, urine, or oral fluids:

5130 (i) for the purpose of determining whether the person was operating or in actual
5131 physical control of an aircraft while having a blood or breath alcohol content statutorily

5132 prohibited under Section 72-10-501, or while under the influence of alcohol, any drug, or
5133 combination of alcohol and any drug under Section 72-10-501, if the test is or tests are
5134 administered at the direction of a peace officer having grounds to believe that person to have
5135 been operating or in actual physical control of an aircraft in violation of Section 72-10-501; or

5136 (ii) if the person operating the aircraft is involved in an accident that results in death,
5137 serious injury, or substantial aircraft damage.

5138 (b) (i) The peace officer determines which of the tests are administered and how many
5139 of them are administered.

5140 (ii) The peace officer may order any or all tests of the person's breath, blood, urine, or
5141 oral fluids.

5142 (iii) If an officer requests more than one test, refusal by a person to take one or more
5143 requested tests, even though the person does submit to any other requested test or tests, is a
5144 refusal under this section.

5145 (c) (i) A person who has been requested under this section to submit to a chemical test
5146 or tests of the person's breath, blood, urine, or oral fluids may not select the test or tests to be
5147 administered.

5148 (ii) The failure or inability of a peace officer to arrange for any specific chemical test is
5149 not a defense to taking a test requested by a peace officer, and it is not a defense in any
5150 criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the
5151 requested test or tests.

5152 (2) (a) If the person has been placed under arrest and has then been requested by a
5153 peace officer to submit to any one or more of the chemical tests provided in Subsection (1) and
5154 refuses to submit to any chemical test, the person shall be warned by the peace officer
5155 requesting the test that a refusal to submit to the test is admissible in civil or criminal
5156 proceedings as provided under Subsection (8).

5157 (b) Following this warning, unless the person immediately requests that the chemical
5158 test offered by a peace officer be administered, a test may not be given.

5159 (3) A person who is dead, unconscious, or in any other condition rendering the person
5160 incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn
5161 the consent provided for in Subsection (1), and the test or tests may be administered whether
5162 the person has been arrested or not.

5163 (4) Upon the request of the person who was tested, the results of the test or tests shall
5164 be made available to that person.

5165 (5) (a) Only the following, acting at the request of a peace officer, may draw blood to
5166 determine its alcohol or drug content:

5167 (i) a physician;

5168 (ii) a registered nurse;

5169 (iii) a licensed practical nurse;

5170 (iv) a paramedic;

5171 (v) as provided in Subsection (5)(b), emergency medical service personnel other than
5172 paramedics; or

5173 (vi) a person with a valid permit issued by the Department of Health and Human
5174 Services under Section [~~26-1-30~~] 26B-1-202.

5175 (b) The Department of Health and Human Services may designate by rule, in
5176 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency
5177 medical service personnel, as defined in Section [~~26-8a-102~~] 53-2d-101, are authorized to draw
5178 blood under Subsection (5)(a)(v), based on the type of license under Section [~~26-8a-302~~]
5179 53-2d-402.

5180 (c) Subsection (5)(a) does not apply to taking a urine, breath, or oral fluid specimen.

5181 (d) The following are immune from civil or criminal liability arising from drawing a
5182 blood sample from a person who a peace officer has reason to believe is flying in violation of
5183 this chapter if the sample is drawn in accordance with standard medical practice:

5184 (i) a person authorized to draw blood under Subsection (5)(a); and

5185 (ii) if the blood is drawn at a hospital or other medical facility, the medical facility.

5186 (6) (a) The person to be tested may, at the person's own expense, have a physician of
5187 the person's own choice administer a chemical test in addition to the test or tests administered
5188 at the direction of a peace officer.

5189 (b) The failure or inability to obtain the additional test does not affect admissibility of
5190 the results of the test or tests taken at the direction of a peace officer, or preclude or delay the
5191 test or tests to be taken at the direction of a peace officer.

5192 (c) The additional test shall be subsequent to the test or tests administered at the
5193 direction of a peace officer.

5194 (7) For the purpose of determining whether to submit to a chemical test or tests, the
5195 person to be tested does not have the right to consult an attorney or have an attorney, physician,
5196 or other person present as a condition for the taking of any test.

