

Emergency Medical Services
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Derrin R. Owens
House Sponsor:

LONG TITLE

General Description:

This bill addresses emergency medical services.

Highlighted Provisions:

This bill:

- defines terms;
- establishes that 911 ambulance services are essential services;
- addresses the respective duties of the Department of Health and Human Services, the Department of Public Safety, and the Bureau of Emergency Medical Services (bureau);
- where applicable, indicates the proper government agency or division, where an incorrect entity or agency is indicated;
- creates the Emergency Medical Services Critical Needs Account;
- for an emergency medical services grant in a rural county, increases the maximum allowable amount that the grant recipient may receive for use toward the purchase of vehicles;
- directs available but undistributed grant funds at the end of the year to be deposited into the Emergency Medical Services Critical Needs Account created under Section 53-2d-109;
- requires the bureau to establish designation requirements for training centers;
- modifies a notice requirement to require the bureau to provide a class A notice;
- subjects training centers to the disciplinary jurisdiction of the bureau;
- subjects an issuance of a notice of violation or order under the Emergency Medical Services Act to Title 63G, Chapter 4, Administrative Procedures Act; and
- makes technical and conforming corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-48-103, as last amended by Laws of Utah 2024, Chapter 506
26B-1-202, as last amended by Laws of Utah 2024, Chapter 506
26B-3-804, as renumbered and amended by Laws of Utah 2023, Chapter 306
26B-4-301, as last amended by Laws of Utah 2024, Chapter 261
26B-4-501, as last amended by Laws of Utah 2024, Chapter 257
26B-5-331, as last amended by Laws of Utah 2024, Chapter 299
26B-5-609, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
26B-7-301, as last amended by Laws of Utah 2024, Chapters 152, 283
41-6a-523, as last amended by Laws of Utah 2023, Chapters 310, 328 and 399
53-2d-101, as last amended by Laws of Utah 2024, Chapters 147, 438 and 506
53-2d-103, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
53-2d-203, as last amended by Laws of Utah 2024, Chapters 162, 277
53-2d-207, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
53-2d-209, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
53-2d-211, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310
53-2d-305, as last amended by Laws of Utah 2024, Chapter 506
53-2d-402, as last amended by Laws of Utah 2024, Chapter 147
53-2d-403, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310
53-2d-404, as last amended by Laws of Utah 2024, Chapter 240
53-2d-405, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310
53-2d-406, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310
53-2d-502, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310
53-2d-505.4, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
53-2d-506, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310
53-2d-603, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
53-2d-604, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310
53-10-405, as last amended by Laws of Utah 2023, Chapters 310, 328

65 **58-67-305**, as last amended by Laws of Utah 2024, Chapter 381

66 **58-68-305**, as last amended by Laws of Utah 2024, Chapter 381

67 **58-71-305**, as last amended by Laws of Utah 2024, Chapter 381

68 **63G-4-102**, as last amended by Laws of Utah 2024, Chapter 147

69 **72-10-502**, as last amended by Laws of Utah 2023, Chapters 310, 330

70 **77-23-213**, as last amended by Laws of Utah 2023, Chapters 310, 330

71 ENACTS:

72 **53-2d-109**, Utah Code Annotated 1953

73 REPEALS:

74 **26B-1-235**, as renumbered and amended by Laws of Utah 2023, Chapter 305

75 **53-2d-106**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and
76 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

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

79 Section 1. Section **11-48-103** is amended to read:

80 **11-48-103 . Provision of 911 ambulance services in municipalities and counties --**

81 **Essential service.**

82 (1)(a) The governing body of each municipality and county shall, subject to Title 53,
83 Chapter 2d, Part 5, Ambulance and Paramedic Providers, ensure at least a minimum
84 level of 911 ambulance services are provided:

85 [(a)] (i) within the territorial limits of the municipality or county;

86 [(b)] (ii) by a ground ambulance provider, licensed by the Bureau of Emergency

87 Medical Services under Title 53, Chapter 2d, Part 5, Ambulance and Paramedic
88 Providers; and

89 [(c)] (iii) in accordance with rules established by the Trauma System and Emergency
90 Medical Services Committee under Section 53-2d-105.

91 (b) 911 ambulance services are essential services.

92 (2) A municipality or county may:

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

95 (b) contract to:

96 (i) provide 911 ambulance services to any county, municipal corporation, special
97 district, special service district, interlocal entity, private corporation, nonprofit
98 corporation, state agency, or federal agency;

- (ii) receive 911 ambulance services from any county, municipal corporation, special district, special service district, interlocal entity, private corporation, nonprofit corporation, state agency, or federal agency;
- (iii) jointly provide 911 ambulance services with any county, municipal corporation, special district, special service district, interlocal entity, private corporation, nonprofit corporation, state agency, or federal agency; or
- (iv) contribute toward the support of 911 ambulance services in any county, municipal corporation, special district, special service district, interlocal entity, private corporation, nonprofit corporation, state agency, or federal agency in return for 911 ambulance services.

(3)(a) A municipality or county that maintains and supports 911 ambulance services for the municipality's or county's own jurisdiction under Subsection (2)(a) shall obtain a license as a ground ambulance provider from the Bureau of Emergency Medical Services under Title 53, Chapter 2d, Part 5, Ambulance and Paramedic Providers.

(b) Sections 53-2d-505 through 53-2d-505.3 do not apply to a license described in Subsection (3)(a).

Section 2. Section **26B-1-202** is amended to read:

26B-1-202 . Department authority and duties.

The department may, subject to applicable restrictions in state law and in addition to all other authority and responsibility granted to the department by law:

- (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and not inconsistent with law, as the department may consider necessary or desirable for providing health and social services to the people of this state;
- (2) establish and manage client trust accounts in the department's institutions and community programs, at the request of the client or the client's legal guardian or representative, or in accordance with federal law;
- (3) purchase, as authorized or required by law, services that the department is responsible to provide for legally eligible persons;
- (4) conduct adjudicative proceedings for clients and providers in accordance with the procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- (5) establish eligibility standards for the department's programs, not inconsistent with state or federal law or regulations;
- (6) take necessary steps, including legal action, to recover money or the monetary value of services provided to a recipient who was not eligible;

- 133 (7) set and collect fees for the department's services;
- 134 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
135 limited by law;
- 136 (9) acquire, manage, and dispose of any real or personal property needed or owned by the
137 department, not inconsistent with state law;
- 138 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
139 proceeds thereof, may be credited to the program designated by the donor, and may be
140 used for the purposes requested by the donor, as long as the request conforms to state
141 and federal policy; all donated funds shall be considered private, nonlapsing funds and
142 may be invested under guidelines established by the state treasurer;
- 143 (11) accept and employ volunteer labor or services; the department is authorized to
144 reimburse volunteers for necessary expenses, when the department considers that
145 reimbursement to be appropriate;
- 146 (12) carry out the responsibility assigned in the workforce services plan by the State
147 Workforce Development Board;
- 148 (13) carry out the responsibility assigned by Section 26B-1-430 with respect to
149 coordination of services for students with a disability;
- 150 (14) provide training and educational opportunities for the department's staff;
- 151 (15) collect child support payments and any other money due to the department;
- 152 (16) apply the provisions of Title 81, Chapter 6, Child Support, to parents whose child lives
153 out of the home in a department licensed or certified setting;
- 154 (17) establish policy and procedures, within appropriations authorized by the Legislature, in
155 cases where the Division of Child and Family Services or the Division of Juvenile
156 Justice and Youth Services is given custody of a minor by the juvenile court under Title
157 80, Utah Juvenile Code, or the department is ordered to prepare an attainment plan for a
158 minor found not competent to proceed under Section 80-6-403, including:
- 159 (a) designation of interagency teams for each juvenile court district in the state;
- 160 (b) delineation of assessment criteria and procedures;
- 161 (c) minimum requirements, and timeframes, for the development and implementation of
162 a collaborative service plan for each minor placed in department custody; and
- 163 (d) provisions for submittal of the plan and periodic progress reports to the court;
- 164 (18) carry out the responsibilities assigned to the department by statute;
- 165 (19) examine and audit the expenditures of any public funds provided to a local substance
166 abuse authority, a local mental health authority, a local area agency on aging, and any

person, agency, or organization that contracts with or receives funds from those authorities or agencies. Those local authorities, area agencies, and any person or entity that contracts with or receives funds from those authorities or area agencies, shall provide the department with any information the department considers necessary. The department is further authorized to issue directives resulting from any examination or audit to a local authority, an area agency, and persons or entities that contract with or receive funds from those authorities with regard to any public funds. If the department determines that it is necessary to withhold funds from a local mental health authority or local substance abuse authority based on failure to comply with state or federal law, policy, or contract provisions, the department may take steps necessary to ensure continuity of services. For purposes of this Subsection (19) "public funds" means the same as that term is defined in Section 26B-5-101;

(20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and persons to provide intercountry adoption services;

(21) within legislative appropriations, promote and develop a system of care and stabilization services:

(a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

(b) that encompasses the department, department contractors, and the divisions, offices, or institutions within the department, to:

(i) navigate services, funding resources, and relationships to the benefit of the children and families whom the department serves;

(ii) centralize department operations, including procurement and contracting;

(iii) develop policies that govern business operations and that facilitate a system of care approach to service delivery;

(iv) allocate resources that may be used for the children and families served by the department or the divisions, offices, or institutions within the department, subject to the restrictions in Section 63J-1-206;

(v) create performance-based measures for the provision of services; and

(vi) centralize other business operations, including data matching and sharing among the department's divisions, offices, and institutions;

(22) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

- 201 (a) under this title;
- 202 (b) by the department; or
- 203 (c) by an agency or division within the department;
- 204 (23) enter into cooperative agreements with the Department of Environmental Quality to
- 205 delineate specific responsibilities to assure that assessment and management of risk to
- 206 human health from the environment are properly administered;
- 207 (24) consult with the Department of Environmental Quality and enter into cooperative
- 208 agreements, as needed, to ensure efficient use of resources and effective response to
- 209 potential health and safety threats from the environment, and to prevent gaps in
- 210 protection from potential risks from the environment to specific individuals or
- 211 population groups;
- 212 (25) to the extent authorized under state law or required by federal law, promote and protect
- 213 the health and wellness of the people within the state;
- 214 (26) establish, maintain, and enforce rules authorized under state law or required by federal
- 215 law to promote and protect the public health or to prevent disease and illness;
- 216 (27) investigate the causes of epidemic, infectious, communicable, and other diseases
- 217 affecting the public health;
- 218 (28) provide for the detection and reporting of communicable, infectious, acute, chronic, or
- 219 any other disease or health hazard which the department considers to be dangerous,
- 220 important, or likely to affect the public health;
- 221 (29) collect and report information on causes of injury, sickness, death, and disability and
- 222 the risk factors that contribute to the causes of injury, sickness, death, and disability
- 223 within the state;
- 224 (30) collect, prepare, publish, and disseminate information to inform the public concerning
- 225 the health and wellness of the population, specific hazards, and risks that may affect the
- 226 health and wellness of the population and specific activities which may promote and
- 227 protect the health and wellness of the population;
- 228 (31) abate nuisances when necessary to eliminate sources of filth and infectious and
- 229 communicable diseases affecting the public health;
- 230 (32) make necessary sanitary and health investigations and inspections in cooperation with
- 231 local health departments as to any matters affecting the public health;
- 232 (33) establish laboratory services necessary to support public health programs and medical
- 233 services in the state;
- 234 (34) establish and enforce standards for laboratory services which are provided by any

