

EMERGENCY MEDICAL SYSTEM AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies provisions relating to emergency medical services.

Highlighted Provisions:

This bill:

- ▶ transfers responsibility for the Utah Emergency Medical Services System Act to the Department of Public Safety;
- ▶ provides for a transition to the department and grants rulemaking authority; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****10-2-425**, as last amended by Laws of Utah 2019, Chapter 159**17B-2a-902**, as last amended by Laws of Utah 2014, Chapter 189**26-1-7**, as last amended by Laws of Utah 2017, Chapter 419**26-6b-2**, as last amended by Laws of Utah 2006, Chapter 185**26-9-4**, as last amended by Laws of Utah 2017, Chapter 199**26-18-26**, as enacted by Laws of Utah 2019, Chapter 265

28 **26-21-32**, as enacted by Laws of Utah 2019, Chapter 262
29 **26-21-209**, as last amended by Laws of Utah 2015, Chapter 307
30 **26-33a-106.1**, as last amended by Laws of Utah 2019, Chapter 370
31 **26-37a-102**, as last amended by Laws of Utah 2016, Chapter 348
32 **26-55-102**, as last amended by Laws of Utah 2017, Chapter 392
33 **34A-2-102**, as last amended by Laws of Utah 2019, Chapter 121
34 **34-55-102**, as enacted by Laws of Utah 2019, Chapter 126
35 **39-1-64**, as enacted by Laws of Utah 2004, Chapter 82
36 **41-6a-523**, as last amended by Laws of Utah 2019, Chapter 349
37 **41-22-29**, as last amended by Laws of Utah 2017, Chapter 38
38 **51-9-403**, as renumbered and amended by Laws of Utah 2008, Chapter 382
39 **53-1-104**, as last amended by Laws of Utah 2013, Chapter 295
40 **53-10-405**, as last amended by Laws of Utah 2019, Chapter 349
41 **58-1-307**, as last amended by Laws of Utah 2019, Chapters 136 and 349
42 **58-1-509**, as enacted by Laws of Utah 2019, Chapter 346
43 **58-37-8**, as last amended by Laws of Utah 2019, Chapter 58
44 **58-57-7**, as last amended by Laws of Utah 2011, Chapter 340
45 **59-12-801**, as last amended by Laws of Utah 2014, Chapter 50
46 **62A-15-629**, as last amended by Laws of Utah 2018, Chapter 322
47 **62A-15-1401**, as enacted by Laws of Utah 2018, Chapter 84
48 **63G-4-102**, as last amended by Laws of Utah 2019, Chapter 431
49 **63I-2-226**, as last amended by Laws of Utah 2019, Chapters 262, 393, 405 and last
50 amended by Coordination Clause, Laws of Utah 2019, Chapter 246
51 **63I-2-253**, as last amended by Laws of Utah 2019, Chapters 41, 129, 136, 223, 324,
52 325, and 444
53 **63J-1-602.1**, as last amended by Laws of Utah 2019, Chapters 89, 136, 213, 215, 244,
54 326, 342, and 482
55 **63M-7-209**, as enacted by Laws of Utah 2018, Chapter 126
56 **72-10-502**, as last amended by Laws of Utah 2018, Chapter 35
57 **75-2a-103**, as last amended by Laws of Utah 2009, Chapter 99
58 **75-2a-106**, as last amended by Laws of Utah 2009, Chapter 99

59 **76-3-203.11**, as enacted by Laws of Utah 2014, Chapter 19
60 **76-5-102.7**, as last amended by Laws of Utah 2017, Chapters 123 and 326
61 **76-10-3105**, as renumbered and amended by Laws of Utah 2013, Chapter 187
62 **77-23-213**, as last amended by Laws of Utah 2019, Chapter 349
63 **78A-6-209**, as last amended by Laws of Utah 2017, Chapter 326
64 **78A-6-323**, as last amended by Laws of Utah 2015, Chapters 255 and 307
65 **78B-4-501**, as last amended by Laws of Utah 2018, Chapter 62
66 **78B-5-902**, as enacted by Laws of Utah 2018, Chapter 109
67 **78B-8-401**, as last amended by Laws of Utah 2017, Chapters 185 and 326

68 ENACTS:

69 **53-19-108**, Utah Code Annotated 1953

70 RENUMBERS AND AMENDS:

71 **53-19-101**, (Renumbered from 26-8a-101, as enacted by Laws of Utah 1999, Chapter
72 141)

73 **53-19-102**, (Renumbered from 26-8a-102, as last amended by Laws of Utah 2019,
74 Chapter 265)

75 **53-19-103**, (Renumbered from 26-8a-103, as last amended by Laws of Utah 2017,
76 Chapters 326 and 336)

77 **53-19-104**, (Renumbered from 26-8a-104, as last amended by Laws of Utah 2017,
78 Chapter 326)

79 **53-19-105**, (Renumbered from 26-8a-105, as last amended by Laws of Utah 2019,
80 Chapter 265)

81 **53-19-106**, (Renumbered from 26-8a-106, as last amended by Laws of Utah 2017,
82 Chapter 326)

83 **53-19-107**, (Renumbered from 26-8a-107, as last amended by Laws of Utah 2019,
84 Chapter 262)

85 **53-19-201**, (Renumbered from 26-8a-201, as enacted by Laws of Utah 1999, Chapter
86 141)

87 **53-19-202**, (Renumbered from 26-8a-202, as enacted by Laws of Utah 1999, Chapter
88 141)

89 **53-19-203**, (Renumbered from 26-8a-203, as last amended by Laws of Utah 2017,

90 Chapter 419)
91 **53-19-204**, (Renumbered from 26-8a-204, as enacted by Laws of Utah 1999, Chapter
92 141)
93 **53-19-205**, (Renumbered from 26-8a-205, as enacted by Laws of Utah 1999, Chapter
94 141)
95 **53-19-206**, (Renumbered from 26-8a-206, as enacted by Laws of Utah 1999, Chapter
96 141)
97 **53-19-207**, (Renumbered from 26-8a-207, as last amended by Laws of Utah 2011,
98 Chapters 297 and 303)
99 **53-19-208**, (Renumbered from 26-8a-208, as last amended by Laws of Utah 2017,
100 Chapter 326)
101 **53-19-301**, (Renumbered from 26-8a-250, as enacted by Laws of Utah 2000, Chapter
102 305)
103 **53-19-302**, (Renumbered from 26-8a-251, as last amended by Laws of Utah 2019,
104 Chapter 349)
105 **53-19-303**, (Renumbered from 26-8a-252, as enacted by Laws of Utah 2000, Chapter
106 305)
107 **53-19-304**, (Renumbered from 26-8a-253, as last amended by Laws of Utah 2011,
108 Chapter 297)
109 **53-19-305**, (Renumbered from 26-8a-254, as enacted by Laws of Utah 2000, Chapter
110 305)
111 **53-19-401**, (Renumbered from 26-8a-301, as last amended by Laws of Utah 2019,
112 Chapter 265)
113 **53-19-402**, (Renumbered from 26-8a-302, as last amended by Laws of Utah 2017,
114 Chapter 326)
115 **53-19-403**, (Renumbered from 26-8a-303, as last amended by Laws of Utah 2019,
116 Chapter 265)
117 **53-19-404**, (Renumbered from 26-8a-304, as last amended by Laws of Utah 2019,
118 Chapter 265)
119 **53-19-405**, (Renumbered from 26-8a-305, as enacted by Laws of Utah 1999, Chapter
120 141)

121 **53-19-406**, (Renumbered from 26-8a-306, as enacted by Laws of Utah 1999, Chapter
122 141)
123 **53-19-407**, (Renumbered from 26-8a-307, as enacted by Laws of Utah 1999, Chapter
124 141)
125 **53-19-408**, (Renumbered from 26-8a-308, as last amended by Laws of Utah 2017,
126 Chapter 326)
127 **53-19-409**, (Renumbered from 26-8a-309, as enacted by Laws of Utah 1999, Chapter
128 141)
129 **53-19-410**, (Renumbered from 26-8a-310, as last amended by Laws of Utah 2017,
130 Chapter 326)
131 **53-19-501**, (Renumbered from 26-8a-401, as enacted by Laws of Utah 1999, Chapter
132 141)
133 **53-19-502**, (Renumbered from 26-8a-402, as last amended by Laws of Utah 2000,
134 Chapter 1)
135 **53-19-503**, (Renumbered from 26-8a-403, as last amended by Laws of Utah 2006,
136 Chapter 209)
137 **53-19-504**, (Renumbered from 26-8a-404, as last amended by Laws of Utah 2019,
138 Chapter 390)
139 **53-19-505**, (Renumbered from 26-8a-405, as last amended by Laws of Utah 2019,
140 Chapter 390)
141 **53-19-506**, (Renumbered from 26-8a-405.1, as last amended by Laws of Utah 2010,
142 Chapter 187)
143 **53-19-507**, (Renumbered from 26-8a-405.2, as last amended by Laws of Utah 2011,
144 Chapter 297)
145 **53-19-508**, (Renumbered from 26-8a-405.3, as last amended by Laws of Utah 2012,
146 Chapters 91, 347 and last amended by Coordination Clause, Laws of Utah 2012,
147 Chapter 347)
148 **53-19-509**, (Renumbered from 26-8a-405.4, as last amended by Laws of Utah 2019,
149 Chapter 265)
150 **53-19-510**, (Renumbered from 26-8a-405.5, as last amended by Laws of Utah 2012,
151 Chapter 347)

152 **53-19-511**, (Renumbered from 26-8a-406, as last amended by Laws of Utah 2011,
153 Chapter 297)
154 **53-19-512**, (Renumbered from 26-8a-407, as last amended by Laws of Utah 2008,
155 Chapter 382)
156 **53-19-513**, (Renumbered from 26-8a-408, as last amended by Laws of Utah 2017,
157 Chapter 326)
158 **53-19-514**, (Renumbered from 26-8a-409, as last amended by Laws of Utah 2017,
159 Chapter 326)
160 **53-19-515**, (Renumbered from 26-8a-410, as last amended by Laws of Utah 2011,
161 Chapter 297)
162 **53-19-516**, (Renumbered from 26-8a-411, as last amended by Laws of Utah 2003,
163 Chapter 213)
164 **53-19-517**, (Renumbered from 26-8a-412, as enacted by Laws of Utah 1999, Chapter
165 141)
166 **53-19-518**, (Renumbered from 26-8a-413, as last amended by Laws of Utah 2011,
167 Chapter 297)
168 **53-19-519**, (Renumbered from 26-8a-414, as last amended by Laws of Utah 2008,
169 Chapter 382)
170 **53-19-520**, (Renumbered from 26-8a-415, as enacted by Laws of Utah 1999, Chapter
171 141)
172 **53-19-601**, (Renumbered from 26-8a-501, as last amended by Laws of Utah 2017,
173 Chapter 326)
174 **53-19-602**, (Renumbered from 26-8a-502, as last amended by Laws of Utah 2017,
175 Chapter 326)
176 **53-19-603**, (Renumbered from 26-8a-503, as last amended by Laws of Utah 2019,
177 Chapter 346)
178 **53-19-604**, (Renumbered from 26-8a-504, as last amended by Laws of Utah 2008,
179 Chapter 382)
180 **53-19-605**, (Renumbered from 26-8a-505, as enacted by Laws of Utah 1999, Chapter
181 141)
182 **53-19-606**, (Renumbered from 26-8a-506, as last amended by Laws of Utah 2017,

Chapter 326)

53-19-607, (Renumbered from 26-8a-507, as enacted by Laws of Utah 1999, Chapter 141)

53-19-701, (Renumbered from 26-8a-601, as last amended by Laws of Utah 2019, Chapter 349)

53-19-702, (Renumbered from 26-8a-602, as enacted by Laws of Utah 2019, Chapter 262)

53-19-801, (Renumbered from 26-8c-102, as enacted by Laws of Utah 2016, Chapter 97)

REPEALS:

26-8a-416, as enacted by Laws of Utah 1999, Chapter 141

26-8c-101, as enacted by Laws of Utah 2016, Chapter 97

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

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

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

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

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

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

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

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

(i) if the annexed area or area subject to the boundary adjustment is located within the

boundary of a single county, submit to the recorder of that county the original notice of an impending boundary action, the original certificate of annexation or boundary adjustment, the original approved final local entity plat, and a certified copy of the ordinance approving the annexation or boundary adjustment; or

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

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

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

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

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

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

(ii) in accordance with Section ~~[26-8a-414]~~ 53-19-519, file with the Department of ~~[Health]~~ Public Safety:

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

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

(2) If an annexation or boundary adjustment under this part or Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, also causes an automatic annexation to a local district under Section 17B-1-416 or an automatic withdrawal from a local district under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the lieutenant governor issues a certificate of annexation or boundary adjustment under Section 67-1a-6.5, send notice of the annexation or boundary adjustment to the local district to which the annexed area is automatically annexed or from which the annexed area is automatically withdrawn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) "Affected area" means:

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

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

(ii) "Annexing municipality" means:

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

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

affected area as a result of a boundary adjustment.

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

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

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

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

(iii) charge or collect a fee for service provided to property within an affected area, unless the municipality was charging and collecting the fee within that area immediately before annexation.

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

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

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

(a) this part; and

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

(2) This part applies only to service areas.

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

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

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

(i) law enforcement services;

(ii) fire protection services;

(iii) 911 ambulance or paramedic services as defined in Section [\[26-8a-102\] 53-19-102](#) that are provided under a contract in accordance with Section [\[26-8a-405.2\] 53-19-507](#); or

(iv) emergency services.

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

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

(ii) a non-911 service as defined in Section [\[26-8a-102\] 53-19-102](#) that is provided under a contract in accordance with Section [\[26-8a-405.2\] 53-19-507](#);

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

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

Section 3. Section 26-1-7 is amended to read:

26-1-7. Committees within department.

(1) There are created within the department the following committees:

(a) Health Facility Committee;

~~[(b) State Emergency Medical Services Committee;]~~

~~[(c) Air Ambulance Committee;]~~

~~[(d)]~~ (b) Health Data Committee;

~~[(e)]~~ (c) Utah Health Care Workforce Financial Assistance Program Advisory Committee;

~~[(f)]~~ (d) Residential Child Care Licensing Advisory Committee;

~~[(g)]~~ (e) Child Care Center Licensing Committee; and

~~[(h)]~~ (f) Primary Care Grant Committee.

(2) The department shall:

(a) consolidate advisory groups and committees with other committees or advisory groups as appropriate to create greater efficiencies and budgetary savings for the department; and

(b) create in writing, time-limited and subject-limited duties for the advisory groups or committees as necessary to carry out the responsibilities of the department.

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

26-6b-2. Definitions.

As used in this chapter:

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

(2) "First responder" means:

(a) a law enforcement officer as defined in Section 53-13-103;

(b) emergency medical service personnel as defined in Section ~~[26-8a-102]~~ 53-19-102;

(c) firefighters; and

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

(3) "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.