5197 (8) If a person under arrest refuses to submit to a chemical test or tests or any
5198 additional test under this section, evidence of any refusal is admissible in any civil or criminal
5199 action or proceeding arising out of acts alleged to have been committed while the person was
5200 operating or in actual physical control of an aircraft while under the influence of alcohol, any
5201 drug, or combination of alcohol and any drug.

5202 (9) The results of any test taken under this section or the refusal to be tested shall be
5203 reported to the Federal Aviation Administration by the peace officer requesting the test.

5204 (10) Notwithstanding the provisions of this section, a blood test taken under this
5205 section is subject to Section [77-23-213](#).

5206 Section 116. Section **76-3-203.11** is amended to read:

5207 **76-3-203.11. Reporting an overdose -- Mitigating factor.**

5208 It is a mitigating factor in sentencing for an offense under Title 58, Chapter 37, Utah
5209 Controlled Substances Act, that the person or bystander:

5210 (1) reasonably believes that the person or another person is experiencing an overdose
5211 event due to the ingestion, injection, inhalation, or other introduction into the human body of a
5212 controlled substance or other substance;

5213 (2) reports, or assists a person who reports, in good faith the overdose event to a
5214 medical provider, an emergency medical service provider as defined in Section [~~26-8a-102~~]
5215 [53-2d-101](#), a law enforcement officer, a 911 emergency call system, or an emergency dispatch
5216 system, or the person is the subject of a report made under this section;

5217 (3) provides in the report under Subsection (2) a functional description of the location
5218 of the actual overdose event that facilitates responding to the person experiencing the overdose
5219 event;

5220 (4) remains at the location of the person experiencing the overdose event until a
5221 responding law enforcement officer or emergency medical service provider arrives, or remains
5222 at the medical care facility where the person experiencing an overdose event is located until a
5223 responding law enforcement officer arrives;

5224 (5) cooperates with the responding medical provider, emergency medical service
5225 provider, and law enforcement officer, including providing information regarding the person
5226 experiencing the overdose event and any substances the person may have injected, inhaled, or
5227 otherwise introduced into the person's body; and

5228 (6) committed the offense in the same course of events from which the reported
5229 overdose arose.

5230 Section 117. Section **76-5-102.7** is amended to read:

5231 **76-5-102.7. Assault or threat of violence against health care provider, emergency**
5232 **medical service worker, or health facility employee, owner, or contractor -- Penalty.**

5233 (1) (a) As used in this section:

5234 (i) "Assault" means an offense under Section [76-5-102](#).

5235 (ii) "Emergency medical service worker" means an individual licensed under Section
5236 [~~26-8a-302~~] [53-2d-402](#).

5237 (iii) "Health care provider" means the same as that term is defined in Section
5238 [78B-3-403](#).

5239 (iv) "Health facility" means:

- 5240 (A) a health care facility as defined in Section 26-21-2; and
- 5241 (B) the office of a private health care provider, whether for individual or group
- 5242 practice.
- 5243 (v) "Health facility employee" means an employee, owner, or contractor of a health
- 5244 facility.
- 5245 (vi) "Threat of violence" means an offense under Section 76-5-107.
- 5246 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 5247 (2) (a) An actor commits assault or threat of violence against a health care provider or
- 5248 emergency medical service worker if:
- 5249 (i) the actor is not a prisoner or a detained individual;
- 5250 (ii) the actor commits an assault or threat of violence;
- 5251 (iii) the actor knew that the victim was a health care provider or emergency medical
- 5252 service worker; and
- 5253 (iv) the health care provider or emergency medical service worker was performing
- 5254 emergency or life saving duties within the scope of his or her authority at the time of the assault
- 5255 or threat of violence.
- 5256 (b) An actor commits assault or threat of violence against a health facility employee if:
- 5257 (i) the actor is not a prisoner or a detained individual;
- 5258 (ii) the actor commits an assault or threat of violence;
- 5259 (iii) the actor knew that the victim was a health facility employee; and
- 5260 (iv) the health facility employee was acting within the scope of the health facility
- 5261 employee's duties for the health facility.
- 5262 (3) (a) A violation of Subsection (2) is a class A misdemeanor.
- 5263 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree
- 5264 felony if the actor:
- 5265 (i) causes substantial bodily injury; and
- 5266 (ii) acts intentionally or knowingly.