- laboratory in the state when the purpose of the services is to protect the public health;
- (35) cooperate with the Labor Commission to conduct studies of occupational health hazards and occupational diseases arising in and out of employment in industry, and make recommendations for elimination or reduction of the hazards;
- (36) cooperate with the local health departments, the Department of Corrections, the Administrative Office of the Courts, the Division of Juvenile Justice and Youth Services, and the Utah Office for Victims of Crime to conduct testing for HIV infection of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual offense;
- (37) investigate the causes of maternal and infant mortality;
- (38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians and drivers of motor vehicles killed in highway accidents be examined for the presence and concentration of alcohol, and provide the Commissioner of Public Safety with monthly statistics reflecting the results of these examinations, with necessary safeguards so that information derived from the examinations is not used for a purpose other than the compilation of these statistics;
- ~~[(39) establish qualifications for individuals permitted to draw blood under Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi), and to issue permits to individuals the department finds qualified, which permits may be terminated or revoked by the department;]~~
- ~~[(40)]~~ (39) establish a uniform public health program throughout the state which includes continuous service, employment of qualified employees, and a basic program of disease control, vital and health statistics, sanitation, public health nursing, and other preventive health programs necessary or desirable for the protection of public health;
- ~~[(41)]~~ (40) conduct health planning for the state;
- ~~[(42)]~~ (41) monitor the costs of health care in the state and foster price competition in the health care delivery system;
- ~~[(43)]~~ (42) establish methods or measures for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals the providers serve;
- ~~[(44)]~~ (43) designate Alzheimer's disease and related dementia as a public health issue and, within budgetary limitations, implement a state plan for Alzheimer's disease and related dementia by incorporating the plan into the department's strategic planning and budgetary process;

269 ~~[(45)]~~ (44) coordinate with other state agencies and other organizations to implement the
270 state plan for Alzheimer's disease and related dementia;
271 ~~[(46)]~~ (45) ensure that any training or certification required of a public official or public
272 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
273 Chapter 22, State Training and Certification Requirements, if the training or certification
274 is required by the agency or under this Title 26B, Utah Health and Human Services
275 Code;
276 ~~[(47)]~~ (46) oversee public education vision screening as described in Section 53G-9-404;
277 ~~[(48)]~~ (47) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code
278 Blue Alert; and
279 ~~[(49)]~~ (48) as allowed by state and federal law, share data with the Office of Families that is
280 relevant to the duties described in Subsection 26B-1-243(4), which may include, to the
281 extent available:
282 (a) demographic data concerning family structures in the state; and
283 (b) data regarding the family structure associated with:
284 (i) suicide, depression, or anxiety; and
285 (ii) various health outcomes.

286 Section 3. Section **26B-3-804** is amended to read:

287 **26B-3-804 . Medicaid ambulance service provider adjustment under**
288 **fee-for-service rates.**

289 The division shall, if the assessment imposed by this part is approved by the Centers for
290 Medicare and Medicaid Services, for fee-for-service rates effective on or after July 1, 2015,
291 reimburse an ambulance service provider in an amount up to the Emergency Medical Services
292 Ambulance Rates adopted annually by the ~~[department]~~ Department of Public Safety.

293 Section 4. Section **26B-4-301** is amended to read:

294 **26B-4-301 . Definitions.**

295 As used in this part:

296 (1) "Bureau" means the Bureau of Emergency Medical Services created in Section
297 53-2d-102.

298 ~~[(1)]~~ (2) "Committee" means the Primary Care Grant Committee described in Section
299 26B-1-410.

300 ~~[(2)]~~ (3) "Community based organization":

301 (a) means a private entity; and

302 (b) includes for profit and not for profit entities.

- 303 ~~[(3)]~~ (4) "Cultural competence" means a set of congruent behaviors, attitudes, and policies
304 that come together in a system, agency, or profession and enables that system, agency,
305 or profession to work effectively in cross-cultural situations.
- 306 ~~[(4)]~~ (5) "Emergency medical dispatch center" means a public safety answering point, as
307 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch
308 center by the office.
- 309 ~~[(5)]~~ (6) "Health literacy" means the degree to which an individual has the capacity to
310 obtain, process, and understand health information and services needed to make
311 appropriate health decisions.
- 312 ~~[(6)]~~ (7) "Institutional capacity" means the ability of a community based organization to
313 implement public and private contracts.
- 314 ~~[(7)]~~ (8) "Medically underserved population" means the population of an urban or rural area
315 or a population group that the committee determines has a shortage of primary health
316 care.
- 317 ~~[(8) "Office" means the Office of Emergency Medical Services and Preparedness within the~~
318 ~~department.]~~
- 319 (9) "Pregnancy support services" means services that:
320 (a) encourage childbirth instead of voluntary termination of pregnancy; and
321 (b) assist pregnant women, or women who may become pregnant, to choose childbirth
322 whether they intend to parent or select adoption for the child.
- 323 (10) "Primary care grant" means a grant awarded by the department under Subsection
324 26B-4-310(1).
- 325 (11)(a) "Primary health care" means:
326 (i) basic and general health care services given when a person seeks assistance to
327 screen for or to prevent illness and disease, or for simple and common illnesses
328 and injuries; and
329 (ii) care given for the management of chronic diseases.
- 330 (b) "Primary health care" includes:
331 (i) services of physicians, nurses, physician's assistants, and dentists licensed to
332 practice in this state under Title 58, Occupations and Professions;
333 (ii) diagnostic and radiologic services;
334 (iii) preventive health services including perinatal services, well-child services, and
335 other services that seek to prevent disease or its consequences;
336 (iv) emergency medical services;

- (v) preventive dental services; and
- (vi) pharmaceutical services.

Section 5. Section **26B-4-501** is amended to read:

26B-4-501 . Definitions.

As used in this part:

- (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter 37, Utah Controlled Substances Act.
- (2) "Critical access hospital" means a critical access hospital that meets the criteria of 42 U.S.C. Sec. 1395i-4(c)(2) (1998).
- (3) "Designated facility" means:
 - (a) a freestanding urgent care center;
 - (b) a general acute hospital; or
 - (c) a critical access hospital.
- (4) "Dispense" means the same as that term is defined in Section 58-17b-102.
- (5) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- (6) "Emergency contraception" means the use of a substance, approved by the United States Food and Drug Administration, to prevent pregnancy after sexual intercourse.
- (7) "Freestanding urgent care center" means the same as that term is defined in Section 59-12-801.
- (8) "General acute hospital" means the same as that term is defined in Section 26B-2-201.
- (9) "Health care facility" means a hospital, a hospice inpatient residence, a nursing facility, a dialysis treatment facility, an assisted living residence, an entity that provides home- and community-based services, a hospice or home health care agency, or another facility that provides or contracts to provide health care services, which facility is licensed under Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- (10) "Health care provider" means:
 - (a) a physician, as defined in Section 58-67-102;
 - (b) an advanced practice registered nurse, as defined in Section 58-31b-102;
 - (c) a physician assistant, as defined in Section 58-70a-102; or
 - (d) an individual licensed to engage in the practice of dentistry, as defined in Section 58-69-102.
- (11) "Increased risk" means risk exceeding the risk typically experienced by an individual who is not using, and is not likely to use, an opiate.
- (12) "Opiate" means the same as that term is defined in Section 58-37-2.

- 371 (13) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that is
372 not a controlled substance and that is approved by the federal Food and Drug
373 Administration for the diagnosis or treatment of an opiate-related drug overdose.
- 374 (14) "Opiate-related drug overdose event" means an acute condition, including a decreased
375 level of consciousness or respiratory depression resulting from the consumption or use
376 of a controlled substance, or another substance with which a controlled substance was
377 combined, and that a person would reasonably believe to require medical assistance.
- 378 (15) "Overdose outreach provider" means:
- 379 (a) a law enforcement agency;
- 380 (b) a fire department;
- 381 (c) an emergency medical service provider, as defined in Section ~~[26B-4-101]~~ 53-2d-101;
- 382 (d) emergency medical service personnel, as defined in Section ~~[26B-4-101]~~ 53-2d-101;
- 383 (e) an organization providing treatment or recovery services for drug or alcohol use;
- 384 (f) an organization providing support services for an individual, or a family of an
385 individual, with a substance use disorder;
- 386 (g) a certified peer support specialist, as defined in Section 26B-5-610;
- 387 (h) an organization providing substance use or mental health services under contract
388 with a local substance abuse authority, as defined in Section 26B-5-101, or a local
389 mental health authority, as defined in Section 26B-5-101;
- 390 (i) an organization providing services to the homeless;
- 391 (j) a local health department;
- 392 (k) an individual licensed to practice under:
- 393 (i) Title 58, Chapter 17b, Pharmacy Practice Act;
- 394 (ii) Title 58, Chapter 60, Part 2, Social Worker Licensing Act; or
- 395 (iii) Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act; or
- 396 (l) an individual.
- 397 (16) "Patient counseling" means the same as that term is defined in Section 58-17b-102.
- 398 (17) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 399 (18) "Pharmacy intern" means the same as that term is defined in Section 58-17b-102.
- 400 (19) "Physician" means the same as that term is defined in Section 58-67-102.
- 401 (20) "Practitioner" means:
- 402 (a) a physician; or
- 403 (b) any other person who is permitted by law to prescribe emergency contraception.
- 404 (21) "Prescribe" means the same as that term is defined in Section 58-17b-102.

- (22)(a) "Self-administered hormonal contraceptive" means a self-administered hormonal contraceptive that is approved by the United States Food and Drug Administration to prevent pregnancy.
- (b) "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch.
- (c) "Self-administered hormonal contraceptive" does not include any drug intended to induce an abortion, as that term is defined in Section 76-7-301.
- (23) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses, that may result in a pregnancy.
- (24) "Victim of sexual assault" means any person who presents to receive, or receives, medical care in consequence of being subjected to sexual assault.

Section 6. Section **26B-5-331** is amended to read:

26B-5-331 . Temporary commitment -- Requirements and procedures -- Rights.