(4) "Public health official" means:

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

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

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

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

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

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

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

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

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

(1) As used in this section:

(a) "Emergency medical services" is as defined in Section [~~26-8a-102~~] [53-19-102](#).

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

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

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

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

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

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

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

(i) "Rural county nursing care facility" is as defined in Section 59-12-801.

(j) "Rural emergency medical services" is as defined in Section 59-12-801.

(k) "Rural health clinic" is as defined in 42 U.S.C. Sec. 1395x.

(2) There is created a restricted account within the General Fund known as the "Rural Health Care Facilities Account."

(3) (a) The restricted account shall be funded by amounts appropriated by the Legislature.

(b) Any interest earned on the restricted account shall be deposited into the General Fund.

(4) Subject to Subsections (5) and (6), the State Tax Commission shall for a fiscal year distribute money deposited into the restricted account to each:

(a) county legislative body of a county that, on January 1, 2007, imposes a tax in accordance with Section 59-12-802 and has not repealed the tax; or

(b) city legislative body of a city that, on January 1, 2007, imposes a tax in accordance with Section 59-12-804 and has not repealed the tax.

(5) (a) Subject to Subsection (6), for purposes of the distribution required by Subsection (4), the State Tax Commission shall:

(i) estimate for each county and city described in Subsection (4) the amount by which the revenues collected from the taxes imposed under Sections 59-12-802 and 59-12-804 for fiscal year 2005-06 would have been reduced had:

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

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

(ii) (A) for fiscal years ending before fiscal year 2018, calculate a percentage for each county and city described in Subsection (4) by dividing the amount estimated for each county

and city in accordance with Subsection (5)(a)(i) by \$555,000; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) rural emergency medical services in that county;

(B) federally qualified health centers in that county;

(C) freestanding urgent care centers in that county;

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

(E) rural health clinics in that county; or

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

(b) A county legislative body shall distribute the money the county legislative body

receives in accordance with Subsection (5) or (6) to a center, clinic, facility, or service described in Subsection (7)(a) as determined by the county legislative body.

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

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

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

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

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

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

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

The department may not reimburse a nonemergency secured behavioral health transport provider that is designated under Section ~~[26-8a-303]~~ 53-19-403.

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

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

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

(a) provide the patient or the patient's representative with the information described in Subsection ~~[26-8a-107(7)(a)]~~ 53-19-107(8)(a) before contacting an air medical transport

provider; and

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

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

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

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

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

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

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

(a) includes the names of individuals for whom the department has received~~[:]~~ an application for clearance under this part; and

~~[(i) an application for clearance under this part; or]~~

~~[(ii) an application for background clearance under Section 26-8a-310; and]~~

(b) indicates whether an application is pending and whether clearance has been granted and retained for~~[:]~~ an applicant under this part.

~~[(i) an applicant under this part; and]~~

~~[(ii) an applicant for background clearance under Section 26-8a-310.]~~

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

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

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

(ii) individuals:

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

(B) who have provided the covered provider or covered contractor with sufficient

personal identification information to uniquely identify the individual in the database.

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

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

Section 9. Section 26-33a-106.1 is amended to read:

26-33a-106.1. Health care cost and reimbursement data.

(1) The committee shall, as funding is available:

(a) establish a plan for collecting data from data suppliers, as defined in Section 26-33a-102, to determine measurements of cost and reimbursements for risk-adjusted episodes of health care;

(b) share data regarding insurance claims and an individual's and small employer group's health risk factor and characteristics of insurance arrangements that affect claims and usage with the Insurance Department, only to the extent necessary for:

(i) risk adjusting; and

(ii) the review and analysis of health insurers' premiums and rate filings; and

(c) assist the Legislature and the public with awareness of, and the promotion of, transparency in the health care market by reporting on:

(i) geographic variances in medical care and costs as demonstrated by data available to the committee; and

(ii) rate and price increases by health care providers:

(A) that exceed the Consumer Price Index - Medical as provided by the United States Bureau of Labor Statistics;

(B) as calculated yearly from June to June; and

(C) as demonstrated by data available to the committee;

(d) provide on at least a monthly basis, enrollment data collected by the committee to a not-for-profit, broad-based coalition of state health care insurers and health care providers that are involved in the standardized electronic exchange of health data as described in Section 31A-22-614.5, to the extent necessary:

(i) for the department or the Medicaid Office of the Inspector General to determine insurance enrollment of an individual for the purpose of determining Medicaid third party

liability;

(ii) for an insurer that is a data supplier, to determine insurance enrollment of an individual for the purpose of coordination of health care benefits; and

(iii) for a health care provider, to determine insurance enrollment for a patient for the purpose of claims submission by the health care provider;

(e) coordinate with the State Emergency Medical Services Committee to publish data regarding air ambulance charges under Section ~~[26-8a-203]~~ 53-19-203; and

(f) share data collected under this chapter with the state auditor for use in the health care price transparency tool described in Section 67-3-11.

(2) (a) The Medicaid Office of Inspector General shall annually report to the Legislature's Health and Human Services Interim Committee regarding how the office used the data obtained under Subsection (1)(d)(i) and the results of obtaining the data.

(b) A data supplier shall not be liable for a breach of or unlawful disclosure of the data obtained by an entity described in Subsection (1)(b).

(3) The plan adopted under Subsection (1) shall include:

(a) the type of data that will be collected;

(b) how the data will be evaluated;

(c) how the data will be used;

(d) the extent to which, and how the data will be protected; and

(e) who will have access to the data.

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

~~26-37a-102. Definitions.~~

As used in this chapter:

(1) "Ambulance service provider" means:

(a) an ambulance provider as defined in Section ~~[26-8a-102]~~ 53-19-102; or

(b) a non-911 service provider as defined in Section ~~[26-8a-102]~~ 53-19-102.

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

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

(4) "Non-federal portion" means the non-federal share the division needs to seed amounts that will support fee-for-service ambulance service provider rates, as described in

Section 26-37a-105.

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

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

26-55-102. Definitions.

As used in this chapter:

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

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

(3) "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 21, Health Care Facility Licensing and Inspection Act.

(4) "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.

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

(6) "Local health department" means:

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

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

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

(8) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that is not a controlled substance and that is approved by the federal Food and Drug Administration for the diagnosis or treatment of an opiate-related drug overdose.

(9) "Opiate-related drug overdose event" means an acute condition, including a decreased level of consciousness or respiratory depression resulting from the consumption or

use of a controlled substance, or another substance with which a controlled substance was combined, and that a person would reasonably believe to require medical assistance.

(10) "Overdose outreach provider" means:

(a) a law enforcement agency;

(b) a fire department;

(c) an emergency medical service provider, as defined in Section ~~[26-8a-102]~~

53-19-102;

(d) emergency medical service personnel, as defined in Section ~~[26-8a-102]~~ 53-19-102;

(e) an organization providing treatment or recovery services for drug or alcohol use;

(f) an organization providing support services for an individual, or a family of an individual, with a substance use disorder;

(g) an organization providing substance use or mental health services under contract with a local substance abuse authority, as defined in Section 62A-15-102, or a local mental health authority, as defined in Section 62A-15-102;

(h) an organization providing services to the homeless;

(i) a local health department;

(j) an individual licensed to practice pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act; or

(k) an individual.

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

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

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

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

Section 12. Section **34-55-102** is amended to read:

34-55-102. Definitions.

(1) "Emergency" means a condition in any part of this state that requires state government emergency assistance to supplement the local efforts of the affected political subdivision to save lives and to protect property, public health, welfare, or safety in the event of a disaster, or to avoid or reduce the threat of a disaster.

(2) "Emergency services volunteer" means:

(a) a volunteer firefighter as defined in Section 49-16-102;

(b) an individual licensed under Section ~~26-8a-302~~ 53-19-402; or

(c) an individual mobilized as part of a posse comitatus.

(3) "Employer" means a person, including the state or a political subdivision of the state, that has one or more workers employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written.

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

Section 13. Section 34A-2-102 is amended to read:

34A-2-102. Definition of terms.

(1) As used in this chapter:

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

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

(i) an injured employee; or

(ii) a dependent of a deceased employee.

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

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

(A) an administrative law judge; or

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

(I) the commissioner; or

(II) the Appeals Board.

(ii) "Decision" includes:

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

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

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

(f) "Disability" means an administrative determination that may result in an entitlement

to compensation as a consequence of becoming medically impaired as to function. Disability can be total or partial, temporary or permanent, industrial or nonindustrial.

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

(h) "First responder" means:

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

(ii) an emergency medical technician, as defined in Section [\[26-8c-102\]](#) [53-19-801](#);

(iii) an advanced emergency medical technician, as defined in Section [\[26-8c-102\]](#) [53-19-801](#);

(iv) a paramedic, as defined in Section [\[26-8c-102\]](#) [53-19-801](#);

(v) a firefighter, as defined in Section [34A-3-113](#);

(vi) a dispatcher, as defined in Section [53-6-102](#); or

(vii) a correctional officer, as defined in Section [53-13-104](#).

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

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

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

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

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

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

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

(b) "Child" includes:

(i) a posthumous child; or

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

Section 14. Section **39-1-64** is amended to read:

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

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

(a) Title 58, Occupations and Professions; and

(b) Section [~~26-8a-302~~] 53-19-402.

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

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

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

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

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

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

Section 15. Section **41-6a-523** is amended to read:

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

(1) (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 physician assistant;

(iii) a registered nurse;

(iv) a licensed practical nurse;

(v) a paramedic;

(vi) as provided in Subsection (1)(b), emergency medical service personnel other than

paramedics; or

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

(b) The Department of ~~Health~~ 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 ~~[26-8a-102]~~ 53-19-102, are authorized to draw blood under Subsection (1)(a)(vi), based on the type of license under Section ~~[26-8a-302]~~ 53-19-402.

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

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

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

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

Section 16. Section **41-22-29** is amended to read:

41-22-29. Operation by persons under eight years of age prohibited -- Definitions -- Exception -- Penalty.

(1) As used in this section:

(a) "Organized practice" means a scheduled off-highway vehicle practice held in an off-road vehicle facility designated by the division and conducted by an organization carrying liability insurance in at least the amounts specified by the division under Subsection (5) covering all activities associated with the practice.

(b) "Sanctioned race" means an off-highway vehicle race conducted on a closed course and sponsored and sanctioned by an organization carrying liability insurance in at least the amounts specified by the division under Subsection (5) covering all activities associated with the race.

(2) Except as provided under Subsection (3), a person under eight years of age may not operate and an owner may not give another person who is under eight years of age permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state.

(3) A child under eight years of age may participate in a sanctioned race or organized practice if:

(a) the child is under the direct supervision of an adult as described in Subsection

41-22-30(1); and

(b) emergency medical service personnel, as defined in Section ~~[26-8a-102]~~ 53-19-102, are on the premises and immediately available to provide assistance at all times during the sanctioned race or organized practice.

(4) Any person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$50 per offense.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules specifying the minimum amounts of liability coverage for an organized practice or sanctioned race.

Section 17. Section **51-9-403** is amended to read:

51-9-403. EMS share of surcharge -- Accounting.

(1) The Division of Finance shall allocate 14% of the collected surcharge established in Section ~~51-9-401~~, but not to exceed the amount appropriated by the Legislature, to the Emergency Medical Services (EMS) Grants Program Account ~~[under Section 26-8a-207]~~ created in Section 53-19-207.

(2) The amount shall be recorded by the Department of ~~[Health]~~ Public Safety as a dedicated credit.

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

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

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

(a) the Driver License Medical Advisory Board, created in Section 53-3-303;

(b) the Concealed Firearm Review Board, created in Section 53-5-703;

(c) the Utah Fire Prevention Board, created in Section 53-7-203;

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

(e) the Private Investigator Hearing and Licensure Board, created in Section 53-9-104[-];

(f) the State Emergency Medical Services Committee, created in Section 53-19-103;
and

(g) the Air Ambulance Committee, created in Section 53-19-107.

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

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

- (b) the Motor Vehicle Safety Inspection Advisory Council, created in Section 53-8-203.
- (3) The following are the divisions within the department:
- (a) the Administrative Services Division, created in Section 53-1-203;
 - (b) the Management Information Services Division, created in Section 53-1-303;
 - (c) the Division of Emergency Management, created in Section 53-2a-103;
 - (d) the Driver License Division, created in Section 53-3-103;
 - (e) the Criminal Investigations and Technical Services Division, created in Section 53-10-103;
 - (f) the Peace Officer Standards and Training Division, created in Section 53-6-103;
 - (g) the State Fire Marshal Division, created in Section 53-7-103; and
 - (h) the Utah Highway Patrol Division, created in Section 53-8-103.
- (4) The Office of Executive Protection is created in Section 53-1-112.
- (5) The following are the bureaus within the department:
- (a) the Bureau of Criminal Identification, created in Section 53-10-201;
 - (b) the State Bureau of Investigation, created in Section 53-10-301;
 - (c) the Bureau of Forensic Services, created in Section 53-10-401; and
 - (d) the Bureau of Communications, created in Section 53-10-501.
- Section 19. Section 53-10-405 is amended to read:
- 53-10-405. DNA specimen analysis -- Saliva sample to be obtained by agency -- Blood sample to be drawn by professional.**
- (1) (a) A saliva sample shall be obtained by the responsible agency under Subsection 53-10-404(5).
- (b) The sample shall be obtained in a professionally acceptable manner, using appropriate procedures to ensure the sample is adequate for DNA analysis.
- (2) (a) A blood sample shall be drawn in a medically acceptable manner by any of the following:
- (i) a physician;
 - (ii) a physician assistant;
 - (iii) a registered nurse;
 - (iv) a licensed practical nurse;

(v) a paramedic;

(vi) as provided in Subsection (2)(b), emergency medical service personnel other than paramedics; or

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

(b) The Department of ~~Health~~ 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 ~~[26-8a-102]~~ 53-19-102, are authorized to draw blood under Subsection (2)(a)(vi), based on the type of license under Section ~~[26-8a-302]~~ 53-19-402.

(c) A person authorized by this section to draw a blood sample may not be held civilly liable for drawing a sample in a medically acceptable manner.

(3) A test result or opinion based upon a test result regarding a DNA specimen may not be rendered inadmissible as evidence solely because of deviations from procedures adopted by the department that do not affect the reliability of the opinion or test result.

(4) A DNA specimen is not required to be obtained if:

(a) the court or the responsible agency confirms with the department that the department has previously received an adequate DNA specimen obtained from the person in accordance with this section; or

(b) the court determines that obtaining a DNA specimen would create a substantial and unreasonable risk to the health of the person.

Section 20. Section **53-19-101**, which is renumbered from Section 26-8a-101 is renumbered and amended to read:

CHAPTER 19. UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT

Part 1. General Provisions

~~[26-8a-101].~~ **53-19-101. Title.**

This chapter is known as the "Utah Emergency Medical Services System Act."

Section 21. Section **53-19-102**, which is renumbered from Section 26-8a-102 is renumbered and amended to read:

~~[26-8a-102].~~ **53-19-102. 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 service" does not mean a seven or ten 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 ~~[26-8a-304]~~ 53-19-404 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 ~~[4]~~ 5, Ambulance and Paramedic Providers.