5267 Section 118. Section **77-23-213** is amended to read:

5268 **77-23-213. Blood testing.**

5269 (1) As used in this section:

5270 (a) "Law enforcement purpose" means duties that consist primarily of the prevention
5271 and detection of crime and the enforcement of criminal statutes or ordinances of this state or
5272 any of this state's political subdivisions.

5273 (b) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace
5274 Officer Classifications.

5275 (2) A peace officer may require an individual to submit to a blood test for a law
5276 enforcement purpose only if:

5277 (a) the individual or legal representative of the individual with authority to give
5278 consent gives oral or written consent to the blood test;

5279 (b) the peace officer obtains a warrant to administer the blood test; or

5280 (c) a judicially recognized exception to obtaining a warrant exists as established by the
5281 Utah Court of Appeals, Utah Supreme Court, Court of Appeals of the Tenth Circuit, or the
5282 Supreme Court of the United States.

5283 (3) (a) Only the following, acting at the request of a peace officer, may draw blood to
5284 determine the blood's alcohol or drug content:

5285 (i) a physician;

5286 (ii) a physician assistant;

5287 (iii) a registered nurse;

5288 (iv) a licensed practical nurse;

5289 (v) a paramedic;

5290 (vi) as provided in Subsection (3)(b), emergency medical service personnel other than a
5291 paramedic; or

5292 (vii) a person with a valid permit issued by the Department of Health and Human
5293 Services under Section [26-1-30](#).

5294 (b) The Department of Health and Human Services may designate by rule, in
5295 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency
5296 medical service personnel, as defined in Section [~~26-8a-102~~] 53-2d-101, are authorized to draw
5297 blood under Subsection (3)(a)(vi), based on the type of license under Section [~~26-8a-302~~]
5298 53-2d-402.

5299 (c) The following are immune from civil or criminal liability arising from drawing a
5300 blood sample from a person who a peace officer requests, for law enforcement purposes, if the
5301 sample is drawn in accordance with standard medical practice:

- 5302 (i) a person authorized to draw blood under Subsection (3)(a); and
- 5303 (ii) if the blood is drawn at a hospital or other medical facility, the medical facility.

5304 Section 119. Section **78A-6-209** is amended to read:

5305 **78A-6-209. Court records -- Inspection.**

5306 (1) The juvenile court and the juvenile court's probation department shall keep records
5307 as required by the board and the presiding judge.

5308 (2) A court record shall be open to inspection by:

5309 (a) the parents or guardian of a child, a minor who is at least 18 years old, other parties
5310 in the case, the attorneys, and agencies to which custody of a minor has been transferred;

5311 (b) for information relating to adult offenders alleged to have committed a sexual
5312 offense, a felony or class A misdemeanor drug offense, or an offense against the person under
5313 Title 76, Chapter 5, Offenses Against the Individual, the State Board of Education for the
5314 purpose of evaluating whether an individual should be permitted to obtain or retain a license as
5315 an educator or serve as an employee or volunteer in a school, with the understanding that the
5316 State Board of Education must provide the individual with an opportunity to respond to any
5317 information gathered from the State Board of Education's inspection of the records before the
5318 State Board of Education makes a decision concerning licensure or employment;

5319 (c) the Criminal Investigations and Technical Services Division, established in Section
5320 53-10-103, for the purpose of a criminal history background check for the purchase of a firearm

5321 and establishing good character for issuance of a concealed firearm permit as provided in
5322 Section [53-5-704](#);

5323 (d) the Division of Child and Family Services for the purpose of Child Protective
5324 Services Investigations in accordance with Sections [80-2-602](#) and [80-2-701](#) and administrative
5325 hearings in accordance with Section [80-2-707](#);

5326 (e) the Office of Licensing for the purpose of conducting a background check in
5327 accordance with Section [62A-2-120](#);