- (1) An adult shall be temporarily, involuntarily committed to a local mental health authority upon:
- (a) a written application that:
- (i) is completed by a responsible individual who has reason to know, stating a belief that the adult, due to mental illness, is likely to pose substantial danger to self or others if not restrained and stating the personal knowledge of the adult's condition or circumstances that lead to the individual's belief; and
- (ii) includes a certification by a licensed physician, licensed physician assistant, licensed nurse practitioner, or designated examiner stating that the physician, physician assistant, nurse practitioner, or designated examiner has examined the adult within a three-day period immediately preceding the certification, and that the physician, physician assistant, nurse practitioner, or designated examiner is of the opinion that, due to mental illness, the adult poses a substantial danger to self or others; or
- (b) a peace officer or a mental health officer:
- (i) observing an adult's conduct that gives the peace officer or mental health officer probable cause to believe that:
- (A) the adult has a mental illness; and
- (B) because of the adult's mental illness and conduct, the adult poses a substantial danger to self or others; and
- (ii) completing a temporary commitment application that:

- 439 (A) is on a form prescribed by the division;
440 (B) states the peace officer's or mental health officer's belief that the adult poses a
441 substantial danger to self or others;
442 (C) states the specific nature of the danger;
443 (D) provides a summary of the observations upon which the statement of danger is
444 based; and
445 (E) provides a statement of the facts that called the adult to the peace officer's or
446 mental health officer's attention.
- 447 (2) If at any time a patient committed under this section no longer meets the commitment
448 criteria described in Subsection (1), the local mental health authority or the local mental
449 health authority's designee shall:
450 (a) document the change and release the patient; and
451 (b) if the patient was admitted under Subsection (1)(b), notify the peace officer or
452 mental health officer of the patient's release.
- 453 (3) A patient committed under this section may be held for a maximum of 72 hours after
454 commitment, excluding Saturdays, Sundays, and legal holidays, unless:
455 (a) as described in Section 26B-5-332, an application for involuntary commitment is
456 commenced, which may be accompanied by an order of detention described in
457 Subsection 26B-5-332(4); or
458 (b) the patient makes a voluntary application for admission.
- 459 (4) Upon a written application described in Subsection (1)(a) or the observation and belief
460 described in Subsection (1)(b)(i), the adult shall be:
461 (a) taken into a peace officer's protective custody, by reasonable means, if necessary for
462 public safety; and
463 (b) transported for temporary commitment to a facility designated by the local mental
464 health authority, by means of:
465 (i) an ambulance, if the adult meets any of the criteria described in Section [
466 26B-4-119] 53-2d-405;
467 (ii) an ambulance, if a peace officer is not necessary for public safety, and
468 transportation arrangements are made by a physician, physician assistant, nurse
469 practitioner, designated examiner, or mental health officer;
470 (iii) the city, town, or municipal law enforcement authority with jurisdiction over the
471 location where the adult is present, if the adult is not transported by ambulance;
472 (iv) the county sheriff, if the designated facility is outside of the jurisdiction of the

- 473 law enforcement authority described in Subsection (4)(b)(iii) and the adult is not
474 transported by ambulance; or
- 475 (v) nonemergency secured behavioral health transport as that term is defined in
476 Section 53-2d-101.
- 477 (5) Notwithstanding Subsection (4):
- 478 (a) an individual shall be transported by ambulance to an appropriate medical facility for
479 treatment if the individual requires physical medical attention;
- 480 (b) if an officer has probable cause to believe, based on the officer's experience and
481 de-escalation training that taking an individual into protective custody or transporting
482 an individual for temporary commitment would increase the risk of substantial
483 danger to the individual or others, a peace officer may exercise discretion to not take
484 the individual into custody or transport the individual, as permitted by policies and
485 procedures established by the officer's law enforcement agency and any applicable
486 federal or state statute, or case law; and
- 487 (c) if an officer exercises discretion under Subsection (4)(b) to not take an individual
488 into protective custody or transport an individual, the officer shall document in the
489 officer's report the details and circumstances that led to the officer's decision.
- 490 (6)(a) The local mental health authority shall inform an adult patient committed under
491 this section of the reason for commitment.
- 492 (b) An adult patient committed under this section has the right to:
- 493 (i) within three hours after arrival at the local mental health authority, make a
494 telephone call, at the expense of the local mental health authority, to an individual
495 of the patient's choice; and
- 496 (ii) see and communicate with an attorney.
- 497 (7)(a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to this section.
- 498 (b) This section does not create a special duty of care.
- 499 (8)(a) A local mental health authority shall provide discharge instructions to each
500 individual committed under this section at or before the time the individual is
501 discharged from the local mental health authority's custody, regardless of whether the
502 individual is discharged by being released, taken into a peace officer's protective
503 custody, transported to a medical facility or other facility, or other circumstances.
- 504 (b) Discharge instructions provided under Subsection (8)(a) shall include:
- 505 (i) a summary of why the individual was committed to the local mental health
506 authority;

- (ii) detailed information about why the individual is being discharged from the local mental health authority's custody;
- (iii) a safety plan for the individual based on the individual's mental illness or mental or emotional state;
- (iv) notification to the individual's primary care provider, if applicable;
- (v) if the individual is discharged without food, housing, or economic security, a referral to appropriate services, if such services exist in the individual's community;
- (vi) the phone number to call or text for a crisis services hotline, and information about the availability of peer support services;
- (vii) a copy of any psychiatric advance directive presented to the local mental health authority, if applicable;
- (viii) information about how to establish a psychiatric advance directive if one was not presented to the local mental health authority;
- (ix) as applicable, information about medications that were changed or discontinued during the commitment;
- (x) a list of any screening or diagnostic tests conducted during the commitment;
- (xi) a summary of therapeutic treatments provided during the commitment;
- (xii) any laboratory work, including blood samples or imaging, that was completed or attempted during the commitment; and
- (xiii) information about how to contact the local mental health authority if needed.
- (c) If an individual's medications were changed, or if an individual was prescribed new medications while committed under this section, discharge instructions provided under Subsection (8)(a) shall include a clinically appropriate supply of medications, as determined by a licensed health care provider, to allow the individual time to access another health care provider or follow-up appointment.
- (d) If an individual refuses to accept discharge instructions, the local mental health authority shall document the refusal in the individual's medical record.
- (e) If an individual's discharge instructions include referrals to services under Subsection (8)(b)(v), the local mental health authority shall document those referrals in the individual's medical record.
- (f) The local mental health authority shall attempt to follow up with a discharged individual at least 48 hours after discharge, and may use peer support professionals when performing follow-up care or developing a continuing care plan.

Section 7. Section **26B-5-609** is amended to read:

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

(1) As used in this section:

(a) "Committee" means the Behavioral Health Crisis Response Committee created in Section 63C-18-202.

(b) "Emergency medical service personnel" means the same as that term is defined in Section ~~[26B-4-101]~~ 53-2d-101.

(c) "Emergency medical services" means the same as that term is defined in Section ~~[26B-4-101]~~ 53-2d-101.

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

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

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

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

(ii) a danger to others.

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

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

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

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

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

MCOTs, including:

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

(b) guidelines for:

(i) credit for training and experience; and

(ii) the coordination of:

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

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

(C) temporary commitment in accordance with Section 26B-5-331.

(3)(a) The division shall:

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

(ii) create a statewide MCOT plan that:

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

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

(b) The division shall take the action described in Subsection (3)(a) with recommendations from the committee.

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

Section 8. Section **26B-7-301** is amended to read:

26B-7-301 . Definitions.

As used in this part:

(1) "Bioterrorism" means:

(a) the intentional use of any microorganism, virus, infectious substance, or biological product to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence, intimidate, or coerce the conduct of government or a civilian population; and

(b) includes anthrax, botulism, small pox, plague, tularemia, and viral hemorrhagic fevers.

(2) "Dangerous public health condition" means any of the following:

- 609 (a) cholera;
610 (b) pneumonic plague;
611 (c) severe acute respiratory syndrome;
612 (d) smallpox;
613 (e) tuberculosis;
614 (f) any viral hemorrhagic fever;
615 (g) measles; or
616 (h) any infection:
617 (i) that is new, drug resistant, or reemerging;
618 (ii) that evidence suggests is likely to cause either high mortality or morbidity; and
619 (iii) only if the relevant legislative body of the county where the infection is located
620 approves as needing containment.
- 621 (3) "Diagnostic information" means a clinical facility's record of individuals who present
622 for treatment, including the reason for the visit, chief complaint, presenting diagnosis,
623 final diagnosis, and any pertinent lab results.
- 624 (4) "Epidemic or pandemic disease":
625 (a) means the occurrence in a community or region of cases of an illness clearly in
626 excess of normal expectancy; and
627 (b) includes diseases designated by the department which have the potential to cause
628 serious illness or death.
- 629 (5) "Exigent circumstances" means a significant change in circumstances following the
630 expiration of a public health emergency declared in accordance with this title that:
631 (a) substantially increases the danger to public safety or health relative to the
632 circumstances in existence when the public health emergency expired;
633 (b) poses an imminent danger to public safety or health; and
634 (c) was not known or foreseen and could not have been known or foreseen at the time
635 the public health emergency expired.
- 636 (6) "First responder" means:
637 (a) a law enforcement officer as defined in Section 53-13-103;
638 (b) emergency medical service personnel as defined in Section ~~[26B-4-101]~~ 53-2d-101;
639 (c) firefighters; and
640 (d) public health personnel having jurisdiction over the location where an individual
641 subject to an order of restriction is found.
- 642 (7) "Health care provider" means the same as that term is defined in Section 78B-3-403.

(8) "Legislative emergency response committee" means the same as that term is defined in Section 53-2a-203.

(9) "Local food" means the same as that term is defined in Section 4-1-109.

(10)(a) "Order of constraint" means an order, rule, or regulation issued in response to a declared public health emergency under this part, that:

(i) applies to all or substantially all:

(A) individuals or a certain group of individuals; or

(B) public places or certain types of public places; and

(ii) for the protection of the public health and in response to the declared public health emergency:

(A) establishes, maintains, or enforces isolation or quarantine;

(B) establishes, maintains, or enforces a stay-at-home order;

(C) exercises physical control over property or individuals;

(D) requires an individual to perform a certain action or engage in certain behavior; or

(E) closes theaters, schools, or other public places or prohibits gatherings of people to protect the public health.

(b) "Order of constraint" includes a stay-at-home order.

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

(12)(a) "Public health emergency" means an occurrence or imminent credible threat of an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability.

(b) "Public health emergency" includes an illness or health condition resulting from a natural disaster.

(13) "Public health official" means:

(a) the executive director or the executive director's authorized representative; or

(b) the executive director of a local health department or the executive director's authorized representative.

(14) "Reportable emergency illness and health condition" includes the diseases, conditions, or syndromes designated by the department.

- 677 (15) "Stay-at-home order" means an order of constraint that:
- 678 (a) restricts movement of the general population to suppress or mitigate an epidemic or
- 679 pandemic disease by directing individuals within a defined geographic area to remain
- 680 in their respective residences; and
- 681 (b) may include exceptions for certain essential tasks.
- 682 (16) "Threat to public health" means a situation where a dangerous public health condition
- 683 could spread to other individuals.
- 684 (17) "Subject to restriction" as applied to an individual, or a group of individuals, means the
- 685 individual or group of individuals could create a threat to public health.

686 Section 9. Section **41-6a-523** is amended to read:

687 **41-6a-523 . Persons authorized to draw blood -- Immunity from liability.**

- 688 (1)(a) Only the following, acting at the request of a peace officer, may draw blood to
- 689 determine its alcohol or drug content:
- 690 (i) a physician;
- 691 (ii) a physician assistant;
- 692 (iii) a registered nurse;
- 693 (iv) a licensed practical nurse;
- 694 (v) a paramedic;
- 695 (vi) as provided in Subsection (1)(b), emergency medical service personnel other
- 696 than paramedics; or
- 697 (vii) a person with a valid permit issued by the [~~Department of Health and Human~~
- 698 ~~Services~~] Department of Public Safety under Section [~~26B-1-202~~] 53-2d-103.
- 699 (b) The Bureau of Emergency Medical Services may designate by rule, in accordance
- 700 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency
- 701 medical service personnel, as defined in Section 53-2d-101, are authorized to draw
- 702 blood under Subsection (1)(a)(vi), based on the type of license under Section
- 703 53-2d-402.
- 704 (c) Subsection (1)(a) does not apply to taking a urine, breath, or oral fluid specimen.
- 705 (2) The following are immune from civil or criminal liability arising from drawing a blood
- 706 sample from a person whom a peace officer has reason to believe is driving in violation
- 707 of this chapter, if the sample is drawn in accordance with standard medical practice, and
- 708 pursuant to a warrant or with the consent of the individual:
- 709 (a) a person authorized to draw blood under Subsection (1)(a);
- 710 (b) if the blood is drawn at a hospital or other medical facility, the medical facility; or

(c) if the blood is drawn at a law enforcement facility in a secure area not accessible by the public, the law enforcement agency.