(4) "Committee" means the State Emergency Medical Services Committee created ~~[by]~~ in Section ~~[26-1-7:]~~ 53-19-103.

(5) "Department" means the Department of Public Safety created in Section 53-1-103.

~~[(5)]~~ (6) "Direct medical observation" means in-person observation of a patient by a physician, registered nurse, physician's assistant, or individual licensed under Section ~~[26-8a-302]~~ 53-19-402.

~~[(6)]~~ (7) "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 his designee requires direct medical observation during transport or may require the intervention of an individual licensed

896 under Section [~~26-8a-302~~] [53-19-402](#) during transport.

897 [~~(7)~~] (8) "Emergency medical service personnel":

898 (a) means an individual who provides emergency medical services to a patient and is
899 required to be licensed under Section [~~26-8a-302~~] [53-19-402](#); and

900 (b) includes a paramedic, medical director of a licensed emergency medical service
901 provider, emergency medical service instructor, and other categories established by the
902 committee.

903 [~~(8)~~] (9) "Emergency medical service providers" means:

904 (a) licensed ambulance providers and paramedic providers;

905 (b) a facility or provider that is required to be designated under Subsection
906 [~~26-8a-303~~] [53-19-403](#)(1)(a); and

907 (c) emergency medical service personnel.

908 [~~(9)~~] (10) "Emergency medical services" means medical services, transportation
909 services, or both rendered to a patient.

910 [~~(10)~~] (11) "Emergency medical service vehicle" means a land, air, or water vehicle
911 that is:

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

914 (b) required to be permitted under Section [~~26-8a-304~~] [53-19-404](#).

915 [~~(11)~~] (12) "Governing body":

916 (a) is as defined in Section [11-42-102](#); and

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

920 [~~(12)~~] (13) "Interested party" means:

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

925 (b) any municipality, county, or fire district that lies within or abuts a geographic
926 service area that is the subject of an application submitted pursuant to Part [4] [5](#), Ambulance

927 and Paramedic Providers; or

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

929 ~~[(13)]~~ (14) "Medical control" means a person who provides medical supervision to an
930 emergency medical service provider.

931 ~~[(14)]~~ (15) "Non-911 service" means transport of a patient that is not 911 transport
932 under Subsection (1).

933 ~~[(15)]~~ (16) "Nonemergency secured behavioral health transport" means an entity that:

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

935 (i) is not required to be transported by an ambulance under Section ~~[26-8a-305]~~
936 [53-19-405](#); and

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

939 (A) a licensed acute care hospital;

940 (B) an emergency patient receiving facility;

941 (C) a licensed mental health facility; and

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

943 (b) is required to be designated under Section ~~[26-8a-303]~~ [53-19-403](#).

944 ~~[(16)]~~ (17) "Paramedic provider" means an entity that:

945 (a) employs emergency medical service personnel; and

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

948 ~~[(17)]~~ (18) "Patient" means an individual who, as the result of illness or injury, meets
949 any of the criteria in Section ~~[26-8a-305]~~ [53-19-405](#).

950 ~~[(18)]~~ (19) "Political subdivision" means:

951 (a) a city or town located in a county of the first or second class as defined in Section
952 [17-50-501](#);

953 (b) a county of the first or second class;

954 (c) the following districts located in a county of the first or second class:

955 (i) a special service district created under Title 17D, Chapter 1, Special Service District
956 Act; or

957 (ii) a local district under Title 17B, Limited Purpose Local Government Entities - Local

Districts, for the purpose of providing fire protection, paramedic, and emergency services;

(d) areas coming together as described in Subsection ~~[26-8a-405.2]~~

53-19-507(2)(b)(ii);

(e) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act; or

(f) a special service district for fire protection service under Subsection 17D-1-201(9).

~~[(19)]~~ (20) "Trauma" means an injury requiring immediate medical or surgical intervention.

~~[(20)]~~ (21) "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.

~~[(21)]~~ (22) "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.

~~[(22)]~~ (23) "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.

Section 22. Section **53-19-103**, which is renumbered from Section 26-8a-103 is renumbered and amended to read:

~~[26-8a-103].~~ **53-19-103. State Emergency Medical Services Committee -- Membership -- Expenses.**

(1) There is created within the department the State Emergency Medical Services Committee.

~~[(1)]~~ (2) The State Emergency Medical Services Committee ~~[created by Section 26-1-7]~~ shall be composed of the following 17 members appointed by the governor, at least six of whom shall reside in a county of the third, fourth, fifth, or sixth class:

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

- 989 (i) one surgeon who actively provides trauma care at a hospital;
990 (ii) one rural physician involved in emergency medical care;
991 (iii) two physicians who practice in the emergency department of a general acute
992 hospital; and
993 (iv) one pediatrician who practices in the emergency department or critical care unit of
994 a general acute hospital or a children's specialty hospital;
995 (b) two representatives from private ambulance providers;
996 (c) one representative from an ambulance provider that is neither privately owned nor
997 operated by a fire department;
998 (d) two chief officers from fire agencies operated by the following classes of licensed
999 or designated emergency medical services providers: municipality, county, and fire district,
1000 provided that no class of medical services providers may have more than one representative
1001 under this Subsection [~~(1)~~] (2)(d);
1002 (e) one director of a law enforcement agency that provides emergency medical
1003 services;
1004 (f) one hospital administrator;
1005 (g) one emergency care nurse;
1006 (h) one paramedic in active field practice;
1007 (i) one emergency medical technician in active field practice;
1008 (j) one licensed emergency medical dispatcher affiliated with an emergency medical
1009 dispatch center; and
1010 (k) one consumer.
1011 [~~(2)~~] (3) (a) Except as provided in Subsection [~~(2)~~] (3)(b), members shall be appointed
1012 to a four-year term beginning July 1.
1013 (b) Notwithstanding Subsection [~~(2)~~] (3)(a), the governor:
1014 (i) shall, at the time of appointment or reappointment, adjust the length of terms to
1015 ensure that the terms of committee members are staggered so that approximately half of the
1016 committee is appointed every two years;
1017 (ii) may not reappoint a member for more than two consecutive terms; and
1018 (iii) shall:
1019 (A) initially appoint the second member under Subsection [~~(1)~~] (2)(b) from a different

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

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

~~[(3)]~~ (4) (a) Each January, the committee shall organize and select one of its members as chair and one member as vice chair. The committee may organize standing or ad hoc subcommittees, which shall operate in accordance with guidelines established by the committee.

(b) The chair shall convene a minimum of four meetings per year. The chair may call special meetings. The chair shall call a meeting upon request of five or more members of the committee.

(c) Nine members of the committee constitute a quorum for the transaction of business and the action of a majority of the members present is the action of the committee.

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

(a) Section 63A-3-106;

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

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

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

Section 23. Section 53-19-104, which is renumbered from Section 26-8a-104 is renumbered and amended to read:

~~[26-8a-104].~~ **53-19-104. Committee advisory duties.**

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

(1) establish licensure and reciprocity requirements under Section ~~[26-8a-302]~~ 53-19-402;

(2) establish designation requirements under Section ~~[26-8a-303]~~ 53-19-403;

(3) promote the development of a statewide emergency medical services system under Section ~~[26-8a-203]~~ [53-19-203](#);

(4) establish insurance requirements for ambulance providers;

(5) provide guidelines for requiring patient data under Section ~~[26-8a-203]~~ [53-19-203](#);

(6) establish criteria for awarding grants under Section ~~[26-8a-207]~~ [53-19-207](#);

(7) establish requirements for the coordination of emergency medical services and the medical supervision of emergency medical service providers under Section ~~[26-8a-306]~~ [53-19-406](#); and

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

Section 24. Section **53-19-105**, which is renumbered from Section 26-8a-105 is renumbered and amended to read:

~~[26-8a-105].~~ **53-19-105. Department powers.**

The department shall:

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

(2) administer this chapter and the rules established pursuant to it;

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

(4) establish an emergency medical service personnel peer review board to advise the department concerning discipline of emergency medical service personnel under this chapter; and

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

(a) license ambulance providers and paramedic providers;

(b) permit ambulances, emergency medical response vehicles, and nonemergency secured behavioral health transport vehicles, including approving an emergency vehicle operator's course in accordance with Section ~~[26-8a-304]~~ [53-19-404](#);

(c) establish:

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

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

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

and

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

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

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

Section 25. Section **53-19-106**, which is renumbered from Section 26-8a-106 is renumbered and amended to read:

~~[26-8a-106].~~ 53-19-106. Waiver of rules and education and licensing requirements.

(1) Upon application, the department, or the committee with the concurrence of the department, may waive the requirements of a rule the department, or the committee with the concurrence of the department, has adopted if:

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

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

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

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

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

(i) the committee or department extends the waiver to similarly situated persons upon application; or

(ii) the department, or the committee with the concurrence of the department, amends the rule to be consistent with the waiver.

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

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

(b) successfully passes any examination required.

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

Section 26. Section **53-19-107**, which is renumbered from Section 26-8a-107 is renumbered and amended to read:

~~[26-8a-107].~~ **53-19-107. Air Ambulance Committee -- Membership -- Duties.**

(1) There is created within the department the Air Ambulance Committee.
[~~(1)~~] (2) The Air Ambulance Committee created by Section 26-1-7 shall be composed of the following members:

- (a) the state emergency medical services medical director;
- (b) one physician who:
 - (i) is licensed under:
 - (A) Title 58, Chapter 67, Utah Medical Practice Act;
 - (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or
 - (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
 - (ii) actively provides trauma or emergency care at a Utah hospital; and
 - (iii) has experience and is actively involved in state and national air medical transport issues;
- (c) one member from each level 1 and level 2 trauma center in the state of Utah, selected by the trauma center the member represents;
- (d) one registered nurse who:
 - (i) is licensed under Title 58, Chapter 31b, Nurse Practice Act; and
 - (ii) currently works as a flight nurse for an air medical transport provider in the state of Utah;
- (e) one paramedic who:
 - (i) is licensed under [~~Title 26, Chapter 8a~~] Title 53, Chapter 19, Utah Emergency Medical Services System Act; and
 - (ii) currently works for an air medical transport provider in the state of Utah; and
- (f) two members, each from a different for-profit air medical transport company operating in the state of Utah.

[~~(2)~~] (3) The state emergency medical services medical director shall appoint the physician member under Subsection [~~(1)~~] (2)(b), and the physician shall serve as the chair of the Air Ambulance Committee.

1144 ~~[(3)]~~ (4) The chair of the Air Ambulance Committee shall:

1145 (a) appoint the Air Ambulance Committee members under Subsections ~~[(1)]~~ (2)(c)

1146 through (f);

1147 (b) designate the member of the Air Ambulance Committee to serve as the vice chair

1148 of the committee; and

1149 (c) set the agenda for Air Ambulance Committee meetings.

1150 ~~[(4)]~~ (5) (a) Except as provided in Subsection ~~[(4)]~~ (5)(b), members shall be appointed

1151 to a two-year term.

1152 (b) Notwithstanding Subsection ~~[(4)]~~ (5)(a), the Air Ambulance Committee chair shall,

1153 at the time of appointment or reappointment, adjust the length of the terms of committee

1154 members to ensure that the terms of the committee members are staggered so that

1155 approximately half of the committee is reappointed every two years.

1156 ~~[(5)]~~ (6) (a) A majority of the members of the Air Ambulance Committee constitutes a

1157 quorum.

1158 (b) The action of a majority of a quorum constitutes the action of the Air Ambulance

1159 Committee.

1160 ~~[(6)]~~ (7) The Air Ambulance Committee shall, before November 30, 2019, and before

1161 November 30 of every odd-numbered year thereafter, provide recommendations to the Health

1162 and Human Services Interim Committee regarding the development of state standards and

1163 requirements related to:

1164 (a) air medical transport provider licensure and accreditation;

1165 (b) air medical transport medical personnel qualifications and training; and

1166 (c) other standards and requirements to ensure patients receive appropriate and

1167 high-quality medical attention and care by air medical transport providers operating in the state

1168 of Utah.

1169 ~~[(7)]~~ (8) (a) The committee shall prepare an annual report, using any data available to

1170 the department and in consultation with the Insurance Department, that includes the following

1171 information for each air medical transport provider that operates in the state:

1172 (i) which health insurers in the state the air medical transport provider contracts with;

1173 (ii) if sufficient data is available to the committee, the average charge for air medical

1174 transport services for a patient who is uninsured or out of network; and

1175 (iii) whether the air medical transport provider balance bills a patient for any charge
1176 not paid by the patient's health insurer.

1177 (b) When calculating the average charge under Subsection [~~(7)~~] (8)(a)(ii), the
1178 committee shall distinguish between:

1179 (i) a rotary wing provider and a fixed wing provider; and

1180 (ii) any other differences between air medical transport service providers that may
1181 substantially affect the cost of the air medical transport service, as determined by the
1182 committee.

1183 (c) The department shall:

1184 (i) post the committee's findings under Subsection [~~(7)~~] (8)(a) on the department's
1185 website; and

1186 (ii) send the committee's findings under Subsection [~~(7)~~] (8)(a) to each emergency
1187 medical service provider, health care facility, and other entity that has regular contact with
1188 patients in need of air medical transport provider services.

1189 [~~(8)~~] (9) An Air Ambulance Committee member may not receive compensation,
1190 benefits, per diem, or travel expenses for the member's service on the committee.

1191 [~~(9)~~] (10) The Office of the Attorney General shall provide staff support to the Air
1192 Ambulance Committee.

1193 [~~(10)~~] (11) The Air Ambulance Committee shall report to the Health and Human
1194 Services Interim Committee before November 30, 2023, regarding the sunset of this section in
1195 accordance with Section [63I-2-226](#).

1196 Section 27. Section **53-19-108** is enacted to read:

1197 **53-19-108. Transition of license, designation, or permit -- Rules.**

1198 (1) (a) An individual that, on May 12, 2020, holds a valid license issued by the
1199 Department of Health to provide emergency medical services:

1200 (i) is considered licensed to provide emergency medical services under Title 53,
1201 Chapter 19, Utah Emergency Medical Services System Act, until the license expires;

1202 (ii) is subject to Title 53, Chapter 19, Utah Emergency Medical Services System Act;
1203 and

1204 (iii) upon the expiration of the license, shall obtain a license in accordance with Title
1205 53, Chapter 19, Utah Emergency Medical Services System Act.

(b) A facility or provider that, on May 12, 2020, is designated by the Department of Health as an emergency medical service provider or a nonemergency secured behavioral health transport provider:

(i) is considered designated as an emergency medical service provider or a nonemergency secured behavioral health transport provider under Title 53, Chapter 19, Utah Emergency Medical Services System Act, until the designation expires;

(ii) is subject to Title 53, Chapter 19, Utah Emergency Medical Services System Act;
and

(iii) upon the expiration of the designation, shall obtain a designation in accordance with Title 53, Chapter 19, Utah Emergency Medical Services System Act.