5328 (f) for information related to a minor who has committed a sexual offense, a felony, or
5329 an offense that if committed by an adult would be a misdemeanor, the Department of Health
5330 for the purpose of evaluating under the provisions of Subsection [26-39-404\(3\)](#) whether a
5331 licensee should be permitted to obtain or retain a license to provide child care, with the
5332 understanding that the department must provide the individual who committed the offense with
5333 an opportunity to respond to any information gathered from the Department of Health's
5334 inspection of records before the Department of Health makes a decision concerning licensure;

5335 (g) for information related to a minor who has committed a sexual offense, a felony, or
5336 an offense that if committed by an adult would be a misdemeanor, the Department of Health to
5337 determine whether an individual meets the background screening requirements of Title 26,
5338 Chapter 21, Part 2, Clearance for Direct Patient Access, with the understanding that the
5339 department must provide the individual who committed the offense an opportunity to respond
5340 to any information gathered from the Department of Health's inspection of records before the
5341 Department of Health makes a decision under that part; and

5342 (h) for information related to a minor who has committed a sexual offense, a felony, or
5343 an offense that if committed by an adult would be a misdemeanor, the ~~[Department of Health]~~
5344 Bureau of Emergency Medical Services to determine whether to grant, deny, or revoke
5345 background clearance under Section ~~[26-8a-310]~~ [53-2d-410](#) for an individual who is seeking or
5346 who has obtained an emergency medical service personnel license under Section ~~[26-8a-302]~~
5347 [53-2d-402](#), with the understanding that the ~~[Department of Health]~~ Bureau of Emergency

5348 Medical Services must provide the individual who committed the offense an opportunity to
5349 respond to any information gathered from the [~~Department of Health's~~] inspection of records
5350 before the [~~Department of Health~~] Bureau of Emergency Medical Services makes a
5351 determination.

5352 (3) With the consent of the juvenile court, a court record may be inspected by the child,
5353 by persons having a legitimate interest in the proceedings, and by persons conducting pertinent
5354 research studies.

5355 (4) If a petition is filed charging a minor who is 14 years old or older with an offense
5356 that would be a felony if committed by an adult, the juvenile court shall make available to any
5357 person upon request the petition, any adjudication or disposition orders, and the delinquency
5358 history summary of the minor charged unless the records are closed by the juvenile court upon
5359 findings on the record for good cause.

5360 (5) A juvenile probation officer's records and reports of social and clinical studies are
5361 not open to inspection, except by consent of the juvenile court, given under rules adopted by
5362 the board.

5363 (6) The juvenile court may charge a reasonable fee to cover the costs associated with
5364 retrieving a requested record that has been archived.

5365 Section 120. Section **78B-4-501** is amended to read:

5366 **78B-4-501. Good Samaritan Law.**

5367 (1) As used in this section:

5368 (a) "Child" means an individual of such an age that a reasonable person would perceive
5369 the individual as unable to open the door of a locked motor vehicle, but in any case younger
5370 than 18 years of age.

5371 (b) "Emergency" means an unexpected occurrence involving injury, threat of injury, or
5372 illness to a person or the public, including motor vehicle accidents, disasters, actual or
5373 threatened discharges, removal or disposal of hazardous materials, and other accidents or
5374 events of a similar nature.

5375 (c) "Emergency care" includes actual assistance or advice offered to avoid, mitigate, or
5376 attempt to mitigate the effects of an emergency.

5377 (d) "First responder" means a state or local:

5378 (i) law enforcement officer, as defined in Section [53-13-103](#);

5379 (ii) firefighter, as defined in Section [34A-3-113](#); or

5380 (iii) emergency medical service provider, as defined in Section ~~[26-8a-102]~~ [53-2d-101](#).

5381 (e) "Motor vehicle" means the same as that term is defined in Section [41-1a-102](#).

5382 (2) A person who renders emergency care at or near the scene of, or during, an
5383 emergency, gratuitously and in good faith, is not liable for any civil damages or penalties as a
5384 result of any act or omission by the person rendering the emergency care, unless the person is
5385 grossly negligent or caused the emergency.