Section 10. Section **53-2d-101** is amended to read:

53-2d-101 . Definitions.

As used in this chapter:

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

(i) either:

(A) 911 ambulance service;

(B) 911 paramedic service; or

(C) both 911 ambulance and paramedic service; and

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

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

(2) "Ambulance" means a ground, air, or water vehicle that:

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

(b) is required to obtain a permit under Section 53-2d-404 to operate in the state.

(3) "Ambulance provider" means an emergency medical service provider that:

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

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

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

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

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

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

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

(5)(a) "Behavioral emergency services" means delivering a behavioral health

intervention to a patient in an emergency context within a scope and in accordance with guidelines established by the department.

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

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

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

(8) "Committee" means the Trauma System and Emergency Medical Services Committee created by Section 53-2d-104.

(9) "Community paramedicine" means medical care:

(a) provided by emergency medical service personnel; and

(b) provided to a patient who is not:

(i) in need of ambulance transportation; or

(ii) located in a health care facility as defined in Section 26B-2-201.

(10) "Direct medical observation" means in-person observation of a patient by a physician, registered nurse, physician's assistant, or individual licensed under Section ~~26B-4-116~~ 53-2d-402.

(11) "Emergency medical condition" means:

(a) a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

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

(ii) serious impairment to bodily functions; or

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

(b) a medical condition that in the opinion of a physician or the physician's designee requires direct medical observation during transport or may require the intervention of an individual licensed under Section 53-2d-402 during transport.

(12) "Emergency medical dispatch center" means a public safety answering point, as

defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by the bureau.

(13)(a) "Emergency medical service personnel" means an individual who provides emergency medical services or behavioral emergency services to a patient and is required to be licensed or certified under Section 53-2d-402.

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

(14) "Emergency medical service providers" means:

(a) licensed ambulance providers and paramedic providers;

(b) a facility or provider that is required to be designated under Subsection 53-2d-403

(1)(a); and

(c) emergency medical service personnel.

(15) "Emergency medical services" means:

(a) medical services;

(b) transportation services;

(c) behavioral emergency services; or

(d) any combination of the services described in Subsections (15)(a) through (c).

(16) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

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

(b) required to be permitted under Section 53-2d-404.

(17) "Governing body":

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

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

(18) "Interested party" means:

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

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

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

(19) "Level of service" means the level at which an ambulance provider type of service is licensed as:

(a) emergency medical technician;

(b) advanced emergency medical technician; or

(c) paramedic.

(20) "Medical control" means a person who provides medical supervision to an emergency medical service provider.

(21) "Non-911 service" means transport of a patient that is not 911 transport under Subsection (1).

(22) "Nonemergency secured behavioral health transport" means an entity that:

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

(i) is not required to be transported by an ambulance under Section 53-2d-405; and

(ii) requires behavioral health observation during transport between any of the following facilities:

(A) a licensed acute care hospital;

(B) an emergency patient receiving facility;

(C) a licensed mental health facility; and

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

(b) is required to be designated under Section 53-2d-403.

(23) "Paramedic provider" means an entity that:

(a) employs emergency medical service personnel; and

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

(24) "Patient" means an individual who, as the result of illness, injury, or a behavioral emergency condition, meets any of the criteria in Section ~~[26B-4-119]~~ 53-2d-405.

(25) "Political subdivision" means:

(a) a city or town;

(b) a county;

(c) a special service district created under Title 17D, Chapter 1, Special Service District Act, for the purpose of providing fire protection services under Subsection 17D-1-201 (9);

(d) a special district created under Title 17B, Limited Purpose Local Government Entities - Special Districts, for the purpose of providing fire protection, paramedic, and emergency services;

(e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or

(f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

(26) "Sudden cardiac arrest" means a life-threatening condition that results when a person's heart stops or fails to produce a pulse.

(27) "Training center" means a person designated by the bureau to provide emergency medical services practitioner training, including:

(a) training for initial licensure; and

(b) continuing medical education under Section 53-2d-402.

[(27)] (28) "Trauma" means an injury requiring immediate medical or surgical intervention.

[(28)] (29) "Trauma system" means a single, statewide system that:

(a) organizes and coordinates the delivery of trauma care within defined geographic areas from the time of injury through transport and rehabilitative care; and

(b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in delivering care for trauma patients, regardless of severity.

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

[(30)] (31) "Triage, treatment, transportation, and transfer guidelines" means written procedures that:

(a) direct the care of patients; and

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

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

(a) ground ambulance transport;

(b) ground ambulance interfacility transport; or

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

Section 11. Section **53-2d-103** is amended to read:

53-2d-103 . Bureau duties -- Data sharing.

(1) The bureau shall:

- 881 (a) coordinate the emergency medical services within the state;
- 882 (b) administer any programs and applicable rules created under this chapter;
- 883 ~~[(e) establish a voluntary task force representing a diversity of emergency medical~~
- 884 ~~service providers to advise the bureau and the committee on rules;]~~
- 885 ~~[(d)] (c)~~ establish an emergency medical service personnel peer review board to ~~[advise~~
- 886 ~~the bureau concerning discipline of emergency medical service personnel]~~ hear
- 887 matters regarding licensure under this chapter; and
- 888 ~~[(e)] (d)~~ adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 889 Rulemaking Act, to:
- 890 (i) license ambulance ~~[providers-]~~ agencies and paramedic ~~[providers]~~ agencies;
- 891 (ii) permit ambulances, emergency medical response vehicles, and nonemergency
- 892 secured behavioral health transport vehicles, including approving an emergency
- 893 vehicle operator's course in accordance with Section 53-2d-404;
- 894 (iii) license emergency medical personnel;
- 895 ~~[(iii)] (iv)~~ establish:
- 896 (A) the qualifications for membership of the peer review board created by this
- 897 section;
- 898 (B) a process for placing restrictions on a license while an investigation is pending;
- 899 (C) the process for the investigation and ~~[recommendation by]~~ hearings before the
- 900 peer review board; and
- 901 (D) the process for determining the status of a license while ~~[a peer review board]~~
- 902 an investigation is pending;
- 903 ~~[(iv)] (v)~~ establish application, submission, and procedural requirements for licenses,
- 904 designations, and permits;~~[-and]~~
- 905 ~~[(v)] (vi)~~ establish and implement the programs, plans, and responsibilities as
- 906 specified in other sections of this chapter~~[-]~~ ; and
- 907 (vii) establish qualifications for individuals permitted to draw blood under
- 908 Subsections 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), and
- 909 77-23-213(3)(a)(vi), and issue permits to qualified individuals.
- 910 (2)(a) The bureau shall share data related to the bureau's duties with the Department of
- 911 Health and Human Services.
- 912 (b) The Department of Health and Human Services shall share data related to the
- 913 bureau's duties with the bureau.
- 914 (c) All data collected by the bureau under this chapter is subject to Title 26B, Chapter 8,

Part 4, Health Statistics, including data privacy protections.

Section 12. Section **53-2d-109** is enacted to read:

53-2d-109 . Emergency Medical Services Critical Needs Account.

(1) There is created within the General Fund a restricted account known as the "Emergency Medical Services Critical Needs Account."

(2) The account shall be funded through deposits of:

(a) interest earned on the account;

(b) appropriations made by the Legislature; and

(c) contributions deposited into the account in accordance with Subsection ~~53-2d-207(3)(i)~~ $\rightarrow$ [

~~53-2d-207(3)(i)~~ **53-2d-207(3)(g)** $\leftarrow$ ~~53-2d-207(3)(g)~~ .

(3) All funds in the account shall be nonlapsing.

(4) The bureau shall:

(a) calculate and allocate for use under Subsection (4)(b) an amount not greater than 25% of the fund balance, quarterly, as of January 1, April 1, July 1, and October 1 of each year; and

(b) use the allocated amount under Subsection (4)(a) to award and fund critical needs grants:

(i) in accordance with the criteria and procedures established by administrative rule; and

(ii) during the three-month period ending on the date of the next quarterly allocation under Subsection (4)(a).

Section 13. Section **53-2d-203** is amended to read:

53-2d-203 . Data collection.

(1) As used in this section:

(a) "Clinical health information" means the same as that term is defined in Section 26B-8-411.

(b) "Electronic exchange" means the same as that term is defined in Section 26B-8-411.

(c) "Emergency medical service provider" means the same as that term is defined in Section 53-2d-101.

(d) "Emergency medical services" means the same as that term is defined in Section 53-2d-101.

(e) "Qualified network" means the same as that term is defined in Section 26B-8-411.

(2) The ~~committee~~ bureau shall specify the information that shall be collected for the emergency medical services data system established pursuant to Subsection (3).

- 949 (3)(a) The bureau shall establish an emergency medical services data system, which
950 shall provide for the collection, analysis, and reporting of information, as defined by
951 the [committee] bureau, relating to the response, treatment, and care of patients who
952 use or have used the emergency medical services system.
- 953 (b) The [committee] bureau shall coordinate with the Department of Health and Human
954 Services, to create a report of data collected by the Department of Health and Human
955 Services under Section 26B-8-504 regarding:
- 956 (i) appropriate analytical methods;
- 957 (ii) the total amount of air ambulance flight charges in the state for a one-year period;
- 958 and
- 959 (iii) of the total number of flights in a one-year period under Subsection (3)(b)(ii):
- 960 (A) the number of flights for which a patient had no personal responsibility for
961 paying part of the flight charges;
- 962 (B) the number of flights for which a patient had personal responsibility to pay all
963 or part of the flight charges;
- 964 (C) the range of flight charges for which patients had personal responsibility under
965 Subsection (3)(b)(iii)(B), including the median amount for paid patient
966 personal responsibility; and
- 967 (D) the name of any air ambulance provider that received a median paid amount
968 for patient responsibility in excess of the median amount for all paid patient
969 personal responsibility during the reporting year.
- 970 (c) The bureau may share, within the department, information from the emergency
971 medical services data system that:
- 972 (i) relates to traffic incidents; and
- 973 (ii) is for the improvement of traffic and public safety.
- 974 (d) Information shared under Subsection (3)(c) may not be used for the prosecution of
975 criminal matters.
- 976 (e) Subject to the Health Insurance Portability and Accountability Act of 1996, Pub. L.
977 No. 104-191, 110 Stat. 1936, as amended:
- 978 (i) the [department] bureau may submit clinical health information about a patient, to
979 a qualified network, via electronic exchange of clinical health information, if:
- 980 (A) the electronic exchange of clinical health information meets the standards
981 established by the [department] Department of Health and Human Services
982 under Section 26B-8-411; and

- 983 (B) the clinical health information was collected by an emergency medical service
984 provider performing emergency medical services for the provider's patient;
985 (ii) in connection with providing emergency medical services to a patient, an
986 emergency medical service provider may, through electronic exchange, access the
987 patient's clinical health information that is pertinent to the emergency medical
988 services provided; and
989 (iii) an emergency medical service provider may use clinical health information only
990 to provide and improve the quality of the emergency medical service provider's
991 services.

992 (4)(a) On or before October 1, the [department] bureau shall make the information in
993 Subsection (3)(b) public and send the information in Subsection (3)(b) to public
994 safety dispatchers and first responders in the state.

995 (b) Before making the information in Subsection (3)(b) public, the [committee] bureau
996 shall provide the air ambulance providers named in the report with the opportunity to
997 respond to the accuracy of the information in the report under Section 26B-8-506.