(c) A vehicle that, on May 12, 2020, holds a valid permit issued by the Department of Health to operate as an ambulance, emergency response vehicle, or nonemergency secured behavioral health transport vehicle:

(i) is considered permitted to operate as an ambulance, emergency response vehicle, or nonemergency secured behavioral health transport vehicle under Title 53, Chapter 19, Utah Emergency Medical Services System Act, until the permit expires;

(ii) is subject to Title 53, Chapter 19, Utah Emergency Medical Services System Act;
and

(iii) upon the expiration of the permit, shall obtain a permit in accordance with Title 53, Chapter 19, Utah Emergency Medical Services System Act.

(d) An entity that, on May 12, 2020, holds a valid license issued by the Department of Health to respond as an ambulance or paramedic provider:

(i) is considered licensed to respond as an ambulance or paramedic provider under Title 53, Chapter 19, Utah Emergency Medical Services System Act, until the license expires;

(ii) is subject to Title 53, Chapter 19, Utah Emergency Medical Services System Act;
and

(iii) upon the expiration of the license, shall obtain a license in accordance with Title 53, Chapter 19, Utah Emergency Medical Services System Act.

(2) Rules made by the Department of Health in effect on May 12, 2020, remain in effect until the Department of Public Safety makes rules in accordance with Title 53, Chapter 19, Utah Emergency Medical Services System Act.

Section 28. Section **53-19-201**, which is renumbered from Section 26-8a-201 is renumbered and amended to read:

~~[26-8a-201].~~ **53-19-201. Public awareness efforts.**

The department may:

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

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

Section 29. Section **53-19-202**, which is renumbered from Section 26-8a-202 is renumbered and amended to read:

~~[26-8a-202].~~ **53-19-202. Emergency medical communications.**

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

Section 30. Section **53-19-203**, which is renumbered from Section 26-8a-203 is renumbered and amended to read:

~~[26-8a-203].~~ **53-19-203. Data collection.**

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

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

(b) ~~[Beginning July 1, 2017, the]~~ The committee shall coordinate with the Health Data Authority created in Title 26, Chapter 33a, Utah Health Data Authority Act, to create a report of data collected by the Health Data Committee under Section 26-33a-106.1 regarding:

(i) appropriate analytical methods;

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

and

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

1268 (A) the number of flights for which a patient had no personal responsibility for paying
1269 part of the flight charges;

1270 (B) the number of flights for which a patient had personal responsibility to pay all or
1271 part of the flight charges;

1272 (C) the range of flight charges for which patients had personal responsibility under
1273 Subsection (2)(b)(iii)(B), including the median amount for paid patient personal responsibility;
1274 and

1275 (D) the name of any air ambulance provider that received a median paid amount for
1276 patient responsibility in excess of the median amount for all paid patient personal responsibility
1277 during the reporting year.

1278 (3) (a) The department shall, [~~beginning October 1, 2017, and~~] on or before each
1279 October 1 [~~thereafter~~], make the information in Subsection (2)(b) public and send the
1280 information in Subsection (2)(b) to:

1281 (i) the Health and Human Services Interim Committee; and

1282 (ii) public safety dispatchers and first responders in the state.

1283 (b) Before making the information in Subsection (2)(b) public, the committee shall
1284 provide the air ambulance providers named in the report with the opportunity to respond to the
1285 accuracy of the information in the report [~~under Section 26-33a-107~~].

1286 (4) Persons providing emergency medical services:

1287 (a) shall provide information to the department for the emergency medical services
1288 data system established pursuant to Subsection (2)(a);

1289 (b) are not required to provide information to the department under Subsection (2)(b);
1290 and

1291 (c) may provide information to the department under Subsection (2)(b) or (3)(b).

1292 Section 31. Section **53-19-204**, which is renumbered from Section 26-8a-204 is
1293 renumbered and amended to read:

1294 [~~26-8a-204~~]. **53-19-204. Disaster coordination plan.**

1295 The department shall develop and implement, in cooperation with state, federal, and
1296 local agencies empowered to oversee disaster response activities, plans to provide emergency
1297 medical services during times of disaster or emergency.

1298 Section 32. Section **53-19-205**, which is renumbered from Section 26-8a-205 is

1299 renumbered and amended to read:

1300 ~~[26-8a-205].~~ **53-19-205. Pediatric quality improvement program.**

1301 The department shall establish a pediatric quality improvement resource program.

1302 Section 33. Section **53-19-206**, which is renumbered from Section 26-8a-206 is

1303 renumbered and amended to read:

1304 ~~[26-8a-206].~~ **53-19-206. Personnel stress management program.**

1305 (1) The department shall develop and implement a statewide program to provide
1306 support and counseling for personnel who have been exposed to one or more stressful incidents
1307 in the course of providing emergency services.

1308 (2) This program shall include:

1309 (a) ongoing training for agencies providing emergency services and counseling
1310 program volunteers; and

1311 (b) critical incident stress debriefing for personnel at no cost to the emergency
1312 provider.

1313 Section 34. Section **53-19-207**, which is renumbered from Section 26-8a-207 is
1314 renumbered and amended to read:

1315 ~~[26-8a-207].~~ **53-19-207. Emergency medical services grant program**
1316 **account.**

1317 ~~[(1)(a) The department shall receive as dedicated credits the amount established in~~
1318 ~~Section 51-9-403. That amount shall be transferred to the department by the Division of~~
1319 ~~Finance from funds generated by the surcharge imposed under Title 51, Chapter 9, Part 4,~~
1320 ~~Criminal Conviction Surcharge Allocation.]~~

1321 ~~[(b) Funds transferred to the department under this section shall be used for~~
1322 ~~improvement of delivery of emergency medical services and administrative costs as described~~
1323 ~~in Subsection (2)(a). Appropriations to the department for the purposes enumerated in this~~
1324 ~~section shall be made from those dedicated credits.]~~

1325 (1) There is created within the General Fund a restricted account known as the
1326 Emergency Medical Services Grant Program Account.

1327 (2) The account consists of:

1328 (a) distributions to the account under Section 51-9-403;

1329 (b) interest earned on the account; and

(c) appropriations made by the Legislature.

~~[(2)]~~ (3) (a) ~~[The]~~ Upon appropriation, the department may use the funds ~~[transferred to it under Subsection (1)]~~ in the account:

(i) to provide staff support; and

(ii) for other expenses incurred in:

(A) administration of grant funds; and

(B) other department administrative costs under this chapter.

(b) After funding staff support, administrative expenses, and trauma system development, the department and the committee shall make emergency medical services grants from the remaining funds ~~[received as dedicated credits under Subsection (1)]~~. A recipient of a grant under this Subsection ~~[(2)]~~ (3)(b) shall actively provide emergency medical services within the state.

(c) The department shall distribute not less than 25% of the funds, with the percentage being authorized by a majority vote of the committee, as per capita block grants for use specifically related to the provision of emergency medical services to nonprofit prehospital emergency medical services providers that are either licensed or designated and to emergency medical services that are the primary emergency medical services for a service area. The department shall determine the grant amounts by prorating available funds on a per capita basis by county as described in department rule.

(d) The committee shall award the remaining funds as competitive grants for use specifically related to the provision of emergency medical services based upon rules established by the committee.

Section 35. Section **53-19-208**, which is renumbered from Section 26-8a-208 is renumbered and amended to read:

~~[26-8a-208].~~ **53-19-208. Fees for training equipment rental, testing, and quality assurance reviews.**

(1) The department may charge fees, established pursuant to ~~[Section 26-1-6]~~ Subsection 53-1-106(2):

(a) for the use of department-owned training equipment;

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

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

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

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

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

Section 36. Section **53-19-301**, which is renumbered from Section 26-8a-250 is renumbered and amended to read:

Part 3. Statewide Trauma System

~~[26-8a-250].~~ **53-19-301. Establishment of statewide trauma system.**

The department shall establish and actively supervise a statewide trauma system to:

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

Section 37. Section **53-19-302**, which is renumbered from Section 26-8a-251 is renumbered and amended to read:

~~[26-8a-251].~~ **53-19-302. Trauma system advisory committee.**

(1) There is created within the department the trauma system advisory committee.

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

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

(3) The committee shall:

- (a) advise the department regarding trauma system needs throughout the state;
- (b) assist the department in evaluating the quality and outcomes of the overall trauma system;

1392 (c) review and comment on proposals and rules governing the statewide trauma
1393 system; and

1394 (d) make recommendations for the development of statewide triage, treatment,
1395 transportation, and transfer guidelines.

1396 (4) The department shall:

1397 (a) determine, by rule, the term and causes for removal of committee members;

1398 (b) establish committee procedures and administration policies consistent with this
1399 chapter and department rule; and

1400 (c) provide administrative support to the committee.

1401 Section 38. Section **53-19-303**, which is renumbered from Section 26-8a-252 is
1402 renumbered and amended to read:

1403 ~~[26-8a-252].~~ **53-19-303. Department duties.**

1404 In connection with the statewide trauma system established in Section ~~[26-8a-250]~~
1405 53-19-301, the department shall:

1406 (1) establish a statewide trauma system plan that:

1407 (a) identifies statewide trauma care needs, objectives, and priorities;

1408 (b) identifies the equipment, facilities, personnel training, and other things necessary to
1409 create and maintain a statewide trauma system; and

1410 (c) organizes and coordinates trauma care within defined geographic areas; and

1411 (2) support the statewide trauma system by:

1412 (a) facilitating the coordination of prehospital, acute care, and rehabilitation services
1413 and providers through state regulation and oversight;

1414 (b) facilitating the ongoing evaluation and refinement of the statewide trauma system;

1415 (c) providing educational programs;

1416 (d) encouraging cooperation between community organizations, health care facilities,
1417 public health officials, emergency medical service providers, and rehabilitation facilities for the
1418 development of a statewide trauma system;

1419 (e) implementing a quality assurance program using information from the statewide
1420 trauma registry established pursuant to Section ~~[26-8a-253]~~ 53-19-304;

1421 (f) establishing trauma center designation requirements in accordance with Section
1422 ~~[26-8a-254]~~ 53-19-305; and

1423 (g) developing standards so that:

1424 (i) trauma centers are categorized according to their capability to provide care;

1425 (ii) trauma victims are triaged at the initial point of patient contact; and

1426 (iii) trauma patients are sent to appropriate health care facilities.

1427 Section 39. Section **53-19-304**, which is renumbered from Section 26-8a-253 is
1428 renumbered and amended to read:

1429 **[26-8a-253]. 53-19-304. Statewide trauma registry and quality assurance**
1430 **program.**

1431 (1) The department shall:

1432 (a) establish and fund a statewide trauma registry to collect and analyze information on
1433 the incidence, severity, causes, and outcomes of trauma;

1434 (b) establish, by rule, the data elements, the medical care providers that shall report,
1435 and the time frame and format for reporting;

1436 (c) use the data collected to:

1437 (i) improve the availability and delivery of prehospital and hospital trauma care;

1438 (ii) assess trauma care delivery, patient care outcomes, and compliance with the
1439 requirements of this chapter and applicable department rules; and

1440 (iii) regularly produce and disseminate reports to data providers, state government, and
1441 the public; and

1442 (d) support data collection and abstraction by providing:

1443 (i) a data collection system and technical assistance to each hospital that submits data;
1444 and

1445 (ii) funding or, at the discretion of the department, personnel for collection and
1446 abstraction for each hospital not designated as a trauma center under the standards established
1447 pursuant to Section [~~26-8a-254~~] 53-19-305.

1448 (2) (a) Each hospital shall submit trauma data in accordance with rules established
1449 under Subsection (1).

1450 (b) A hospital designated as a trauma center shall submit data as part of the ongoing
1451 quality assurance program established in Section [~~26-8a-252~~] 53-19-303.

1452 (3) The department shall assess:

1453 (a) the effectiveness of the data collected pursuant to Subsection (1); and

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

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

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

Section 40. Section **53-19-305**, which is renumbered from Section 26-8a-254 is renumbered and amended to read:

[26-8a-254]. 53-19-305. Trauma center designations and guidelines.

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

(a) trauma center designation requirements; and

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

(2) The department shall designate as a trauma center each hospital that:

(a) voluntarily requests a trauma center designation; and

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

Section 41. Section **53-19-401**, which is renumbered from Section 26-8a-301 is renumbered and amended to read:

Part 4. Certificates, Designations, Permits, and Licenses

[26-8a-301]. 53-19-401. General requirement.

(1) Except as provided in Section [~~26-8a-308 or 26-8b-201~~] 53-19-408:

(a) an individual may not provide emergency medical services without a license issued under Section [~~26-8a-302~~] 53-19-402;

(b) a facility or provider may not hold itself out as a designated emergency medical service provider or nonemergency secured behavioral health transport provider without a designation issued under Section [~~26-8a-303~~] 53-19-403;

(c) a vehicle may not operate as an ambulance, emergency response vehicle, or nonemergency secured behavioral health transport vehicle without a permit issued under Section [~~26-8a-304~~] 53-19-404; and

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

1485 (2) Section [~~26-8a-502~~] [53-19-602](#) applies to violations of this section.

1486 Section 42. Section **53-19-402**, which is renumbered from Section 26-8a-302 is
1487 renumbered and amended to read:

1488 [~~26-8a-302~~]. **53-19-402. Licensure of emergency medical service**
1489 **personnel.**

1490 (1) To promote the availability of comprehensive emergency medical services
1491 throughout the state, the committee shall establish:

1492 (a) initial and ongoing licensure and training requirements for emergency medical
1493 service personnel in the following categories:

1494 (i) paramedic;

1495 (ii) medical director;

1496 (iii) emergency medical service instructor; and

1497 (iv) other types of emergency medical personnel as the committee considers necessary;

1498 and

1499 (b) guidelines for giving credit for out-of-state training and experience.

1500 (2) The department shall, based on the requirements established in Subsection (1):

1501 (a) develop, conduct, and authorize training and testing for emergency medical service
1502 personnel; and

1503 (b) issue a license and license renewals to emergency medical service personnel.

1504 (3) As provided in Section [~~26-8a-502~~] [53-19-602](#), an individual issued a license under
1505 this section may only provide emergency medical services to the extent allowed by the license.

1506 (4) An individual may not be issued or retain a license under this section unless the
1507 individual obtains and retains background clearance under Section [~~26-8a-310~~] [53-19-410](#).

1508 Section 43. Section **53-19-403**, which is renumbered from Section 26-8a-303 is
1509 renumbered and amended to read:

1510 [~~26-8a-303~~]. **53-19-403. Designation of emergency medical service**
1511 **providers and nonemergency secured behavioral health transport providers.**

1512 (1) To ensure quality emergency medical services, the committee shall establish
1513 designation requirements for:

1514 (a) emergency medical service providers in the following categories:

1515 (i) quick response provider;

(ii) resource hospital for emergency medical providers;
(iii) emergency medical service dispatch center;
(iv) emergency patient receiving facilities; and
(v) other types of emergency medical service providers as the committee considers necessary; and

(b) nonemergency secured behavioral health transport providers.