5386 (3) (a) A person who gratuitously, and in good faith, assists a governmental agency or
5387 political subdivision in an activity described in Subsections (3)(a)(i) through (iii) is not liable
5388 for any civil damages or penalties as a result of any act or omission, unless the person
5389 rendering assistance is grossly negligent in:

5390 (i) implementing measures to control the causes of epidemic and communicable
5391 diseases and other conditions significantly affecting the public health, or necessary to protect
5392 the public health as set out in Title 26A, Chapter 1, Local Health Departments;

5393 (ii) investigating and controlling suspected bioterrorism and disease as set out in Title
5394 26, Chapter 23b, Detection of Public Health Emergencies Act; and

5395 (iii) responding to a national, state, or local emergency, a public health emergency as
5396 defined in Section [26-23b-102](#), or a declaration by the president of the United States or other
5397 federal official requesting public health-related activities.

5398 (b) The immunity in this Subsection (3) is in addition to any immunity or protection in
5399 state or federal law that may apply.

5400 (4) (a) A person who uses reasonable force to enter a locked and unattended motor
5401 vehicle to remove a confined child is not liable for damages in a civil action if all of the

5402 following apply:

5403 (i) the person has a good faith belief that the confined child is in imminent danger of
5404 suffering physical injury or death unless the confined child is removed from the motor vehicle;

5405 (ii) the person determines that the motor vehicle is locked and there is no reasonable
5406 manner in which the person can remove the confined child from the motor vehicle;

5407 (iii) before entering the motor vehicle, the person notifies a first responder of the
5408 confined child;

5409 (iv) the person does not use more force than is necessary under the circumstances to
5410 enter the motor vehicle and remove the confined child from the vehicle; and

5411 (v) the person remains with the child until a first responder arrives at the motor vehicle.

5412 (b) A person is not immune from civil liability under this Subsection (4) if the person
5413 fails to abide by any of the provisions of Subsection (4)(a) or commits any unnecessary or
5414 malicious damage to the motor vehicle.

5415 Section 121. Section **78B-5-902** is amended to read:

5416 **78B-5-902. Definitions.**

5417 As used in this part:

5418 (1) "Communication" means an oral statement, written statement, note, record, report,
5419 or document made during, or arising out of, a meeting between a law enforcement officer,
5420 firefighter, emergency medical service provider, or rescue provider and a peer support team
5421 member.

5422 (2) "Behavioral emergency services technician" means an individual who is licensed
5423 under Section [~~26-8a-302~~] 53-2d-402 as:

5424 (a) a behavioral emergency services technician; or

5425 (b) an advanced behavioral emergency services technician.

5426 (3) "Emergency medical service provider or rescue unit peer support team member"
5427 means a person who is:

5428 (a) an emergency medical service provider as defined in Section [~~26-8a-102~~]

5429 [53-2d-101](#), a regular or volunteer member of a rescue unit acting as an emergency responder as
5430 defined in Section [53-2a-502](#), or another person who has been trained in peer support skills;
5431 and

5432 (b) designated by the chief executive of an emergency medical service agency or the
5433 chief of a rescue unit as a member of an emergency medical service provider's peer support
5434 team or as a member of a rescue unit's peer support team.

5435 (4) "Law enforcement or firefighter peer support team member" means a person who
5436 is:

5437 (a) a peace officer, law enforcement dispatcher, civilian employee, or volunteer
5438 member of a law enforcement agency, a regular or volunteer member of a fire department, or
5439 another person who has been trained in peer support skills; and

5440 (b) designated by the commissioner of the Department of Public Safety, the executive
5441 director of the Department of Corrections, a sheriff, a police chief, or a fire chief as a member
5442 of a law enforcement agency's peer support team or a fire department's peer support team.

5443 (5) "Trained" means a person who has successfully completed a peer support training
5444 program approved by the Peace Officer Standards and Training Division, the State Fire
5445 Marshal's Office, or the Department of Health and Human Services, as applicable.

5446 Section 122. Section **78B-5-904** is amended to read:

5447 **78B-5-904. Exclusions for certain communications.**

5448 In accordance with the Utah Rules of Evidence, a behavioral emergency services
5449 technician may refuse to disclose communications made by an individual during the delivery of
5450 behavioral emergency services as defined in Section [~~26-8a-102~~] [53-2d-101](#).