998 (5) Persons providing emergency medical services:

999 (a) shall provide information to the [department] bureau for the emergency medical
1000 services data system established pursuant to Subsection (3)(a);

1001 (b) are not required to provide information to the [department] bureau under Subsection
1002 (3)(b); and

1003 (c) may provide information to the [department] bureau under Subsection (3)(b) or (4)(b).
1004 Section 14. Section **53-2d-207** is amended to read:

1005 **53-2d-207 . Emergency Medical Services Grant Program.**

1006 (1) Funds appropriated to the [department] bureau for the Emergency Medical Services
1007 Grant Program shall be used for improvement of delivery of emergency medical services
1008 and administrative costs as described in Subsection (2)(a).

1009 (2) From the total amount of funds appropriated to the bureau under Subsection (1), the
1010 bureau shall use:

1011 (a) an amount equal to 50% of the funds:

1012 (i) to provide staff support; and

1013 (ii) for other expenses incurred in:

1014 (A) administration of grant funds; and

1015 (B) other bureau administrative costs under this chapter; and

1016 (b) an amount equal to 50% of the funds to provide emergency medical services grants

1017 in accordance with Subsection (3).

1018 (3)(a) A recipient of a grant under this section shall actively provide emergency medical
1019 services within the state.

1020 (b)(i) From the total amount of funds used to provide grants under Subsection (3), the
1021 bureau shall distribute an amount equal to 21% as per capita block grants for use
1022 specifically related to the provision of emergency medical services to nonprofit
1023 prehospital emergency medical services providers that are either licensed or
1024 designated and to emergency medical services that are the primary emergency
1025 medical services for a service area.

1026 (ii) The bureau shall determine the grant amounts by prorating available funds on a
1027 per capita basis by county as described in bureau rule.

1028 (c) Subject to Subsections (3)(d) through (f), the ~~[committee]~~ bureau shall use the
1029 remaining grant funds to award competitive grants to licensed emergency medical
1030 services providers that provide emergency medical services within counties of the
1031 third through sixth class, in accordance with rules made by the ~~[committee]~~ bureau.

1032 (d) A grant awarded under Subsection (3)(c) shall be used:

1033 (i) for the purchase of equipment, subject to Subsection (3)(e); or

1034 (ii) for the recruitment, training, or retention of licensed emergency medical services
1035 providers.

1036 (e) A recipient of a grant under Subsection (3)(c) may not use more than ~~[\$100,000]~~
1037 \$200,000 in grant proceeds for the purchase of vehicles.

1038 (f) A grant awarded for the purpose described in Subsection (3)(d)(ii) is ongoing for a
1039 period of up to three years.

1040 (g) ~~§→ [(i)] ←§~~ If, after providing grants under Subsections (3)(c) through (f), any grant
1040a funds

1041 are unallocated at the end of the fiscal year, the ~~[committee]~~ bureau shall ~~[distribute]~~
1042 deposit the unallocated grant funds ~~[as per capita block grants as described in~~
1043 Subsection (3)(b)] into the Emergency Medical Services Critical Needs Account
1044 created under Section 53-2d-109.

1045 ~~§→ [(ii) Any grant funds distributed ←§ as per capita grants ←§→ under Subsection~~
1045a ~~(3)(g)(i) are in~~

1046 ~~addition to the amount described in Subsection (3)(b)] ←§ .~~

1047 Section 15. Section **53-2d-209** is amended to read:

1048 **53-2d-209 . Regional Emergency Medical Services Liaisons -- Qualifications --**

1049 **Duties.**

1050 (1) As used in this section:

1051 (a) "Liaison" means a regional emergency medical services liaison hired under this
1052 section.

1053 (b) "Rural county" means a county of the third, fourth, fifth, or sixth class.

1054 (2) The ~~[bureau]~~ department, ~~in consultation with the bureau~~, shall hire five individuals to
1055 serve as regional emergency medical services liaisons to:1056 (a) serve the needs of rural counties in providing emergency medical services in
1057 accordance with this chapter;1058 (b) act as a liaison between the bureau and individuals or entities responsible for
1059 emergency medical services in rural counties, including:

1060 (i) emergency medical services providers;

1061 (ii) local officials; and

1062 (iii) local health departments or agencies;

1063 (c) provide support and training to emergency medical services providers in rural
1064 counties;1065 (d) assist rural counties in utilizing state and federal grant programs for financing
1066 emergency medical services; and1067 (e) serve as emergency medical service personnel to assist licensed providers with
1068 ambulance staffing needs within rural counties.

1069 (3) Each liaison hired under Subsection (2):

1070 (a) shall reside in a rural county; and

1071 (b) shall be licensed as:

1072 (i) an advanced emergency medical technician as defined in Section 53-2e-101; or

1073 (ii) a paramedic as defined in Section 53-2e-101.

1074 (4) The ~~[department]~~ bureau shall provide each liaison with a vehicle and other equipment[
1075 ~~in accordance with rules established by the department~~].1076 Section 16. Section **53-2d-211** is amended to read:1077 **53-2d-211 . Community paramedicine program.**1078 (1) A ground ambulance provider or a designated quick response provider, as designated in
1079 accordance with Section 53-2d-403, may develop and implement a community
1080 paramedicine program.

1081 (2)(a) Before providing services, a community paramedicine program shall:

1082 (i) implement training requirements as determined by the ~~[committee]~~ bureau; and

- 1083 (ii) submit a written community paramedicine operational plan to the bureau that
1084 meets requirements established by the [eommittee] bureau.
- 1085 (b) A community paramedicine program shall report data, as determined by the [
1086 eommittee] bureau, related to community paramedicine to the bureau.
- 1087 (3) A service provided as part of a community paramedicine program may not be billed to
1088 an individual or a health benefit plan as defined in Section 31A-1-301 unless:
- 1089 (a) the service is provided in partnership with a health care facility as defined in Section
1090 26B-2-201; and
- 1091 (b) the partnering health care facility is the person that bills the individual or health
1092 benefit plan.
- 1093 (4) Nothing in this section affects any billing authorized under Section 53-2d-503.
- 1094 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
1095 Section 53-2d-105, the [eommittee] bureau shall make rules to implement this section.
- 1096 Section 17. Section **53-2d-305** is amended to read:
- 1097 **53-2d-305 . Trauma center designations and guidelines.**
- 1098 (1) The bureau~~[, after seeking the advice of the eommittee,]~~ shall establish by rule:
- 1099 (a) trauma center designation requirements; and
- 1100 (b) model state guidelines for triage, treatment, transportation, and transfer of trauma
1101 patients to the most appropriate health care facility.
- 1102 (2) The bureau shall designate as a trauma center each hospital that:
- 1103 (a) voluntarily requests a trauma center designation; and
- 1104 (b) meets the applicable requirements established pursuant to Subsection (1).
- 1105 Section 18. Section **53-2d-402** is amended to read:
- 1106 **53-2d-402 . Licensure of emergency medical service personnel.**
- 1107 (1) To promote the availability of comprehensive emergency medical services throughout
1108 the state, the [eommittee] bureau shall establish:
- 1109 (a) initial and ongoing licensure and training requirements for emergency medical
1110 service personnel in the following categories:
- 1111 (i) paramedic;
- 1112 (ii) advanced emergency medical services technician;
- 1113 (iii) emergency medical services technician;
- 1114 (iv) emergency medical responder;
- 1115 (v) behavioral emergency services technician; and
- 1116 (vi) advanced behavioral emergency services technician;

- 1117 (b) a method to monitor the certification status and continuing medical education hours
1118 for emergency medical dispatchers; and
1119 (c) guidelines for giving credit for out-of-state training and experience.
- 1120 (2) The bureau shall, based on the requirements established in Subsection (1):
1121 (a) develop, conduct, and authorize training and testing for emergency medical service
1122 personnel;
1123 (b) issue a license and license renewals to emergency medical service personnel other
1124 than emergency medical dispatchers; and
1125 (c) verify the certification of emergency medical dispatchers.
- 1126 (3) The bureau shall coordinate with local mental health authorities described in Section
1127 17-43-301 to develop and authorize initial and ongoing licensure and training
1128 requirements for licensure as a:
1129 (a) behavioral emergency services technician; and
1130 (b) advanced behavioral emergency services technician.
- 1131 (4) As provided in Section 53-2d-602, an individual issued a license or certified under this
1132 section may only provide emergency medical services to the extent allowed by the
1133 license or certification.
- 1134 (5) An individual may not be issued or retain a license under this section unless the
1135 individual obtains and retains background clearance under Section 53-2d-410.
- 1136 (6) An individual may not be issued or retain a certification under this section unless the
1137 individual obtains and retains background clearance in accordance with Section
1138 53-2d-410.5.

1139 Section 19. Section **53-2d-403** is amended to read:

1140 **53-2d-403 . Designation of emergency medical service providers, training centers,**
1141 **and nonemergency secured behavioral health transport providers.**

- 1142 (1) To ensure quality emergency medical services, the [~~committee~~] bureau shall establish
1143 designation requirements for:
1144 (a) emergency medical service providers in the following categories:
1145 (i) quick response provider;
1146 (ii) resource hospital for emergency medical providers;
1147 (iii) emergency medical service dispatch center;
1148 (iv) emergency patient receiving facilities; and
1149 (v) other types of emergency medical service providers as the [~~committee~~] bureau
1150 considers necessary; and

- 1151 (b) nonemergency secured behavioral health transport providers.
- 1152 (2) The bureau shall, based on the requirements in Subsection (1), issue designations to
- 1153 emergency medical service providers and nonemergency secured behavioral health
- 1154 transport providers listed in Subsection (1).
- 1155 (3) As provided in Section 53-2d-602, an entity issued a designation under Subsection (2)
- 1156 may only function and hold itself out in accordance with its designation.
- 1157 (4) The bureau shall establish designation requirements for training centers that are:
- 1158 (a) colleges or universities;
- 1159 (b) vocational schools;
- 1160 (c) technical colleges;
- 1161 (d) for profit and non-profit organizations; or
- 1162 (e) privately owned or operated businesses.

1163 Section 20. Section **53-2d-404** is amended to read:

1164 **53-2d-404 . Permits for emergency medical service vehicles and nonemergency**

1165 **secured behavioral health transport vehicles.**

- 1166 (1)(a) To ensure that emergency medical service vehicles and nonemergency secured
- 1167 behavioral health transport vehicles are adequately staffed, safe, maintained, properly
- 1168 equipped, and safely operated, the ~~[committee]~~ bureau shall establish permit
- 1169 requirements at levels it considers appropriate in the following categories:
- 1170 (i) ambulance;
- 1171 (ii) emergency medical response vehicle; and
- 1172 (iii) nonemergency secured behavioral health transport vehicle.
- 1173 (b) The permit requirements under Subsections (1)(a)(i) and (ii) shall include a
- 1174 requirement that every operator of an ambulance or emergency medical response
- 1175 vehicle annually provide proof of the successful completion of an emergency vehicle
- 1176 operator's course approved by the bureau for all ambulances and emergency medical
- 1177 response vehicle operators.
- 1178 (2) The bureau shall, based on the requirements established in Subsection (1), issue permits
- 1179 to emergency medical service vehicles and nonemergency secured behavioral health
- 1180 transport vehicles.