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

(3) As provided in Section ~~[26-8a-502]~~ [53-19-602](#), an entity issued a designation under Subsection (2) may only function and hold itself out in accordance with its designation.

Section 44. Section **53-19-404**, which is renumbered from Section 26-8a-304 is renumbered and amended to read:

~~[26-8a-304].~~ **53-19-404. Permits for emergency medical service vehicles and nonemergency secured behavioral health transport vehicles.**

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

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

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

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

Section 45. Section **53-19-405**, which is renumbered from Section 26-8a-305 is

1547 renumbered and amended to read:

1548 ~~[26-8a-305].~~ **53-19-405. Ambulance license required for emergency**
1549 **medical transport.**

1550 Except as provided in Section ~~[26-8a-308]~~ 53-19-408, only an ambulance operating
1551 under a permit issued under Section ~~[26-8a-304]~~ 53-19-404 may transport an individual who:

1552 (1) is in an emergency medical condition;

1553 (2) is medically or mentally unstable, requiring direct medical observation during
1554 transport;

1555 (3) is physically incapacitated because of illness or injury and in need of immediate
1556 transport by emergency medical service personnel;

1557 (4) is likely to require medical attention during transport;

1558 (5) is being maintained on any type of emergency medical electronic monitoring;

1559 (6) is receiving or has recently received medications that could cause a sudden change
1560 in medical condition that might require emergency medical services;

1561 (7) requires IV administration or maintenance, oxygen that is not patient-operated, or
1562 other emergency medical services during transport;

1563 (8) needs to be immobilized during transport to a hospital, an emergency patient
1564 receiving facility, or mental health facility due to a mental or physical condition, unless the
1565 individual is in the custody of a peace officer and the primary purpose of the restraint is to
1566 prevent escape;

1567 (9) needs to be immobilized due to a fracture, possible fracture, or other medical
1568 condition; or

1569 (10) otherwise requires or has the potential to require a level of medical care that the
1570 committee establishes as requiring direct medical observation.

1571 Section 46. Section **53-19-406**, which is renumbered from Section 26-8a-306 is
1572 renumbered and amended to read:

1573 ~~[26-8a-306].~~ **53-19-406. Medical control.**

1574 (1) The committee shall establish requirements for the coordination of emergency
1575 medical services rendered by emergency medical service providers, including the coordination
1576 between prehospital providers, hospitals, emergency patient receiving facilities, and other
1577 appropriate destinations.

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

Section 47. Section **53-19-407**, which is renumbered from Section 26-8a-307 is renumbered and amended to read:

[26-8a-307]. **53-19-407. Patient destination.**

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

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

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

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

Section 48. Section **53-19-408**, which is renumbered from Section 26-8a-308 is renumbered and amended to read:

[26-8a-308]. **53-19-408. Exemptions.**

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

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

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

(c) a family member;

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

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

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

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

and

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

(2) An ambulance or emergency response vehicle may operate without a permit issued under Section [~~26-8a-304~~] [53-19-404](#) in time of disaster.

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

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

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

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

Section 49. Section **53-19-409**, which is renumbered from Section 26-8a-309 is renumbered and amended to read:

[~~26-8a-309~~]. 53-19-409. Out-of-state vehicles.

(1) An ambulance or emergency response vehicle from another state may not pick up a patient in Utah to transport that patient to another location in Utah or to another state without a permit issued under Section [~~26-8a-304~~] [53-19-404](#) and, in the case of an ambulance, a license issued under Part [~~4~~] 5, Ambulance and Paramedic Providers.

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

(a) transport a patient into Utah; and

(b) provide assistance in time of disaster.

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

Section 50. Section **53-19-410**, which is renumbered from Section 26-8a-310 is

1640 renumbered and amended to read:

1641 ~~[26-8a-310].~~ **53-19-410. Background clearance for emergency medical**
1642 **service personnel.**

1643 (1) The department shall determine whether to grant background clearance for an
1644 individual seeking licensure under Section ~~[26-8a-302]~~ 53-19-402 from whom it receives:

1645 (a) the individual's social security number, fingerprints, and other personal
1646 identification information specified by the department under Subsection (4); and

1647 (b) any fees established by the department under Subsection (10).

1648 (2) The department shall determine whether to deny or revoke background clearance
1649 for individuals for whom it has previously granted background clearance.

1650 (3) The department shall determine whether to grant, deny, or revoke background
1651 clearance for an individual based on an initial and ongoing evaluation of information the
1652 department obtains under ~~[Subsections (5) and (11)]~~ Subsection (5), which, at a minimum,
1653 shall include an initial criminal background check of state, regional, and national databases
1654 using the individual's fingerprints.

1655 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1656 Administrative Rulemaking Act, that specify:

1657 (a) the criteria the department will use under Subsection (3) to determine whether to
1658 grant, deny, or revoke background clearance; and

1659 (b) the other personal identification information an individual seeking licensure under
1660 Section ~~[26-8a-302]~~ 53-19-402 must submit under Subsection (1).

1661 (5) To determine whether to grant, deny, or revoke background clearance, the
1662 department may access and evaluate any of the following:

1663 (a) ~~[Department of Public Safety]~~ arrest, conviction, and disposition records described
1664 in ~~[Title 53,]~~ Chapter 10, Criminal Investigations and Technical Services Act, including
1665 information in state, regional, and national records files;

1666 (b) adjudications by a juvenile court of committing an act that if committed by an adult
1667 would be a felony or misdemeanor, if:

1668 (i) the applicant is under 28 years of age; or

1669 (ii) the applicant:

1670 (A) is over 28 years of age; and

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

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

(d) child abuse or neglect findings described in Section 78A-6-323;

(e) the Department of Human Services' Division of Child and Family Services Licensing Information System described in Section 62A-4a-1006;

(f) the Department of Human Services' Division of Aging and Adult Services database of reports of vulnerable adult abuse, neglect, or exploitation, described in Section 62A-3-311.1;

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

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

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

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

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

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

(9) The department may disclose personal identification information it receives under Subsection (1) to the Department of Human Services to verify that the subject of the information is not identified as a perpetrator or offender in the information sources described in Subsections (5)(d) through (f).

(10) The department may charge fees, in accordance with Section 63J-1-504, to pay for:

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

(b) other department costs related to granting, denying, or revoking background clearance.

~~[(11) The Criminal Investigations and Technical Services Division within the Department of Public Safety shall:]~~

~~[(a) retain, separate from other division records, personal information under Subsection (1), including any fingerprints sent to it by the Department of Health; and]~~

~~[(b) notify the Department of Health upon receiving notice that an individual for whom personal information has been retained is the subject of:]~~

~~[(i) a warrant for arrest;]~~

~~[(ii) an arrest;]~~

~~[(iii) a conviction, including a plea in abeyance; or]~~

~~[(iv) a pending diversion agreement.]~~

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

Section 51. Section **53-19-501**, which is renumbered from Section 26-8a-401 is renumbered and amended to read:

Part 5. Ambulance and Paramedic Providers

~~[26-8a-401].~~ **53-19-501.** State regulation of emergency medical services market.

(1) To ensure emergency medical service quality and minimize unnecessary duplication, the department shall regulate the emergency medical service market ~~[after October 1, 1999,]~~ by creating and operating a statewide system that:

(a) consists of exclusive geographic service areas as provided in Section ~~[26-8a-402]~~ 53-19-502; and

(b) establishes maximum rates as provided in Section ~~[26-8a-403]~~ 53-19-503.

~~[(2) (a) All licenses issued prior to July 1, 1996, shall expire as stated in the license.]~~

~~[(b) If no expiration date is stated on a license issued before July 1, 1996, the license shall expire on October 1, 1999, unless:]~~

~~[(i) the license holder requests agency action before August 1, 1999; and]~~

~~[(ii) before October 1, 1999, the department:]~~

1733 ~~[(A) finds the license has been used as the basis for responding to requests for~~
1734 ~~ambulance or paramedic services during the past five years;]~~

1735 ~~[(B) identifies one or more specific geographic areas covered by the license in which~~
1736 ~~the license holder has actively and adequately responded as the primary provider to requests for~~
1737 ~~ambulance or paramedic services during the past five years; and]~~

1738 ~~[(C) determines that the continuation of a license in a specific geographic area~~
1739 ~~identified in Subsection (2)(b)(ii)(B) satisfies:]~~

1740 ~~[(F) the standards established pursuant to Subsection ~~26-8a-404~~(2); and]~~

1741 ~~[(H) the requirement of public convenience and necessity:]~~

1742 ~~[(c) If the department finds that a license meets the requirements of Subsection (2)(b),~~
1743 ~~the department shall amend the license to reflect:]~~

1744 ~~[(i) the specific geographic area of the license; and]~~

1745 ~~[(ii) a four-year term extension:]~~

1746 ~~[(d) Before July 1, 1999, the department shall publish notice once a week for four~~
1747 ~~consecutive weeks of the expiration of licenses pursuant to Subsection (2)(b) in a newspaper of~~
1748 ~~general circulation in the state:]~~

1749 ~~[(e) Nothing in this Subsection (2) may be construed as restricting the authority of the~~
1750 ~~department to amend overlapping licenses pursuant to Section ~~26-8a-416~~.]~~

1751 ~~[(3) After October 1, 1999, new licenses and license renewals shall be for a four-year~~
1752 ~~term.]~~

1753 (2) A license issued or renewed under this part is valid for a term of four years.

1754 Section 52. Section **53-19-502**, which is renumbered from Section 26-8a-402 is
1755 renumbered and amended to read:

1756 ~~[**26-8a-402**].~~ **53-19-502. Exclusive geographic service areas.**

1757 (1) Each ground ambulance provider license issued under this part shall be for an
1758 exclusive geographic service area as described in the license. Only the licensed ground
1759 ambulance provider may respond to an ambulance request that originates within the provider's
1760 exclusive geographic service area~~[-except as provided in Subsection (5) and Section~~
1761 ~~**26-8a-416**].~~

1762 (2) Each paramedic provider license issued under this part shall be for an exclusive
1763 geographic service area as described in the license. Only the licensed paramedic provider may

respond to a paramedic request that originates within the exclusive geographic service area, except as provided in Subsection (6) [~~and Section 26-8a-416~~].

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

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

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

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

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

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

(a) pursuant to a mutual aid agreement;

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

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

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

(a) pursuant to a mutual aid agreement;

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

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

Section 53. Section **53-19-503**, which is renumbered from Section 26-8a-403 is renumbered and amended to read:

~~[26-8a-403]~~. **53-19-503. Establishment of maximum rates.**

(1) The department shall, after receiving recommendations under Subsection (2), establish maximum rates for ground ambulance providers and paramedic providers that are just and reasonable.

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

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

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

Section 54. Section ~~53-19-504~~, which is renumbered from Section 26-8a-404 is renumbered and amended to read:

~~[26-8a-404]~~. **53-19-504. Ground ambulance and paramedic licenses -- Application and department review.**

(1) Except as provided in Section ~~[26-8a-413]~~ 53-19-518, an applicant for a ground ambulance or paramedic license shall apply to the department for a license only by:

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

(2) The department shall make rules establishing minimum qualifications and requirements for:

- (a) personnel;
- (b) capital reserves;
- (c) equipment;
- (d) a business plan;
- (e) operational procedures;
- (f) medical direction agreements;
- (g) management and control; and
- (h) other matters that may be relevant to an applicant's ability to provide ground ambulance or paramedic service.

(3) An application for a license to provide ground ambulance service or paramedic service shall be for all ground ambulance services or paramedic services arising within the geographic service area, except that an applicant may apply for a license for less than all

ground ambulance services or all paramedic services arising within an exclusive geographic area if it can demonstrate how the remainder of that area will be served.

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

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

(ii) an assessment of field performance by the applicant's off-line director; and

(iii) an updated plan of operation demonstrating the ability of the applicant to provide the higher level of service.

(b) If the department determines that the applicant has demonstrated the ability to provide the higher level of service in accordance with Subsection (4)(a), the department shall issue a revised license reflecting the higher level of service and the requirements of Section ~~[26-8a-408]~~ 53-19-513 do not apply.

(c) A revised license issued under Subsection (4)(b):

(i) may only affect the level of service that the licensee may provide;

(ii) may not affect any other terms, conditions, or limitations of the original license; and

(iii) may not impact the rights of other licensees.

(5) Upon receiving a completed application and the required fees, the department shall review the application and determine whether the application meets the minimum qualifications and requirements for licensure.

(6) The department may deny an application if it finds that it contains any materially false or misleading information, is incomplete, or if the application demonstrates that the applicant fails to meet the minimum qualifications and requirements for licensure under Subsection (2).

(7) If the department denies an application, it shall notify the applicant in writing setting forth the grounds for the denial. A denial may be appealed under Title 63G, Chapter 4, Administrative Procedures Act.

Section 55. Section **53-19-505**, which is renumbered from Section 26-8a-405 is renumbered and amended to read:

~~[26-8a-405]~~. **53-19-505. Ground ambulance and paramedic licenses --**

Agency notice of approval.

(1) ~~[Beginning January 1, 2004, if]~~ If the department determines that the application meets the minimum requirements for licensure under Section ~~[26-8a-404]~~ 53-19-504, the department shall issue a notice of the approved application to the applicant.

(2) A current license holder responding to a request for proposal under Section ~~[26-8a-405.2]~~ 53-19-507 is considered an approved applicant for purposes of Section ~~[26-8a-405.2]~~ 53-19-507 if the current license holder, prior to responding to the request for proposal, submits the following to the department:

(a) the information described in Subsections ~~[26-8a-404]~~ 53-19-504(4)(a)(i) through (iii); and

(b) (i) if the license holder is a private entity, a financial statement, a pro forma budget and necessary letters of credit demonstrating a financial ability to expand service to a new service area; or

(ii) if the license holder is a governmental entity, a letter from the governmental entity's governing body demonstrating the governing body's willingness to financially support the application.

Section 56. Section **53-19-506**, which is renumbered from Section 26-8a-405.1 is renumbered and amended to read:

~~[26-8a-405.1].~~ **53-19-506. Selection of provider by political subdivision.**

(1) (a) Only an applicant approved under Section ~~[26-8a-405]~~ 53-19-505 may respond to a request for a proposal issued in accordance with Section ~~[26-8a-405.2]~~ 53-19-507 or Section ~~[26-8a-405.4]~~ 53-19-509 by a political subdivision.

(b) A response to a request for proposal is subject to the maximum rates established by the department under Section ~~[26-8a-403]~~ 53-19-503.

(c) A political subdivision may award a contract to an applicant in response to a request for proposal:

(i) in accordance with Section ~~[26-8a-405.2]~~ 53-19-507; and

(ii) subject to Subsection (2).

(2) (a) The department shall issue a license to an applicant selected by a political subdivision under Subsection (1) unless the department finds that issuing a license to that applicant would jeopardize the health, safety, and welfare of the citizens of the geographic

service area.