5451 Section 123. Section **78B-8-401** is amended to read:

5452 **78B-8-401. Definitions.**

5453 As used in this part:

5454 (1) "Blood or contaminated body fluids" includes blood, saliva, amniotic fluid,
5455 pericardial fluid, peritoneal fluid, pleural fluid, synovial fluid, cerebrospinal fluid, semen, and

5456 vaginal secretions, and any body fluid visibly contaminated with blood.

5457 (2) "COVID-19" means the same as that term is defined in Section [78B-4-517](#).

5458 (3) "Disease" means Human Immunodeficiency Virus infection, acute or chronic
5459 Hepatitis B infection, Hepatitis C infection, COVID-19 or another infectious disease that may
5460 cause Severe Acute Respiratory Syndrome, and any other infectious disease specifically
5461 designated by the Labor Commission, in consultation with the Department of Health and
5462 Human Services, for the purposes of this part.

5463 (4) "Emergency services provider" means:

5464 (a) an individual licensed under Section [~~26-8a-302~~] [53-2d-402](#), a peace officer, local
5465 fire department personnel, or personnel employed by the Department of Corrections or by a
5466 county jail, who provide prehospital emergency care for an emergency services provider either
5467 as an employee or as a volunteer; or

5468 (b) an individual who provides for the care, control, support, or transport of a prisoner.

5469 (5) "First aid volunteer" means a person who provides voluntary emergency assistance
5470 or first aid medical care to an injured person prior to the arrival of an emergency medical
5471 services provider or peace officer.

5472 (6) "Health care provider" means the same as that term is defined in Section
5473 [78B-3-403](#).

5474 (7) "Medical testing procedure" means a nasopharyngeal swab, a nasal swab, a
5475 capillary blood sample, a saliva test, or a blood draw.

5476 (8) "Peace officer" means the same as that term is defined in Section [53-1-102](#).

5477 (9) "Prisoner" means the same as that term is defined in Section [76-5-101](#).

5478 (10) "Significant exposure" and "significantly exposed" mean:

5479 (a) exposure of the body of one individual to the blood or body fluids of another
5480 individual by:

5481 (i) percutaneous injury, including a needle stick, cut with a sharp object or instrument,
5482 or a wound resulting from a human bite, scratch, or similar force; or

5483 (ii) contact with an open wound, mucous membrane, or nonintact skin because of a cut,
5484 abrasion, dermatitis, or other damage;

5485 (b) exposure of the body of one individual to the body fluids, including airborne
5486 droplets, of another individual if:

5487 (i) the other individual displays symptoms known to be associated with COVID-19 or
5488 another infectious disease that may cause Severe Acute Respiratory Syndrome; or

5489 (ii) other evidence exists that would lead a reasonable person to believe that the other
5490 individual may be infected with COVID-19 or another infectious disease that may cause Severe
5491 Acute Respiratory Syndrome; or

5492 (c) exposure that occurs by any other method of transmission defined by the Labor
5493 Commission, in consultation with the Department of Health and Human Services, as a
5494 significant exposure.

5495 Section 124. Section **80-3-404** is amended to read:

5496 **80-3-404. Finding of severe child abuse or neglect -- Order delivered to division --**
5497 **Court records.**

5498 (1) If an abuse, neglect, or dependency petition is filed with the juvenile court that
5499 informs the juvenile court that the division has made a supported finding that an individual
5500 committed a severe type of child abuse or neglect, the juvenile court shall:

- 5501 (a) make a finding of substantiated, unsubstantiated, or without merit;
- 5502 (b) include the finding described in Subsection (1)(a) in a written order; and
- 5503 (c) deliver a certified copy of the order described in Subsection (1)(b) to the division.

5504 (2) The juvenile court shall make the finding described in Subsection (1):

- 5505 (a) as part of the adjudication hearing;
- 5506 (b) at the conclusion of the adjudication hearing; or
- 5507 (c) as part of a court order entered under a written stipulation of the parties.

5508 (3) In accordance with Section **80-2-707**, a proceeding for adjudication of a supported
5509 finding of a type of abuse or neglect that does not constitute a severe type of child abuse or

5510 neglect may be joined in the juvenile court with an adjudication of a severe type of child abuse
5511 or neglect.