1181 Section 21. Section **53-2d-405** is amended to read:

1182 **53-2d-405 . Ambulance license required for emergency medical transport.**

- 1183 Except as provided in Section 53-2d-408, only an ambulance operating under a permit
- 1184 issued under Section 53-2d-404 may transport an individual who:

- 1185 (1) is in an emergency medical condition;
1186 (2) is medically or mentally unstable, requiring direct medical observation during transport;
1187 (3) is physically incapacitated because of illness or injury and in need of immediate
1188 transport by emergency medical service personnel;
1189 (4) is likely to require medical attention during transport;
1190 (5) is being maintained on any type of emergency medical electronic monitoring;
1191 (6) is receiving or has recently received medications that could cause a sudden change in
1192 medical condition that might require emergency medical services;
1193 (7) requires IV administration or maintenance, oxygen that is not patient-operated, or other
1194 emergency medical services during transport;
1195 (8) needs to be immobilized during transport to a hospital, an emergency patient receiving
1196 facility, or mental health facility due to a mental or physical condition, unless the
1197 individual is in the custody of a peace officer and the primary purpose of the restraint is
1198 to prevent escape;
1199 (9) needs to be immobilized due to a fracture, possible fracture, or other medical condition;
1200 or
1201 (10) otherwise requires or has the potential to require a level of medical care that the [
1202 ~~committee~~] bureau establishes as requiring direct medical observation.

1203 Section 22. Section **53-2d-406** is amended to read:

1204 **53-2d-406 . Medical control.**

- 1205 (1) The [~~committee~~] bureau shall establish requirements for the coordination of emergency
1206 medical services rendered by emergency medical service providers, including the
1207 coordination between prehospital providers, hospitals, emergency patient receiving
1208 facilities, and other appropriate destinations.
1209 (2) The [~~committee~~] bureau shall establish requirements for the medical supervision of
1210 emergency medical service providers to assure adequate physician oversight of
1211 emergency medical services and quality improvement.

1212 Section 23. Section **53-2d-502** is amended to read:

1213 **53-2d-502 . Exclusive geographic service areas.**

- 1214 (1)(a) Each ground ambulance provider license issued under this part shall be for an
1215 exclusive geographic service area as described in the license.
1216 (b) Only the licensed ground ambulance provider may respond to an ambulance request
1217 that originates within the provider's exclusive geographic service area, except as
1218 provided in Subsection (5) and Section 53-2d-516.

- 1219 (2)(a) Each paramedic provider license issued under this part shall be for an exclusive
1220 geographic service area as described in the license.
- 1221 (b) Only the licensed paramedic provider may respond to a paramedic request that
1222 originates within the exclusive geographic service area, except as provided in
1223 Subsection (6) and Section 53-2d-516.
- 1224 (3) Nothing in this section may be construed as either requiring or prohibiting that the
1225 formation of boundaries in a given location be the same for a licensed paramedic
1226 provider and a licensed ambulance provider.
- 1227 (4)(a) A licensed ground ambulance or paramedic provider may, as necessary, enter into
1228 a mutual aid agreement to allow another licensed provider to give assistance in times
1229 of unusual demand~~[, as that term is defined by the committee in rule]~~.
- 1230 (b) A mutual aid agreement shall include a formal written plan detailing the type of
1231 assistance and the circumstances under which it would be given.
- 1232 (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the [
1233 department] bureau.
- 1234 (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with
1235 another entity to provide services in the licensed provider's exclusive geographic
1236 service area.
- 1237 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may respond to
1238 an ambulance request that originates from the exclusive geographic area of another
1239 provider:
- 1240 (a) pursuant to a mutual aid agreement;
- 1241 (b) to render assistance on a case-by-case basis to that provider; and
- 1242 (c) as necessary to meet needs in time of disaster or other major emergency.
- 1243 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
1244 paramedic request that originates from the exclusive geographic area of another provider:
- 1245 (a) pursuant to a mutual aid agreement;
- 1246 (b) to render assistance on a case-by-case basis to that provider; and
- 1247 (c) as necessary to meet needs in time of disaster or other major emergency.
- 1248 (7) The bureau may, upon the renewal of a license, align the boundaries of an exclusive
1249 geographic area with the boundaries of a political subdivision:
- 1250 (a) if the alignment is practical and in the public interest;
- 1251 (b) if each licensed provider that would be affected by the alignment agrees to the
1252 alignment; and

(c) taking into consideration the requirements of:

(i) Section 11-48-103; and

(ii) Section 53-2d-508.

Section 24. Section **53-2d-505.4** is amended to read:

53-2d-505.4 . Non-911 provider -- Finding of meritorious complaint -- Request for proposals.

(1)(a) This section applies to a non-911 provider license under this chapter.

(b) The bureau shall, in accordance with Subsections (3) and (4):

(i) receive a complaint about a non-911 provider;

(ii) determine whether the complaint has merit;

(iii) issue a finding of:

(A) a meritorious complaint; or

(B) a non-meritorious complaint; and

(iv) forward a finding of a meritorious complaint to the governing body of the political subdivision:

(A) in which the non-911 provider is licensed; or

(B) that provides the non-911 services, if different from Subsection (1)(b)(iv)(A).

(2)(a) A political subdivision that receives a finding of a meritorious complaint from the bureau shall take corrective action that the political subdivision determines is appropriate.

(b) A political subdivision that determines corrective action will not resolve the complaint or is not appropriate shall:

(i) subject to Subsection (2)(c), issue a request for proposal for non-911 service in the geographic service area; or

(ii)(A) make a finding that a request for proposal for non-911 services is appropriate; and

(B) submit the political subdivision's findings to the bureau with a request that the bureau issue a request for proposal in accordance with Section 53-2d-505.5.

(c) A political subdivision that issues a request for proposal under Subsection (2)(b)(i):

(i) may not respond to the request for proposal; and

(ii) shall issue the request for proposal in accordance with Sections 53-2d-505.1 through 53-2d-505.3.

(d) If a political subdivision submits a request to the bureau described in Subsection (2)(b)(ii), the bureau shall issue a request for proposal for non-911 services in

1287 accordance with Section 26B-4-159.

1288 (3) The bureau shall make a determination under Subsection (1)(b) if[:]

1289 [~~(a)~~] the bureau receives a written complaint from any of the following in the
1290 geographic service area:

1291 [~~(i)~~] (a) a hospital;

1292 [~~(ii)~~] (b) a health care facility;

1293 [~~(iii)~~] (c) a political subdivision; or

1294 [~~(iv)~~] (d) an individual~~[-and]~~ .

1295 [~~(b)~~ the bureau determines, in accordance with Subsection (1)(b), that the complaint has
1296 merit.]

1297 (4)(a) If the bureau receives a complaint under Subsection (1)(b), the ~~[department]~~ bureau
1298 shall request a written response from the non-911 provider concerning the complaint.

1299 (b) The bureau shall make a determination under Subsection (1)(b) based on:

1300 (i) the written response from the non-911 provider; and

1301 (ii) other information that the department or bureau may have concerning the quality
1302 of service of the non-911 provider.

1303 (c)(i) The bureau's determination under Subsection (1)(b) is not subject to an
1304 adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures
1305 Act.

1306 (ii) The bureau shall adopt administrative rules in accordance with Title 63G, Chapter
1307 3, Utah Administrative Rulemaking Act, to implement the provisions of
1308 Subsection (1)(b).

1309 Section 25. Section **53-2d-506** is amended to read:

1310 **53-2d-506 . Ground ambulance and paramedic licenses -- Parties.**

1311 (1) When an applicant approved under Section 53-2d-504 seeks licensure under the
1312 provisions of Sections 53-2d-506 through 53-2d-509, the bureau shall:

1313 (a) issue a notice of agency action to the applicant to commence an informal
1314 administrative proceeding; and

1315 [~~(b)~~ provide notice of the application to all interested parties; and]

1316 [~~(c)~~ publish notice of the application, at the applicant's expense:]

1317 [~~(i)~~ once a week for four consecutive weeks, in a newspaper of general circulation in
1318 the geographic service area that is the subject of the application; and]

1319 [~~(ii)~~ in accordance with Section 45-1-101 for four weeks.]

1320 (b) provide a class A notice of the application under Section 63G-30-102.

- 1321 (2) An interested party has 30 days to object to an application.
- 1322 (3) If an interested party objects, the presiding officer shall join the interested party as an
- 1323 indispensable party to the proceeding.
- 1324 (4) The bureau may join the proceeding as a party to represent the public interest.
- 1325 (5) Others who may be affected by the grant of a license to the applicant may join the
- 1326 proceeding, if the presiding officer determines that they meet the requirement of legal
- 1327 standing.

1328 Section 26. Section **53-2d-603** is amended to read:

1329 **53-2d-603 . Discipline of emergency medical services personnel.**

- 1330 (1) The bureau may refuse to issue a license or renewal, or revoke, suspend, restrict, or
- 1331 place on probation an individual's license if:
- 1332 (a) the individual does not meet the qualifications for licensure under Section 53-2d-402;
- 1333 (b) the individual has engaged in conduct~~[, as defined by committee rule,]~~ that:
- 1334 (i) is unprofessional;
- 1335 (ii) is adverse to the public health, safety, morals, or welfare; or
- 1336 (iii) would adversely affect public trust in the emergency medical service system;
- 1337 (c) the individual has violated Section 53-2d-602 or other provision of this chapter;
- 1338 (d) the individual has violated Section 58-1-509;
- 1339 (e) a court of competent jurisdiction has determined the individual to be mentally
- 1340 incompetent for any reason; or
- 1341 (f) the individual is unable to provide emergency medical services with reasonable skill
- 1342 and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any
- 1343 other type of material, or as a result of any other mental or physical condition, when
- 1344 the individual's condition demonstrates a clear and unjustifiable threat or potential
- 1345 threat to oneself, coworkers, or the public health, safety, or welfare that cannot be
- 1346 reasonably mitigated.
- 1347 (2)(a) An action to revoke, suspend, restrict, or place a license on probation shall be
- 1348 done in:
- 1349 (i) consultation with the peer review board created in Section 53-2d-103; and
- 1350 (ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 1351 (b) Notwithstanding Subsection (2)(a), the bureau may issue a cease and desist order
- 1352 under Section 53-2d-607 to immediately suspend an individual's license pending an
- 1353 administrative proceeding to be held within 30 days if there is evidence to show that
- 1354 the individual poses a clear, immediate, and unjustifiable threat or potential threat to

1355 the public health, safety, or welfare.

1356 (3) An individual whose license has been suspended, revoked, or restricted may apply for
1357 reinstatement of the license at reasonable intervals and upon compliance with any
1358 conditions imposed upon the license by statute, [committee]rule, or the terms of the
1359 suspension, revocation, or restriction.

1360 Section 27. Section **53-2d-604** is amended to read:

1361 **53-2d-604 . Discipline of designated and licensed providers, and training centers.**

1362 (1) The bureau may refuse to issue a license or designation or a renewal, or revoke,
1363 suspend, restrict, or place on probation, a training center, or an emergency medical
1364 service provider's license or designation, if the training center or provider has:
1365 (a) failed to abide by terms of the license or designation;
1366 (b) violated statute or rule;
1367 (c) failed to provide services at the level or in the exclusive geographic service area
1368 required by the license or designation;
1369 (d) failed to submit a renewal application in a timely fashion as required by [department]
1370 bureau rule;
1371 (e) failed to follow operational standards established by the [committee] bureau; or
1372 (f) committed an act in the performance of a professional duty that endangered the
1373 public or constituted gross negligence.