(b) A license issued under this Subsection (2):

(i) is for the exclusive geographic service area approved by the department in accordance with Subsection ~~[26-8a-405.2]~~ 53-19-507(2);

(ii) is valid for four years;

(iii) is not subject to a request for license from another applicant under the provisions of Sections ~~[26-8a-406 through 26-8a-409]~~ 53-19-511 through 53-19-514 during the four-year term, unless the applicant's license is revoked under Section ~~[26-8a-504]~~ 53-19-604; and

(iv) is subject to supervision by the department under Sections ~~[26-8a-503 and 26-8a-504]~~ 53-19-603 and 53-19-604.

(3) Except as provided in Subsection ~~[26-8a-405.3]~~ 53-19-508(4)(a), the provisions of Sections ~~[26-8a-406 through 26-8a-409]~~ 53-19-511 through 53-19-514 do not apply to a license issued under this section.

Section 57. Section **53-19-507**, which is renumbered from Section 26-8a-405.2 is renumbered and amended to read:

~~[26-8a-405.2]~~. **53-19-507. Selection of provider -- Request for competitive sealed proposal -- Public convenience and necessity.**

(1) (a) A political subdivision may contract with an applicant approved under Section ~~[26-8a-404]~~ 53-19-504 to provide services for the geographic service area that is approved by the department in accordance with Subsection (2), if:

(i) the political subdivision complies with the provisions of this section and Section ~~[26-8a-405.3]~~ 53-19-508 if the contract is for 911 ambulance or paramedic services; or

(ii) the political subdivision complies with Sections ~~[26-8a-405.3]~~ 53-19-508 and ~~[26-8a-405.4]~~ 53-19-509, if the contract is for non-911 services.

(b) (i) The provisions of this section and Sections ~~[26-8a-405.1, 26-8a-405.3, and 26-8a-405.4]~~ 53-19-506, 53-19-508, and 53-19-509 do not require a political subdivision to issue a request for proposal for ambulance or paramedic services or non-911 services.

(ii) If a political subdivision does not contract with an applicant in accordance with this section and Section ~~[26-8a-405.3]~~ 53-19-508, the provisions of Sections ~~[26-8a-406 through 26-8a-409]~~ 53-19-511 through 53-19-514 apply to the issuance of a license for ambulance or paramedic services in the geographic service area that is within the boundaries of the political

1919 subdivision.

1920 (iii) If a political subdivision does not contract with an applicant in accordance with
1921 this section, Section ~~[26-8a-405.3]~~ [53-19-508](#) and Section ~~[26-8a-405.4]~~ [53-19-509](#), a license
1922 for the non-911 services in the geographic service area that is within the boundaries of the
1923 political subdivision may be issued:

1924 (A) under the public convenience and necessity provisions of Sections ~~[26-8a-406~~
1925 ~~through 26-8a-409]~~ [53-19-511](#) through [53-19-514](#); or

1926 (B) by a request for proposal issued by the department under Section ~~[26-8a-405.5]~~
1927 [53-19-510](#).

1928 (c) (i) For purposes of this Subsection (1)(c):

1929 (A) "Fire district" means a local district under Title 17B, Limited Purpose Local
1930 Government Entities - Local Districts, that:

1931 (I) is located in a county of the first or second class; and

1932 (II) provides fire protection, paramedic, and emergency services.

1933 (B) "Participating municipality" means a city or town whose area is partly or entirely
1934 included within a county service area or fire district.

1935 (C) "Participating county" means a county whose unincorporated area is partly or
1936 entirely included within a fire district.

1937 (ii) A participating municipality or participating county may as provided in this section
1938 and Section ~~[26-8a-405.3]~~ [53-19-508](#), contract with a provider for 911 ambulance or paramedic
1939 service.

1940 (iii) If the participating municipality or participating county contracts with a provider
1941 for services under this section and Section ~~[26-8a-405.3]~~ [53-19-508](#):

1942 (A) the fire district is not obligated to provide the services that are included in the
1943 contract between the participating municipality or the participating county and the provider;

1944 (B) the fire district may impose taxes and obligations within the fire district in the same
1945 manner as if the participating municipality or participating county were receiving all services
1946 offered by the fire district; and

1947 (C) the participating municipality's and participating county's obligations to the fire
1948 district are not diminished.

1949 (2) (a) The political subdivision shall submit the request for proposal and the exclusive

geographic service area to be included in a request for proposal issued under Subsections (1)(a)(i) or (ii) to the department for approval prior to issuing the request for proposal. The department shall approve the request for proposal and the exclusive geographic service area:

(i) unless the geographic service area creates an orphaned area; and

(ii) in accordance with Subsections (2)(b) and (c).

(b) The exclusive geographic service area may:

(i) include the entire geographic service area that is within the political subdivision's boundaries;

(ii) include islands within or adjacent to other peripheral areas not included in the political subdivision that governs the geographic service area; or

(iii) exclude portions of the geographic service area within the political subdivision's boundaries if another political subdivision or licensed provider agrees to include the excluded area within their license.

(c) The proposed geographic service area for 911 ambulance or paramedic service shall demonstrate that non-911 ambulance or paramedic service will be provided in the geographic service area, either by the current provider, the applicant, or some other method acceptable to the department. The department may consider the effect of the proposed geographic service area on the costs to the non-911 provider and that provider's ability to provide only non-911 services in the proposed area.

Section 58. Section **53-19-508**, which is renumbered from Section 26-8a-405.3 is renumbered and amended to read:

~~[26-8a-405.3].~~ 53-19-508. Use of competitive sealed proposals -- Procedure -- Appeal rights.

(1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under Section ~~[26-8a-405.2]~~ 53-19-507, or for non-911 services under Section ~~[26-8a-405.4]~~ 53-19-509, shall be solicited through a request for proposal and the provisions of this section.

(b) The governing body of the political subdivision shall approve the request for proposal prior to the notice of the request for proposals under Subsection (1)(c).

(c) (i) Notice of the request for proposals shall be published:

(A) at least once a week for three consecutive weeks in a newspaper of general circulation published in the county; or

(B) if there is no such newspaper, then notice shall be posted for at least 20 days in at least five public places in the county; and

(ii) in accordance with Section [45-1-101](#) for at least 20 days.

(2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiations.

(b) (i) Subsequent to the published notice, and prior to selecting an applicant, the political subdivision shall hold a presubmission conference with interested applicants for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

(ii) A political subdivision shall allow at least 90 days from the presubmission conference for the proposers to submit proposals.

(c) Subsequent to the presubmission conference, the political subdivision may issue addenda to the request for proposals. An addenda to a request for proposal shall be finalized and posted by the political subdivision at least 45 days before the day on which the proposal must be submitted.

(d) Offerors to the request for proposals shall be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals, and revisions may be permitted after submission and before a contract is awarded for the purpose of obtaining best and final offers.

(e) In conducting discussions, there shall be no disclosures of any information derived from proposals submitted by competing offerors.

(3) (a) (i) A political subdivision may select an applicant approved by the department under Section ~~[26-8a-404]~~ [53-19-504](#) to provide 911 ambulance or paramedic services by contract to the most responsible offeror as defined in Section [63G-6a-103](#).

(ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the political subdivision, taking into consideration price and the evaluation factors set forth in the request for proposal.

(b) The applicants who are approved under Section ~~[26-8a-405]~~ [53-19-505](#) and who are selected under this section may be the political subdivision issuing the request for competitive sealed proposals, or any other public entity or entities, any private person or entity, or any combination thereof.

(c) A political subdivision may reject all of the competitive proposals.

2012 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2013 a political subdivision:

2014 (a) shall apply the public convenience and necessity factors listed in Subsections
2015 ~~[26-8a-408]~~ [53-19-513](#)(2) through (6);

2016 (b) shall require the applicant responding to the proposal to disclose how the applicant
2017 will meet performance standards in the request for proposal;

2018 (c) may not require or restrict an applicant to a certain method of meeting the
2019 performance standards, including:

2020 (i) requiring ambulance medical personnel to also be a firefighter; or
2021 (ii) mandating that offerors use fire stations or dispatch services of the political
2022 subdivision;

2023 (d) shall require an applicant to submit the proposal:

2024 (i) based on full cost accounting in accordance with generally accepted accounting
2025 principals; and

2026 (ii) if the applicant is a governmental entity, in addition to the requirements of
2027 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
2028 in compliance with the State of Utah Legal Compliance Audit Guide; and

2029 (e) shall set forth in the request for proposal:

2030 (i) the method for determining full cost accounting in accordance with generally
2031 accepted accounting principles, and require an applicant to submit the proposal based on such
2032 full cost accounting principles;

2033 (ii) guidelines established to further competition and provider accountability; and
2034 (iii) a list of the factors that will be considered by the political subdivision in the award
2035 of the contract, including by percentage, the relative weight of the factors established under this
2036 Subsection (4)(e), which may include such things as:

2037 (A) response times;
2038 (B) staging locations;
2039 (C) experience;
2040 (D) quality of care; and
2041 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

2042 (5) (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement

Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply to the procurement process required by this section, except as provided in Subsection (5)(c).

(b) A procurement appeals panel described in Section 63G-6a-1702 shall have jurisdiction to review and determine an appeal of an offeror under this section.

(c) (i) An offeror may appeal the solicitation or award as provided by the political subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror may appeal under the provisions of Subsections (5)(a) and (b).

(ii) A procurement appeals panel described in Section 63G-6a-1702 shall determine whether the solicitation or award was made in accordance with the procedures set forth in this section and Section ~~[26-8a-405.2]~~ 53-19-507.

(d) The determination of an issue of fact by the appeals board shall be final and conclusive unless arbitrary and capricious or clearly erroneous as provided in Section 63G-6a-1705.

Section 59. Section 53-19-509, which is renumbered from Section 26-8a-405.4 is renumbered and amended to read:

~~[26-8a-405.4].~~ **53-19-509. Non-911 provider -- Finding of meritorious complaint -- Request for proposals.**

(1) Notwithstanding ~~[Subsection 26-8a-102(18)]~~ Section 53-19-102, for purposes of this section, political subdivision includes:

(a) a county of any class; and

(b) a city or town located in a county of any class.

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

(b) The department shall, in accordance with Subsections (4) and (5):

(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 (2)(b)(iv)(A).

(3) (a) A political subdivision that receives a finding of a meritorious complaint from the department:

(i) shall take corrective action that the political subdivision determines is appropriate; and

(ii) shall, if the political subdivision determines corrective action will not resolve the complaint or is not appropriate:

(A) issue a request for proposal for non-911 service in the geographic service area if the political subdivision will not respond to the request for proposal; or

(B) (I) make a finding that a request for proposal for non-911 services is appropriate and the political subdivision intends to respond to a request for proposal; and

(II) submit the political subdivision's findings to the department with a request that the department issue a request for proposal in accordance with Section ~~[26-8a-405.5]~~ 53-19-510.

(b) (i) If Subsection (3)(a)(ii)(A) applies, the political subdivision shall issue the request for proposal in accordance with Sections ~~[26-8a-405.1 through 26-8a-405.3]~~ 53-19-506 through 53-19-508.

(ii) If Subsection (3)(a)(ii)(B) applies, the department shall issue a request for proposal for non-911 services in accordance with Section ~~[26-8a-405.5]~~ 53-19-510.

(4) The department shall make a determination under Subsection (2)(b) if:

(a) the department receives a written complaint from any of the following in the geographic service area:

(i) a hospital;

(ii) a health care facility;

(iii) a political subdivision; or

(iv) an individual; and

(b) the department determines, in accordance with Subsection (2)(b), that the complaint has merit.

(5) (a) If the department receives a complaint under Subsection (2)(b), the department shall request a written response from the non-911 provider concerning the complaint.

(b) The department shall make a determination under Subsection (2)(b) based on:

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

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

(c) (i) The department's determination under Subsection (2)(b) is not subject to an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

(ii) The department shall adopt administrative rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection (2)(b).

Section 60. Section **53-19-510**, which is renumbered from Section 26-8a-405.5 is renumbered and amended to read:

~~[26-8a-405.5].~~ 53-19-510. Use of competitive sealed proposals -- Procedure -- Appeal rights.

(1) (a) The department shall issue a request for proposal for non-911 services in a geographic service area if the department receives a request from a political subdivision under Subsection ~~[26-8a-405.4]~~ 53-19-509(3)(a)(ii)(B) to issue a request for proposal for non-911 services.

(b) Competitive sealed proposals for non-911 services under Subsection (1)(a) shall be solicited through a request for proposal and the provisions of this section.

(c) (i) Notice of the request for proposals shall be published:

(A) at least once a week for three consecutive weeks in a newspaper of general circulation published in the county; or

(B) if there is no such newspaper, then notice shall be posted for at least 20 days in at least five public places in the county; and

(ii) in accordance with Section 45-1-101 for at least 20 days.

(2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiations.

(b) (i) Subsequent to the published notice, and prior to selecting an applicant, the department shall hold a presubmission conference with interested applicants for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

(ii) The department shall allow at least 90 days from the presubmission conference for the proposers to submit proposals.

(c) Subsequent to the presubmission conference, the department may issue addenda to

the request for proposals. An addenda to a request for proposal shall be finalized and posted by the department at least 45 days before the day on which the proposal must be submitted.

(d) Offerors to the request for proposals shall be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals, and revisions may be permitted after submission and before a contract is awarded for the purpose of obtaining best and final offers.

(e) In conducting discussions, there shall be no disclosures of any information derived from proposals submitted by competing offerors.

(3) (a) (i) The department may select an applicant approved by the department under Section ~~[26-8a-404]~~ [53-19-504](#) to provide non-911 services by contract to the most responsible offeror as defined in Section [63G-6a-103](#).

(ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the public, taking into consideration price and the evaluation factors set forth in the request for proposal.

(b) The applicants who are approved under Section ~~[26-8a-405]~~ [53-19-505](#) and who are selected under this section may be the political subdivision responding to the request for competitive sealed proposals, or any other public entity or entities, any private person or entity, or any combination thereof.

(c) The department may reject all of the competitive proposals.

(4) In seeking competitive sealed proposals and awarding contracts under this section, the department:

(a) shall consider the public convenience and necessity factors listed in Subsections ~~[26-8a-408]~~ [53-19-513](#)(2) through (6);

(b) shall require the applicant responding to the proposal to disclose how the applicant will meet performance standards in the request for proposal;

(c) may not require or restrict an applicant to a certain method of meeting the performance standards, including:

(i) requiring ambulance medical personnel to also be a firefighter; or

(ii) mandating that offerors use fire stations or dispatch services of the political subdivision;

(d) shall require an applicant to submit the proposal:

(i) based on full cost accounting in accordance with generally accepted accounting principals; and

(ii) if the applicant is a governmental entity, in addition to the requirements of Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and in compliance with the State of Utah Legal Compliance Audit Guide; and

(e) shall set forth in the request for proposal:

(i) the method for determining full cost accounting in accordance with generally accepted accounting principles, and require an applicant to submit the proposal based on such full cost accounting principles;

(ii) guidelines established to further competition and provider accountability; and

(iii) a list of the factors that will be considered by the department in the award of the contract, including by percentage, the relative weight of the factors established under this Subsection (4)(e), which may include such things as:

(A) response times;

(B) staging locations;

(C) experience;

(D) quality of care; and

(E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

(5) A license issued under this section:

(a) is for the exclusive geographic service area approved by the department;

(b) is valid for four years;

(c) is not subject to a request for license from another applicant under the provisions of Sections ~~[26-8a-406 through 26-8a-409]~~ 53-19-511 through 53-19-514 during the four-year term, unless the applicant's license is revoked under Section ~~[26-8a-504]~~ 53-19-604;

(d) is subject to supervision by the department under Sections ~~[26-8a-503 and 26-8a-504]~~ 53-19-603 and 53-19-604; and

(e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections ~~[26-8a-406 through 26-8a-409]~~ 53-19-511 through 53-19-514.