5512 (4) (a) The juvenile court shall make records of the juvenile court's findings under
5513 Subsection (1) available only to an individual with statutory authority to access the Licensing
5514 Information System for the purposes of licensing under Sections [26-39-402](#), [26B-1-211](#), and
5515 [62A-2-120](#), or for the purposes described in Sections [~~26-8a-310~~] [53-2d-410](#), [62A-2-121](#), or
5516 Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access.

5517 (b) An appellate court shall make records of an appeal from the juvenile court's
5518 decision under Subsection (1) available only to an individual with statutory authority to access
5519 the Licensing Information System for the purposes described in Subsection (4)(a).

5520 Section 125. Section **80-3-504** is amended to read:

5521 **80-3-504. Petition for substantiation -- Court findings -- Expedited hearing --**
5522 **Records of an appeal.**

5523 (1) The division or an individual may file a petition for substantiation in accordance
5524 with Section [80-2-1004](#).

5525 (2) If the division decides to file a petition for substantiation under Section [80-2-1004](#),
5526 the division shall file the petition no more than 14 days after the day on which the division
5527 makes the decision.

5528 (3) At the conclusion of the hearing on a petition for substantiation, the juvenile court
5529 shall:

5530 (a) make a finding of substantiated, unsubstantiated, or without merit;

5531 (b) include the finding in a written order; and

5532 (c) deliver a certified copy of the order to the division.

5533 (4) If an individual whose name is listed on the Licensing Information System before
5534 May 6, 2002, files a petition for substantiation under Section [80-2-1004](#) during the time that an
5535 alleged perpetrator's application for clearance to work with children or vulnerable adults is
5536 pending, the juvenile court shall:

5537 (a) hear the matter on an expedited basis; and
5538 (b) enter a final decision no later than 60 days after the day on which the petition for
5539 substantiation is filed.

5540 (5) An appellate court shall make a record of an appeal from the juvenile court's
5541 decision under Subsection (3) available only to an individual with statutory authority to access
5542 the Licensing Information System for the purposes of licensing under Sections [26-39-402](#),
5543 [62A-1-118](#), and [62A-2-120](#), or for the purposes described in Sections [~~26-8a-310~~] [53-2d-410](#),
5544 [62A-2-121](#), or Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access.

5545 Section 126. **Repealer.**

5546 This bill repeals:

5547 Section [26-8a-101](#), **Title.**

5548 Section [26-8b-101](#), **Title.**

5549 Section [26-8b-102](#), **Definitions.**

5550 Section [26-8b-601](#), **Title.**

5551 Section [26-8c-101](#), **Title.**

5552 Section [26-8d-101](#), **Title.**

5553 Section 127. **Effective date.**

5554 This bill takes effect on July 1, 2024.

5555 Section 128. **Revisor instructions.**

5556 The Legislature intends that when the Office of Legislative Research and General
5557 Counsel prepares the Utah Code database for publication:

5558 (1) if a bill replaces a reference to the "Department of Health" with the "Department of
5559 Health and Human Services" and this S.B. 64 replaces the same reference to the "Department
5560 of Health" with the "Bureau of Emergency Medical Services," the naming conventions in this
5561 bill supersede;

5562 (2) if this S.B. 64 renumbers a section from Title 26 to Title 53 and another bill
5563 renumbers the same section from Title 26 to Title 26B, the renumbering conventions in this bill

5564 supersede; and
5565 (3) newly created references in other bills to the following chapters shall be
5566 renumbered to the appropriate reference in Title 53, Chapter 2d, Emergency Medical Services
5567 Act, and Title 53, Chapter 2e, EMS Personnel Licensure Interstate Compact:
5568 (a) Title 26, Chapter 8a, Utah Emergency Medical Services System Act;
5569 (b) Title 26, Chapter 8b, Utah Sudden Cardiac Arrest Survival Act;
5570 (c) Title 26, Chapter 8c, Ems Personnel Licensure Interstate Compact; and
5571 (d) Title 26, Chapter 8d, Utah Statewide Stroke and Cardiac Registry Act.