1374 (2)(a) An action to revoke, suspend, restrict, or place a license or designation on
1375 probation shall be done in accordance with Title 63G, Chapter 4, Administrative
1376 Procedures Act.

1377 (b) Notwithstanding Subsection (2)(a), the [department] bureau may issue a cease and
1378 desist order under Section 53-2d-607 to immediately suspend a license or designation
1379 pending an administrative proceeding to be held within 30 days if there is evidence to
1380 show that the provider or facility poses a clear, immediate, and unjustifiable threat or
1381 potential threat to the public health, safety, or welfare.

1382 Section 28. Section **53-10-405** is amended to read:

1383 **53-10-405 . DNA specimen analysis -- Saliva sample to be obtained by agency --**
1384 **Blood sample to be drawn by professional.**

1385 (1)(a) A saliva sample shall be obtained by the responsible agency under Subsection
1386 53-10-404(5).

1387 (b) The sample shall be obtained in a professionally acceptable manner, using
1388 appropriate procedures to ensure the sample is adequate for DNA analysis.

- 1389 (2)(a) A blood sample shall be drawn in a medically acceptable manner by any of the
1390 following:
- 1391 (i) a physician;
 - 1392 (ii) a physician assistant;
 - 1393 (iii) a registered nurse;
 - 1394 (iv) a licensed practical nurse;
 - 1395 (v) a paramedic;
 - 1396 (vi) as provided in Subsection (2)(b), emergency medical service personnel other
1397 than paramedics; or
 - 1398 (vii) a person with a valid permit issued by the [~~Department of Health and Human~~
1399 ~~Services~~] Department of Public Safety under Section [~~26B-1-202~~] 53-2d-103.
- 1400 (b) The [~~Department of Health and Human Services~~] Department of Public Safety may
1401 designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
1402 Rulemaking Act, which emergency medical service personnel, as defined in Section
1403 53-2d-101, are authorized to draw blood under Subsection (2)(a)(vi), based on the
1404 type of license under Section 53-2d-402.
- 1405 (c) A person authorized by this section to draw a blood sample may not be held civilly
1406 liable for drawing a sample in a medically acceptable manner.
- 1407 (3) A test result or opinion based upon a test result regarding a DNA specimen may not be
1408 rendered inadmissible as evidence solely because of deviations from procedures adopted
1409 by the department that do not affect the reliability of the opinion or test result.
- 1410 (4) A DNA specimen is not required to be obtained if:
- 1411 (a) the court or the responsible agency confirms with the department that the department
1412 has previously received an adequate DNA specimen obtained from the person in
1413 accordance with this section; or
 - 1414 (b) the court determines that obtaining a DNA specimen would create a substantial and
1415 unreasonable risk to the health of the person.

1416 Section 29. Section **58-67-305** is amended to read:

1417 **58-67-305 . Exemptions from licensure.**

1418 In addition to the exemptions from licensure in Section 58-1-307, the following
1419 individuals may engage in the described acts or practices without being licensed under this
1420 chapter:

- 1421 (1) an individual rendering aid in an emergency, when no fee or other consideration of
1422 value for the service is charged, received, expected, or contemplated;

- 1423 (2) an individual administering a domestic or family remedy;
- 1424 (3)(a)(i) a person engaged in the sale of vitamins, health foods, dietary supplements,
- 1425 herbs, or other products of nature, the sale of which is not otherwise prohibited by
- 1426 state or federal law; and
- 1427 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or
- 1428 based on a personal belief, when obtaining or providing any information regarding
- 1429 health care and the use of any product under Subsection (3)(a)(i); and
- 1430 (b) Subsection (3)(a) does not:
- 1431 (i) allow a person to diagnose any human disease, ailment, injury, infirmity,
- 1432 deformity, pain, or other condition; or
- 1433 (ii) prohibit providing truthful and non-misleading information regarding any of the
- 1434 products under Subsection (3)(a)(i);
- 1435 (4) a person engaged in good faith in the practice of the religious tenets of any church or
- 1436 religious belief, without the use of prescription drugs;
- 1437 (5) an individual authorized by the [~~Department of Health and Human Services~~] Department
- 1438 of Public Safety under Section [~~26B-1-202~~] 53-2d-103, to draw blood pursuant to
- 1439 Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213
- 1440 (3)(a)(vi);
- 1441 (6) a medical assistant:
- 1442 (a) administering a vaccine under the general supervision of a physician; or
- 1443 (b) under the indirect supervision of a physician, engaging in tasks appropriately
- 1444 delegated by the physician in accordance with the standards and ethics of the practice
- 1445 of medicine, except for:
- 1446 (i) performing surgical procedures;
- 1447 (ii) prescribing prescription medications;
- 1448 (iii) administering anesthesia other than for a local anesthetic for minor procedural
- 1449 use; or
- 1450 (iv) engaging in other medical practices or procedures as defined by division rule in
- 1451 collaboration with the board;
- 1452 (7) an individual engaging in the practice of medicine when:
- 1453 (a) the individual is licensed in good standing as a physician in another state with no
- 1454 licensing action pending and no less than 10 years of professional experience;
- 1455 (b) the services are rendered as a public service and for a noncommercial purpose;
- 1456 (c) no fee or other consideration of value is charged, received, expected, or contemplated

for the services rendered beyond an amount necessary to cover the proportionate cost of malpractice insurance; and

(d) the individual does not otherwise engage in unlawful or unprofessional conduct;

(8) an individual providing expert testimony in a legal proceeding; and

(9) an individual who is invited by a school, association, society, or other body approved by the division to conduct a clinic or demonstration of the practice of medicine in which patients are treated, if:

(a) the individual does not establish a place of business in this state;

(b) the individual does not regularly engage in the practice of medicine in this state;

(c) the individual holds a current license in good standing to practice medicine issued by another state, district or territory of the United States, or Canada;

(d) the primary purpose of the event is the training of others in the practice of medicine; and

(e) neither the patient nor an insurer is billed for the services performed.

Section 30. Section **58-68-305** is amended to read:

58-68-305 . Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

(1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;

(2) an individual administering a domestic or family remedy;

(3)(a)(i) a person engaged in the lawful sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited by state or federal law; and

(ii) a person acting in good faith for religious reasons, as a matter of conscience, or based on a personal belief, when obtaining or providing any information regarding health care and the use of any product under Subsection (3)(a)(i); and

(b) Subsection (3)(a) does not:

(i) permit a person to diagnose any human disease, ailment, injury, infirmity, deformity, pain, or other condition; or

(ii) prohibit providing truthful and non-misleading information regarding any of the products under Subsection (3)(a)(i);

(4) a person engaged in good faith in the practice of the religious tenets of any church or

- 1491 religious belief without the use of prescription drugs;
- 1492 (5) an individual authorized by the [~~Department of Health and Human Services~~] Department
- 1493 of Public Safety under Section [~~26B-1-202~~] 53-2d-103, to draw blood pursuant to
- 1494 Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213
- 1495 (3)(a)(vi);
- 1496 (6) a medical assistant:
- 1497 (a) administering a vaccine under the general supervision of a physician; or
- 1498 (b) under the indirect supervision of a physician, engaging in tasks appropriately
- 1499 delegated by the physician in accordance with the standards and ethics of the practice
- 1500 of medicine, except for:
- 1501 (i) performing surgical procedures;
- 1502 (ii) prescribing prescription medications;
- 1503 (iii) administering anesthesia other than a local anesthetic for minor procedural use; or
- 1504 (iv) engaging in other medical practices or procedures as defined by division rule in
- 1505 collaboration with the board;
- 1506 (7) an individual engaging in the practice of osteopathic medicine when:
- 1507 (a) the individual is licensed in good standing as an osteopathic physician in another
- 1508 state with no licensing action pending and no less than 10 years of professional
- 1509 experience;
- 1510 (b) the services are rendered as a public service and for a noncommercial purpose;
- 1511 (c) no fee or other consideration of value is charged, received, expected, or contemplated
- 1512 for the services rendered beyond an amount necessary to cover the proportionate cost
- 1513 of malpractice insurance; and
- 1514 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;
- 1515 (8) an individual providing expert testimony in a legal proceeding; and
- 1516 (9) an individual who is invited by a school, association, society, or other body approved by
- 1517 the division in collaboration with the board to conduct a clinic or demonstration of the
- 1518 practice of medicine in which patients are treated, if:
- 1519 (a) the individual does not establish a place of business in this state;
- 1520 (b) the individual does not regularly engage in the practice of medicine in this state;
- 1521 (c) the individual holds a current license in good standing to practice medicine issued by
- 1522 another state, district or territory of the United States, or Canada;
- 1523 (d) the primary purpose of the event is the training of others in the practice of medicine;
- 1524 and

(e) neither the patient nor an insurer is billed for the services performed.

Section 31. Section **58-71-305** is amended to read:

58-71-305 . Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

- (1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;
- (2) an individual administering a domestic or family remedy;
- (3) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited under state or federal law, but this subsection does not:
 - (a) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity, pain, or other condition; or
 - (b) prohibit providing truthful and nonmisleading information regarding any of the products under this subsection;
- (4) a person engaged in good faith in the practice of the religious tenets of any church or religious belief, without the use of prescription drugs;
- (5) a person acting in good faith for religious reasons as a matter of conscience or based on a personal belief when obtaining or providing information regarding health care and the use of any product under Subsection (3);
- (6) an individual authorized by the [~~Department of Health and Human Services~~] Department of Public Safety under Section [~~26B-1-202~~] 53-2d-103, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);
- (7) a naturopathic medical assistant while working under the direct and immediate supervision of a licensed naturopathic physician to the extent the medical assistant is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of naturopathic medicine; and
- (8) an individual who has completed all requirements for licensure under this chapter except the clinical experience required under Section 58-71-302, for a period of one year while that individual is completing that clinical experience requirement and who is working under the provisions of a temporary license issued by the division.

Section 32. Section **63G-4-102** is amended to read:

63G-4-102 . Scope and applicability of chapter.