Section 61. Section **53-19-511**, which is renumbered from Section 26-8a-406 is renumbered and amended to read:

~~[26-8a-406].~~ **53-19-511. Ground ambulance and paramedic licenses --**

Parties.

(1) When an applicant approved under Section ~~[26-8a-404]~~ [53-19-504](#) seeks licensure under the provisions of Sections ~~[26-8a-406 through 26-8a-409]~~ [53-19-511 through 53-19-514](#), the department shall:

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

(b) provide notice of the application to all interested parties; and

(c) publish notice of the application, at the applicant's expense:

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

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

(2) An interested party has 30 days to object to an application.

(3) If an interested party objects, the presiding officer shall join the interested party as an indispensable party to the proceeding.

(4) The department may join the proceeding as a party to represent the public interest.

(5) Others who may be affected by the grant of a license to the applicant may join the proceeding, if the presiding officer determines that they meet the requirement of legal standing.

Section 62. Section **53-19-512**, which is renumbered from Section 26-8a-407 is renumbered and amended to read:

~~[26-8a-407].~~ **53-19-512. Ground ambulance and paramedic licenses --**

Proceedings.

(1) The presiding officer shall:

(a) commence an informal adjudicative proceeding within 120 days of receiving a completed application;

(b) meet with the applicant and objecting interested parties and provide no less than 120 days for a negotiated resolution, consistent with the criteria in Section ~~[26-8a-408]~~ [53-19-513](#);

(c) set aside a separate time during the proceedings to accept public comment on the application; and

(d) present a written decision to the executive director if a resolution has been reached that satisfies the criteria in Section ~~[26-8a-408]~~ [53-19-513](#).

(2) At any time during an informal adjudicative proceeding under Subsection (1), any party may request conversion of the informal adjudicative proceeding to a formal adjudicative proceeding in accordance with Section [63G-4-202](#).

(3) Upon conversion to a formal adjudicative proceeding, a hearing officer shall be assigned to the application as provided in Section ~~[26-8a-409]~~ [53-19-514](#). The hearing officer shall:

(a) set aside a separate time during the proceedings to accept public comment on the application;

(b) apply the criteria established in Section ~~[26-8a-408]~~ [53-19-513](#); and

(c) present a recommended decision to the executive director in writing.

(4) The executive director may, as set forth in a final written order, accept, modify, reject, or remand the decision of a presiding or hearing officer after:

(a) reviewing the record;

(b) giving due deference to the officer's decision; and

(c) determining whether the criteria in Section ~~[26-8a-408]~~ [53-19-513](#) have been satisfied.

Section 63. Section **53-19-513**, which is renumbered from Section 26-8a-408 is renumbered and amended to read:

~~[26-8a-408]~~. **53-19-513. Criteria for determining public convenience and necessity.**

(1) The criteria for determining public convenience and necessity is set forth in Subsections (2) through (6).

(2) Access to emergency medical services shall be maintained or improved. The officer shall consider the impact on existing services, including the impact on response times, call volumes, populations and exclusive geographic service areas served, and the ability of surrounding licensed providers to service their exclusive geographic service areas. The issuance or amendment of a license may not create an orphaned area.

(3) The quality of service in the area shall be maintained or improved. The officer shall consider the:

(a) staffing and equipment standards of the current licensed provider and the applicant;

(b) training and licensure levels of the current licensed provider's staff and the

2260 applicant's staff;

2261 (c) continuing medical education provided by the current licensed provider and the

2262 applicant;

2263 (d) levels of care as defined by department rule;

2264 (e) plan of medical control; and

2265 (f) the negative or beneficial impact on the regional emergency medical service system

2266 to provide service to the public.

2267 (4) The cost to the public shall be justified. The officer shall consider:

2268 (a) the financial solvency of the applicant;

2269 (b) the applicant's ability to provide services within the rates established under Section

2270 ~~[26-8a-403]~~ [53-19-503](#);

2271 (c) the applicant's ability to comply with cost reporting requirements;

2272 (d) the cost efficiency of the applicant; and

2273 (e) the cost effect of the application on the public, interested parties, and the emergency

2274 medical services system.

2275 (5) Local desires concerning cost, quality, and access shall be considered. The officer

2276 shall assess and consider:

2277 (a) the existing provider's record of providing services and the applicant's record and

2278 ability to provide similar or improved services;

2279 (b) locally established emergency medical services goals, including those established in

2280 Subsection (7);

2281 (c) comment by local governments on the applicant's business and operations plans;

2282 (d) comment by interested parties that are providers on the impact of the application on

2283 the parties' ability to provide emergency medical services;

2284 (e) comment by interested parties that are local governments on the impact of the

2285 application on the citizens it represents; and

2286 (f) public comment on any aspect of the application or proposed license.

2287 (6) Other related criteria:

2288 (a) the officer considers necessary; or

2289 (b) established by department rule.

2290 (7) Local governments shall establish cost, quality, and access goals for the ground

2291 ambulance and paramedic services that serve their areas.

2292 (8) In a formal adjudicative proceeding, the applicant bears the burden of establishing
2293 that public convenience and necessity require the approval of the application for all or part of
2294 the exclusive geographic service area requested.

2295 Section 64. Section **53-19-514**, which is renumbered from Section 26-8a-409 is
2296 renumbered and amended to read:

2297 ~~[26-8a-409]~~. **53-19-514. Ground ambulance and paramedic licenses --**
2298 **Hearing and presiding officers.**

2299 (1) The department shall set training standards for hearing officers and presiding
2300 officers.

2301 (2) At a minimum, a presiding officer shall:

2302 (a) be familiar with the theory and application of public convenience and necessity; and

2303 (b) have a working knowledge of the emergency medical service system in the state.

2304 (3) In addition to the requirements in Subsection (2), a hearing officer shall also be
2305 licensed to practice law in the state.

2306 (4) The department shall provide training for hearing officer and presiding officer
2307 candidates in the theory and application of public convenience and necessity and on the
2308 emergency medical system in the state.

2309 (5) The department shall maintain a roster of no less than five individuals who meet
2310 the minimum qualifications for both presiding and hearing officers and the standards set by the
2311 department.

2312 (6) The parties may mutually select an officer from the roster if the officer is available.

2313 (7) If the parties cannot agree upon an officer under Subsection (4), the department
2314 shall randomly select an officer from the roster or from a smaller group of the roster agreed
2315 upon by the applicant and the objecting interested parties.

2316 Section 65. Section **53-19-515**, which is renumbered from Section 26-8a-410 is
2317 renumbered and amended to read:

2318 ~~[26-8a-410]~~. **53-19-515. Local approvals.**

2319 (1) Licensed ambulance providers and paramedic providers shall meet all local zoning
2320 and business licensing standards generally applicable to businesses operating within the
2321 jurisdiction.

(2) Publicly subsidized providers shall demonstrate approval of the taxing authority that will provide the subsidy.

(3) A publicly operated service shall demonstrate that the governing body has approved the provision of services to the entire exclusive geographic service area that is the subject of the license, including those areas that may lie outside the territorial or jurisdictional boundaries of the governing body.

Section 66. Section **53-19-516**, which is renumbered from Section 26-8a-411 is renumbered and amended to read:

~~[26-8a-411].~~ 53-19-516. Limitation on repetitive applications.

A person who has previously applied for a license under Sections ~~[26-8a-406 through 26-8a-409]~~ 53-19-511 through 53-19-514 may not apply for a license for the same service that covers any exclusive geographic service area that was the subject of the prior application unless:

(1) one year has passed from the date of the issuance of a final decision under Section ~~[26-8a-407]~~ 53-19-512; or

(2) all interested parties and the department agree that a new application is in the public interest.

Section 67. Section **53-19-517**, which is renumbered from Section 26-8a-412 is renumbered and amended to read:

~~[26-8a-412].~~ 53-19-517. License for air ambulance providers.

(1) An applicant for an air ambulance provider shall apply to the department for a license only by:

- (a) submitting a complete application;
- (b) providing information in the format required by the department; and
- (c) paying the required fees.

(2) The department may make rules establishing minimum qualifications and requirements for:

- (a) personnel;
- (b) capital reserves;
- (c) equipment;
- (d) business plan;

2353 (e) operational procedures;
2354 (f) resource hospital and medical direction agreements;
2355 (g) management and control qualifications and requirements; and
2356 (h) other matters that may be relevant to an applicant's ability to provide air ambulance
2357 services.

2358 (3) Upon receiving a completed application and the required fees, the department shall
2359 review the application and determine whether the application meets the minimum requirements
2360 for licensure.

2361 (4) The department may deny an application for an air ambulance if:

2362 (a) the department finds that the application contains any materially false or misleading
2363 information or is incomplete;

2364 (b) the application demonstrates that the applicant fails to meet the minimum
2365 requirements for licensure; or

2366 (c) the department finds after inspection that the applicant does not meet the minimum
2367 requirements for licensure.

2368 (5) If the department denies an application under this section, it shall notify the
2369 applicant in writing setting forth the grounds for the denial.

2370 Section 68. Section **53-19-518**, which is renumbered from Section 26-8a-413 is
2371 renumbered and amended to read:

2372 ~~[26-8a-413]~~. **53-19-518. License renewals.**

2373 (1) A licensed provider desiring to renew its license shall meet the renewal
2374 requirements established by department rule.

2375 (2) The department shall issue a renewal license for a ground ambulance provider or a
2376 paramedic provider upon the licensee's application for a renewal and without a public hearing
2377 if there has been:

2378 (a) no change in controlling interest in the ownership of the licensee as defined in
2379 Section ~~[26-8a-415]~~ 53-19-520;

2380 (b) no serious, substantiated public complaints filed with the department against the
2381 licensee during the term of the previous license;

2382 (c) no material or substantial change in the basis upon which the license was originally
2383 granted;

(d) no reasoned objection from the committee or the department; and

(e) if the applicant was licensed under the provisions of Sections ~~[26-8a-406 through 26-8a-409]~~ 53-19-511 through 53-18-514, no conflicting license application.

(3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the provisions of Sections ~~[26-8a-405.1 and 26-8a-405.2]~~ 53-19-506 and 53-19-507.

(ii) A provider may renew its license if the provisions of Subsections (1), (2)(a) through (d), and this Subsection (3) are met.

(b) (i) The department shall issue a renewal license to a provider upon the provider's application for renewal for one additional four-year term if the political subdivision certifies to the department that the provider has met all of the specifications of the original bid.

(ii) If the political subdivision does not certify to the department that the provider has met all of the specifications of the original bid, the department may not issue a renewal license and the political subdivision shall enter into a public bid process under Sections ~~[26-8a-405.1 and 26-8a-405.2]~~ 53-19-506 and 53-19-507.

(c) (i) The department shall issue an additional renewal license to a provider who has already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if the department and the political subdivision do not receive, prior to the expiration of the provider's license, written notice from an approved applicant informing the political subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic service.

(ii) If the department and the political subdivision receive the notice in accordance with Subsection (3)(c)(i), the department may not issue a renewal license and the political subdivision shall enter into a public bid process under Sections ~~[26-8a-405.1 and 26-8a-405.2]~~ 53-19-506 and 53-19-507.

(4) The department shall issue a renewal license for an air ambulance provider upon the licensee's application for renewal and completion of the renewal requirements established by department rule.

Section 69. Section **53-19-519**, which is renumbered from Section 26-8a-414 is renumbered and amended to read:

~~[26-8a-414]~~. **53-19-519. Annexations.**

(1) A municipality shall comply with the provisions of this section if the municipality

2415 is licensed under this chapter and desires to provide service to an area that is:

2416 (a) included in a petition for annexation under Title 10, Chapter 2, Part 4, Annexation;

2417 and

2418 (b) currently serviced by another provider licensed under this chapter.

2419 (2) (a) (i) At least 45 days prior to approving a petition for annexation, the municipality
2420 shall certify to the department that by the time of the approval of the annexation the

2421 municipality can meet or exceed the current level of service provided by the existing licensee
2422 for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and

2423 (ii) no later than three business days after the municipality files a petition for
2424 annexation in accordance with Section 10-2-403, provide written notice of the petition for
2425 annexation to:

2426 (A) the existing licensee providing service to the area included in the petition of
2427 annexation; and

2428 (B) the department.

2429 (b) (i) After receiving a certification under Subsection (2)(a), but prior to the
2430 municipality approving a petition for annexation, the department may audit the municipality
2431 only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).

2432 (ii) If the department elects to conduct an audit, the department shall make a finding
2433 that the municipality can meet or exceed the current level of service provided by the existing
2434 licensee for the annexed area if the department finds that the municipality has or will have by
2435 the time of the approval of the annexation:

2436 (A) adequate trained personnel to deliver basic and advanced life support services;

2437 (B) adequate apparatus and equipment to deliver emergency medical services;

2438 (C) adequate funding for personnel and equipment; and

2439 (D) appropriate medical controls, such as a medical director and base hospital.

2440 (iii) The department shall submit the results of the audit in writing to the municipal
2441 legislative body.

2442 (3) (a) If the department audit finds that the municipality meets the requirements of
2443 Subsection (2)(b)(ii), the department shall issue an amended license to the municipality and all
2444 other affected licensees to reflect the municipality's new boundaries after the department
2445 receives notice of the approval of the petition for annexation from the municipality in

2446 accordance with Section [10-2-425](#).

2447 (b) (i) Notwithstanding the provisions of Subsection [63G-4-102](#)(2)(k), if the
2448 department audit finds that the municipality fails to meet the requirements of Subsection
2449 (2)(b)(ii), the municipality may request an adjudicative proceeding under the provisions of
2450 Title 63G, Chapter 4, Administrative Procedures Act. The municipality may approve the
2451 petition for annexation while an adjudicative proceeding requested under this Subsection
2452 (3)(b)(i) is pending.

2453 (ii) The department shall conduct an adjudicative proceeding when requested under
2454 Subsection (3)(b)(i).

2455 (iii) Notwithstanding the provisions of Sections [~~26-8a-404~~ through ~~26-8a-409~~]
2456 [53-19-504](#) through [53-19-514](#), in any adjudicative proceeding held under the provisions of
2457 Subsection (3)(b)(i), the department bears the burden of establishing that the municipality
2458 cannot, by the time of the approval of the annexation, meet the requirements of Subsection
2459 (2)(b)(ii).