- (1) Except as set forth in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the provisions of this chapter apply to every agency of the state and govern:
- (a) state agency action that determines the legal rights, duties, privileges, immunities, or other legal interests of an identifiable person, including agency action to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and
 - (b) judicial review of the action.
- (2) This chapter does not govern:
- (a) the procedure for making agency rules, or judicial review of the procedure or rules;
 - (b) the issuance of a notice of a deficiency in the payment of a tax, the decision to waive a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the issuance of a tax assessment, except that this chapter governs an agency action commenced by a taxpayer or by another person authorized by law to contest the validity or correctness of the action;
 - (c) state agency action relating to extradition, to the granting of a pardon or parole, a commutation or termination of a sentence, or to the rescission, termination, or revocation of parole or probation, to the discipline of, resolution of a grievance of, supervision of, confinement of, or the treatment of an inmate or resident of a correctional facility, the Utah State Hospital, the Utah State Developmental Center, or a person in the custody or jurisdiction of the Office of Substance Use and Mental Health, or a person on probation or parole, or judicial review of the action;
 - (d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a student or teacher in a school or educational institution, or judicial review of the action;
 - (e) an application for employment and internal personnel action within an agency concerning its own employees, or judicial review of the action;
 - (f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah Occupational Safety and Health Act, and Title 58, Occupations and Professions, except that this chapter governs an agency action commenced by the employer, licensee, or other person authorized by law to contest the validity or correctness of the citation or assessment;
 - (g) state agency action relating to management of state funds, the management and

- 1593 disposal of school and institutional trust land assets, and contracts for the purchase or
1594 sale of products, real property, supplies, goods, or services by or for the state, or by
1595 or for an agency of the state, except as provided in those contracts, or judicial review
1596 of the action;
- 1597 (h) state agency action under Title 7, Chapter 1, Part 3, Powers and Duties of
1598 Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository
1599 Institution by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository
1600 Institutions or Holding Companies, and Chapter 7, Governmental Immunity Act of
1601 Utah, or judicial review of the action;
- 1602 (i) the initial determination of a person's eligibility for unemployment benefits, the initial
1603 determination of a person's eligibility for benefits under Title 34A, Chapter 2,
1604 Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease
1605 Act, or the initial determination of a person's unemployment tax liability;
- 1606 (j) state agency action relating to the distribution or award of a monetary grant to or
1607 between governmental units, or for research, development, or the arts, or judicial
1608 review of the action;
- 1609 (k) the issuance of a notice of violation or order under [~~Title 53, Chapter 2d, Emergency~~
1610 ~~Medical Services Act,~~] Title 19, Chapter 2, Air Conservation Act, Title 19, Chapter
1611 3, Radiation Control Act, Title 19, Chapter 4, Safe Drinking Water Act, Title 19,
1612 Chapter 5, Water Quality Act, Title 19, Chapter 6, Part 1, Solid and Hazardous Waste
1613 Act, Title 19, Chapter 6, Part 4, Underground Storage Tank Act, or Title 19, Chapter
1614 6, Part 7, Used Oil Management Act, or Title 19, Chapter 6, Part 10, Mercury Switch
1615 Removal Act, except that this chapter governs an agency action commenced by a
1616 person authorized by law to contest the validity or correctness of the notice or order;
- 1617 (l) state agency action, to the extent required by federal statute or regulation, to be
1618 conducted according to federal procedures;
- 1619 (m) the initial determination of a person's eligibility for government or public assistance
1620 benefits;
- 1621 (n) state agency action relating to wildlife licenses, permits, tags, and certificates of
1622 registration;
- 1623 (o) a license for use of state recreational facilities;
- 1624 (p) state agency action under Chapter 2, Government Records Access and Management
1625 Act, except as provided in Section 63G-2-603;
- 1626 (q) state agency action relating to the collection of water commissioner fees and

- delinquency penalties, or judicial review of the action;
- (r) state agency action relating to the installation, maintenance, and repair of headgates, caps, valves, or other water controlling works and weirs, flumes, meters, or other water measuring devices, or judicial review of the action;
- (s) the issuance and enforcement of an initial order under Section 73-2-25;
- (t)(i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and
- (ii) an action taken by the Division of Securities under a hearing conducted under Section 61-1-11.1, including a determination regarding the fairness of an issuance or exchange of securities described in Subsection 61-1-11.1(1);
- (u) state agency action relating to water well driller licenses, water well drilling permits, water well driller registration, or water well drilling construction standards, or judicial review of the action;
- (v) the issuance of a determination and order under Title 34A, Chapter 5, Utah Antidiscrimination Act;
- (w) state environmental studies and related decisions by the Department of Transportation approving state or locally funded projects, or judicial review of the action;
- (x) the suspension of operations under Subsection 32B-1-304(3);
- (y) the issuance of a determination of violation by the Governor's Office of Economic Opportunity under Section 11-41-104; or
- (z) a challenge to an aspect of a distribution management plan under Section 73-33-202.
- (3) This chapter does not affect a legal remedy otherwise available to:
- (a) compel an agency to take action; or
- (b) challenge an agency's rule.
- (4) This chapter does not preclude an agency, prior to the beginning of an adjudicative proceeding, or the presiding officer during an adjudicative proceeding from:
- (a) requesting or ordering a conference with parties and interested persons to:
- (i) encourage settlement;
- (ii) clarify the issues;
- (iii) simplify the evidence;
- (iv) facilitate discovery; or
- (v) expedite the proceeding; or
- (b) granting a timely motion to dismiss or for summary judgment if the requirements of Rule 12(b) or Rule 56 of the Utah Rules of Civil Procedure are met by the moving

party, except to the extent that the requirements of those rules are modified by this chapter.

(5)(a) A declaratory proceeding authorized by Section 63G-4-503 is not governed by this chapter, except as explicitly provided in that section.

(b) Judicial review of a declaratory proceeding authorized by Section 63G-4-503 is governed by this chapter.

(6) This chapter does not preclude an agency from enacting a rule affecting or governing an adjudicative proceeding or from following the rule, if the rule is enacted according to the procedures outlined in Chapter 3, Utah Administrative Rulemaking Act, and if the rule conforms to the requirements of this chapter.

(7)(a) If the attorney general issues a written determination that a provision of this chapter would result in the denial of funds or services to an agency of the state from the federal government, the applicability of the provision to that agency shall be suspended to the extent necessary to prevent the denial.

(b) The attorney general shall report the suspension to the Legislature at its next session.

(8) Nothing in this chapter may be interpreted to provide an independent basis for jurisdiction to review final agency action.

(9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good cause shown, from lengthening or shortening a time period prescribed in this chapter, except the time period established for judicial review.

(10) Notwithstanding any other provision of this section, this chapter does not apply to a special adjudicative proceeding, as defined in Section 19-1-301.5, except to the extent expressly provided in Section 19-1-301.5.

(11) Subsection (2)(w), regarding action taken based on state environmental studies and policies of the Department of Transportation, applies to any claim for which a court of competent jurisdiction has not issued a final unappealable judgment or order before May 14, 2019.

Section 33. Section **72-10-502** is amended to read:

72-10-502 . Implied consent to chemical tests for alcohol or drugs -- Number of tests -- Refusal -- Person incapable of refusal -- Results of test available -- Who may give test -- Evidence -- Immunity from liability.

(1)(a) A person operating an aircraft in this state consents to a chemical test or tests of the person's breath, blood, urine, or oral fluids:

(i) for the purpose of determining whether the person was operating or in actual

- physical control of an aircraft while having a blood or breath alcohol content
statutorily prohibited under Section 72-10-501, or while under the influence of
alcohol, any drug, or combination of alcohol and any drug under Section
72-10-501, if the test is or tests are administered at the direction of a peace officer
having grounds to believe that person to have been operating or in actual physical
control of an aircraft in violation of Section 72-10-501; or
- (ii) if the person operating the aircraft is involved in an accident that results in death,
serious injury, or substantial aircraft damage.
- (b)(i) The peace officer determines which of the tests are administered and how many
of them are administered.
- (ii) The peace officer may order any or all tests of the person's breath, blood, urine, or
oral fluids.
- (iii) If an officer requests more than one test, refusal by a person to take one or more
requested tests, even though the person does submit to any other requested test or
tests, is a refusal under this section.
- (c)(i) A person who has been requested under this section to submit to a chemical test
or tests of the person's breath, blood, urine, or oral fluids may not select the test or
tests to be administered.
- (ii) The failure or inability of a peace officer to arrange for any specific chemical test
is not a defense to taking a test requested by a peace officer, and it is not a defense
in any criminal, civil, or administrative proceeding resulting from a person's
refusal to submit to the requested test or tests.
- (2)(a) If the person has been placed under arrest and has then been requested by a peace
officer to submit to any one or more of the chemical tests provided in Subsection (1)
and refuses to submit to any chemical test, the person shall be warned by the peace
officer requesting the test that a refusal to submit to the test is admissible in civil or
criminal proceedings as provided under Subsection (8).
- (b) Following this warning, unless the person immediately requests that the chemical
test offered by a peace officer be administered, a test may not be given.
- (3) A person who is dead, unconscious, or in any other condition rendering the person
incapable of refusal to submit to any chemical test or tests is considered to not have
withdrawn the consent provided for in Subsection (1), and the test or tests may be
administered whether the person has been arrested or not.
- (4) Upon the request of the person who was tested, the results of the test or tests shall be

made available to that person.

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

(i) a physician;

(ii) a registered nurse;

(iii) a licensed practical nurse;

(iv) a paramedic;

(v) as provided in Subsection (5)(b), emergency medical service personnel other than paramedics; or

(vi) a person with a valid permit issued by the [~~Department of Health and Human Services~~] Department of Public Safety under Section [~~26B-1-202~~] 53-2d-103.

(b) The [~~Department of Health and Human Services~~] Department of Public Safety may designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency medical service personnel, as defined in Section 53-2d-101, are authorized to draw blood under Subsection (5)(a)(v), based on the type of license under Section 53-2d-402.

(c) Subsection (5)(a) does not apply to taking a urine, breath, or oral fluid specimen.

(d) The following are immune from civil or criminal liability arising from drawing a blood sample from a person who a peace officer has reason to believe is flying in violation of this chapter if the sample is drawn in accordance with standard medical practice:

(i) a person authorized to draw blood under Subsection (5)(a); and

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

(6)(a) The person to be tested may, at the person's own expense, have a physician of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.

(b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.

(c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.

(7) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.

(8) If a person under arrest refuses to submit to a chemical test or tests or any additional test under this section, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of an aircraft while under the influence of alcohol, any drug, or combination of alcohol and any drug.

(9) The results of any test taken under this section or the refusal to be tested shall be reported to the Federal Aviation Administration by the peace officer requesting the test.

(10) Notwithstanding the provisions of this section, a blood test taken under this section is subject to Section 77-23-213.

Section 34. Section **77-23-213** is amended to read:

77-23-213 . Blood testing.

(1) As used in this section:

(a) "Law enforcement purpose" means duties that consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of this state's political subdivisions.

(b) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace Officer Classifications.

(2) A peace officer may require an individual to submit to a blood test for a law enforcement purpose only if:

(a) the individual or legal representative of the individual with authority to give consent gives oral or written consent to the blood test;

(b) the peace officer obtains a warrant to administer the blood test; or

(c) a judicially recognized exception to obtaining a warrant exists as established by the Utah Court of Appeals, Utah Supreme Court, Court of Appeals of the Tenth Circuit, or the Supreme Court of the United States.

(3)(a) Only the following, acting at the request of a peace officer, may draw blood to determine the blood's alcohol or drug content:

(i) a physician;

(ii) a physician assistant;

(iii) a registered nurse;

(iv) a licensed practical nurse;

(v) a paramedic;

(vi) as provided in Subsection (3)(b), emergency medical service personnel other than a paramedic; or

1797 (vii) a person with a valid permit issued by the [~~Department of Health and Human~~
1798 ~~Services~~] Department of Public Safety under Section [~~26B-1-202~~] 53-2d-103.

1799 (b) The [~~Department of Health and Human Services~~] Department of Public Safety may
1800 designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
1801 Rulemaking Act, which emergency medical service personnel, as defined in Section
1802 53-2d-101, are authorized to draw blood under Subsection (3)(a)(vi), based on the
1803 type of license under Section 53-2d-402.

1804 (c) The following are immune from civil or criminal liability arising from drawing a
1805 blood sample from a person who a peace officer requests, for law enforcement
1806 purposes, if the sample is drawn in accordance with standard medical practice:
1807 (i) a person authorized to draw blood under Subsection (3)(a); and
1808 (ii) if the blood is drawn at a hospital or other medical facility, the medical facility.

1809 Section 35. **Repealer.**
1810 This bill repeals:
1811 Section **26B-1-235, Request for proposal required for non-state supplied services.**
1812 Section **53-2d-106, Waiver of rules, education, and licensing requirements.**
1813 Section 36. **Effective Date.**
1814 This bill takes effect on May 7, 2025.