2460 (c) If, at the time of the approval of the annexation, an adjudicative proceeding is
2461 pending under the provisions of Subsection (3)(b)(i), the department shall issue amended
2462 licenses if the municipality prevails in the adjudicative proceeding.

2463 Section 70. Section **53-19-520**, which is renumbered from Section 26-8a-415 is
2464 renumbered and amended to read:

2465 ~~[26-8a-415]~~. **53-19-520. Changes in ownership.**

2466 (1) A licensed provider whose ownership or controlling ownership interest has changed
2467 shall submit information to the department, as required by department rule:

2468 (a) to establish whether the new owner or new controlling party meets minimum
2469 requirements for licensure; and

2470 (b) except as provided in Subsection (2), to commence an administrative proceeding to
2471 determine whether the new owner meets the requirement of public convenience and necessity
2472 under Section [~~26-8a-408~~] [53-19-513](#).

2473 (2) An administrative proceeding is not required under Subsection (1)(b) if:

2474 (a) the change in ownership interest is among existing owners of a closely held
2475 corporation and the change does not result in a change in the management of the licensee or in
2476 the name of the licensee;

(b) the change in ownership in a closely held corporation results in the introduction of new owners, provided that:

(i) the new owners are limited to individuals who would be entitled to the equity in the closely held corporation by the laws of intestate succession had the transferor died intestate at the time of the transfer;

(ii) the majority owners on January 1, 1999, have been disclosed to the department by October 1, 1999, and the majority owners on January 1, 1999, retain a majority interest in the closely held corporation; and

(iii) the name of the licensed provider remains the same;

(c) the change in ownership is the result of one or more owners transferring their interests to a trust, limited liability company, partnership, or closely held corporation so long as the transferors retain control over the receiving entity;

(d) the change in ownership is the result of a distribution of an estate or a trust upon the death of the testator or the trustor and the recipients are limited to individuals who would be entitled to the interest by the laws of intestate succession had the transferor died intestate at the time of the transfer; or

(e) other similar changes that the department establishes, by rule, as having no significant impact on the cost, quality, or access to emergency medical services.

Section 71. Section **53-19-601**, which is renumbered from Section 26-8a-501 is renumbered and amended to read:

Part 6. Enforcement Provisions

~~[26-8a-501].~~ 53-19-601. Discrimination prohibited.

(1) No person licensed or designated pursuant to this chapter may discriminate in the provision of emergency medical services on the basis of race, sex, color, creed, or prior inquiry as to ability to pay.

(2) This chapter does not authorize or require medical assistance or transportation over the objection of an individual on religious grounds.

Section 72. Section **53-19-602**, which is renumbered from Section 26-8a-502 is renumbered and amended to read:

~~[26-8a-502].~~ 53-19-602. Illegal activity.

(1) Except as provided in Section [~~26-8a-308 or 26-8b-201~~] 53-19-408, a person may

2508 not:

2509 (a) practice or engage in the practice, represent that the person is practicing or engaging
2510 in the practice, or attempt to practice or engage in the practice of any activity that requires a
2511 license or designation under this chapter unless that person is licensed or designated under this
2512 chapter; or

2513 (b) offer an emergency medical service that requires a license or designation under this
2514 chapter unless the person is licensed or designated under this chapter.

2515 (2) A person may not advertise or represent that the person holds a license or
2516 designation required under this chapter, unless that person holds the license or designation
2517 under this chapter.

2518 (3) A person may not employ or permit any employee to perform any service for which
2519 a license is required by this chapter, unless the person performing the service possesses the
2520 required license under this chapter.

2521 (4) A person may not wear, display, sell, reproduce, or otherwise use any Utah
2522 Emergency Medical Services insignia without authorization from the department.

2523 (5) A person may not reproduce or otherwise use materials developed by the
2524 department for licensure testing or examination without authorization from the department.

2525 (6) A person may not willfully summon an ambulance or emergency response vehicle
2526 or report that one is needed when the person knows that the ambulance or emergency response
2527 vehicle is not needed.

2528 ~~[(7) A person who violates this section is subject to Section 26-23-6.]~~

2529 (7) (a) A person who violates a provision of this section is guilty of a class B
2530 misdemeanor for the first violation, and for any subsequent similar violation within two years,
2531 is guilty of a class A misdemeanor.

2532 (b) Conviction in a criminal proceeding does not preclude the department or a local
2533 health department from assessment of any civil penalty or administrative civil money penalty,
2534 or to deny, revoke, condition, or refuse to renew a permit, license, or certificate or to seek other
2535 injunctive or equitable remedies.

2536 Section 73. Section **53-19-603**, which is renumbered from Section 26-8a-503 is
2537 renumbered and amended to read:

2538 **[26-8a-503].** **53-19-603. Discipline of emergency medical services**

2539 **personnel.**

2540 (1) The department may refuse to issue a license or renewal, or revoke, suspend,
2541 restrict, or place on probation an individual's license if:

2542 (a) the individual does not meet the qualifications for licensure under Section
2543 [~~26-8a-302~~] [53-19-402](#);

2544 (b) the individual has engaged in conduct, as defined by committee rule, that:

2545 (i) is unprofessional;

2546 (ii) is adverse to the public health, safety, morals, or welfare; or

2547 (iii) would adversely affect public trust in the emergency medical service system;

2548 (c) the individual has violated Section [~~26-8a-502~~] [53-19-602](#) or other provision of this
2549 chapter;

2550 (d) the individual has violated Section [58-1-509](#);

2551 (e) a court of competent jurisdiction has determined the individual to be mentally
2552 incompetent for any reason; or

2553 (f) the individual is unable to provide emergency medical services with reasonable skill
2554 and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type
2555 of material, or as a result of any other mental or physical condition, when the individual's
2556 condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers,
2557 or the public health, safety, or welfare that cannot be reasonably mitigated.

2558 (2) (a) An action to revoke, suspend, restrict, or place a license on probation shall be
2559 done in:

2560 (i) consultation with the peer review board created in Section [~~26-8a-105~~] [53-19-105](#);
2561 and

2562 (ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.

2563 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist
2564 order under Section [~~26-8a-507~~] [53-19-607](#) to immediately suspend an individual's license
2565 pending an administrative proceeding to be held within 30 days if there is evidence to show
2566 that the individual poses a clear, immediate, and unjustifiable threat or potential threat to the
2567 public health, safety, or welfare.

2568 (3) An individual whose license has been suspended, revoked, or restricted may apply
2569 for reinstatement of the license at reasonable intervals and upon compliance with any

conditions imposed upon the license by statute, committee rule, or the terms of the suspension, revocation, or restriction.

~~[(4) In addition to taking disciplinary action under Subsection (1), the department may impose sanctions in accordance with Section 26-23-6.]~~

Section 74. Section **53-19-604**, which is renumbered from Section 26-8a-504 is renumbered and amended to read:

~~[26-8a-504].~~ **53-19-604. Discipline of designated and licensed providers.**

(1) The department may refuse to issue a license or designation or a renewal, or revoke, suspend, restrict, or place on probation, an emergency medical service provider's license or designation if the provider has:

- (a) failed to abide by terms of the license or designation;
- (b) violated statute or rule;
- (c) failed to provide services at the level or in the exclusive geographic service area required by the license or designation;
- (d) failed to submit a renewal application in a timely fashion as required by department rule;
- (e) failed to follow operational standards established by the committee; or
- (f) committed an act in the performance of a professional duty that endangered the public or constituted gross negligence.

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

(b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist order under Section ~~[26-8a-507]~~ 53-19-607 to immediately suspend a license or designation pending an administrative proceeding to be held within 30 days if there is evidence to show that the provider or facility poses a clear, immediate, and unjustifiable threat or potential threat to the public health, safety, or welfare.

~~[(3) In addition to taking disciplinary action under Subsection (1), the department may impose sanctions in accordance with Section 26-23-6.]~~

Section 75. Section **53-19-605**, which is renumbered from Section 26-8a-505 is renumbered and amended to read:

2601 ~~[26-8a-505].~~ **53-19-605. Service interruption or cessation -- Receivership**
2602 **-- Default coverage -- Notice.**

2603 (1) Acting in the public interest, the department may petition the district court where an
2604 ambulance or paramedic provider operates or the district court with jurisdiction in Salt Lake
2605 County to appoint the department or an independent receiver to continue the operations of a
2606 provider upon any one of the following conditions:

2607 (a) the provider ceases or intends to cease operations;

2608 (b) the provider becomes insolvent;

2609 (c) the department has initiated proceedings to revoke the provider's license and has
2610 determined that the lives, health, safety, or welfare of the population served within the
2611 provider's exclusive geographic service area are endangered because of the provider's action or
2612 inaction pending a full hearing on the license revocation; or

2613 (d) the department has revoked the provider's license and has been unable to adequately
2614 arrange for another provider to take over the provider's exclusive geographic service area.

2615 (2) If a licensed or designated provider ceases operations or is otherwise unable to
2616 provide services, the department may arrange for another licensed provider to provide services
2617 on a temporary basis until a license is issued.

2618 (3) A licensed provider shall give the department 30 days notice of its intent to cease
2619 operations.

2620 Section 76. Section **53-19-606**, which is renumbered from Section 26-8a-506 is
2621 renumbered and amended to read:

2622 ~~[26-8a-506].~~ **53-19-606. Investigations for enforcement of chapter.**

2623 (1) The department may, for the purpose of ascertaining compliance with the
2624 provisions of this chapter, enter and inspect on a routine basis the business premises and
2625 equipment of a person:

2626 (a) with a designation, permit, or license; or

2627 (b) who holds himself out to the general public as providing a service for which a
2628 designation, permit, or license is required under Section ~~[26-8a-301]~~ 53-19-401.

2629 (2) Before conducting an inspection under Subsection (1), the department shall, after
2630 identifying the person in charge:

2631 (a) give proper identification;

- (b) describe the nature and purpose of the inspection; and
- (c) if necessary, explain the authority of the department to conduct the inspection.
- (3) In conducting an inspection under Subsection (1), the department may, after meeting the requirements of Subsection (2):
- (a) inspect records, equipment, and vehicles; and
- (b) interview personnel.
- (4) An inspection conducted under Subsection (1) shall be during regular operational hours.

Section 77. Section **53-19-607**, which is renumbered from Section 26-8a-507 is renumbered and amended to read:

~~[26-8a-507].~~ **53-19-607. Cease and desist orders.**

The department may issue a cease and desist order to any person who:

- (1) may be disciplined under Section ~~[26-8a-503 or 26-8a-504]~~ 53-19-603 or 53-19-604; or
- (2) otherwise violates this chapter or any rules adopted under this chapter.

Section 78. Section **53-19-701**, which is renumbered from Section 26-8a-601 is renumbered and amended to read:

Part 7. Miscellaneous

~~[26-8a-601].~~ **53-19-701. Persons and activities exempt from civil liability.**

(1) (a) Except as provided in Subsection (1)(b), a licensed physician, physician's assistant, or licensed registered nurse who, gratuitously and in good faith, gives oral or written instructions to any of the following is not liable for any civil damages as a result of issuing the instructions:

- (i) an individual licensed under Section ~~[26-8a-302]~~ 53-19-402;
- (ii) a person who uses a fully automated external defibrillator, as defined in Section ~~26-8b-102~~; or
- (iii) a person who administers CPR, as defined in Section ~~26-8b-102~~.

(b) The liability protection described in Subsection (1)(a) does not apply if the instructions given were the result of gross negligence or willful misconduct.

(2) An individual licensed under Section ~~[26-8a-302]~~ 53-19-402, during either training or after licensure, a licensed physician, a physician assistant, or a registered nurse who,

gratuitously and in good faith, provides emergency medical instructions or renders emergency medical care authorized by this chapter is not liable for any civil damages as a result of any act or omission in providing the emergency medical instructions or medical care, unless the act or omission is the result of gross negligence or willful misconduct.

(3) An individual licensed under Section [~~26-8a-302~~] 53-19-402 is not subject to civil liability for failure to obtain consent in rendering emergency medical services authorized by this chapter to any individual who is unable to give his consent, regardless of the individual's age, where there is no other person present legally authorized to consent to emergency medical care, provided that the licensed individual acted in good faith.

(4) A principal, agent, contractor, employee, or representative of an agency, organization, institution, corporation, or entity of state or local government that sponsors, authorizes, supports, finances, or supervises any functions of an individual licensed under Section [~~26-8a-302~~] 53-19-402 is not liable for any civil damages for any act or omission in connection with such sponsorship, authorization, support, finance, or supervision of the licensed individual where the act or omission occurs in connection with the licensed individual's training or occurs outside a hospital where the life of a patient is in immediate danger, unless the act or omission is inconsistent with the training of the licensed individual, and unless the act or omission is the result of gross negligence or willful misconduct.

(5) A physician or physician assistant who gratuitously and in good faith arranges for, requests, recommends, or initiates the transfer of a patient from a hospital to a critical care unit in another hospital is not liable for any civil damages as a result of such transfer where:

(a) sound medical judgment indicates that the patient's medical condition is beyond the care capability of the transferring hospital or the medical community in which that hospital is located; and

(b) the physician or physician assistant has secured an agreement from the receiving facility to accept and render necessary treatment to the patient.

(6) A person who is a registered member of the National Ski Patrol System (NSPS) or a member of a ski patrol who has completed a course in winter emergency care offered by the NSPS combined with CPR for medical technicians offered by the American Red Cross or American Heart Association, or an equivalent course of instruction, and who in good faith renders emergency care in the course of ski patrol duties is not liable for civil damages as a

result of any act or omission in rendering the emergency care, unless the act or omission is the result of gross negligence or willful misconduct.

(7) An emergency medical service provider who, in good faith, transports an individual against his will but at the direction of a law enforcement officer pursuant to Section [62A-15-629](#) is not liable for civil damages for transporting the individual.

Section 79. Section **53-19-702**, which is renumbered from Section 26-8a-602 is renumbered and amended to read:

~~[26-8a-602].~~ 53-19-702. Notification of air ambulance policies and charges.

(1) For any patient who is in need of air medical transport provider services, an emergency medical service provider shall:

(a) provide the patient or the patient's representative with the information described in Subsection ~~[26-8a-107(7)(a)]~~ [53-19-107\(8\)\(a\)](#) before contacting an air medical transport provider; and

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

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

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

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

Section 80. Section **53-19-801**, which is renumbered from Section 26-8c-102 is renumbered and amended to read:

Part 8. EMS Personnel Licensure Interstate Compact

~~[26-8c-102].~~ 53-19-801. EMS Personnel Licensure Interstate Compact.

EMS PERSONNEL LICENSURE INTERSTATE COMPACT

SECTION 1. PURPOSE

In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services

(EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and paramedics. This Compact is intended to facilitate the day to day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This Compact is designed to achieve the following purposes and objectives:

1. Increase public access to EMS personnel;
2. Enhance the states' ability to protect the public's health and safety, especially patient safety;
3. Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;
4. Support licensing of military members who are separating from an active duty tour and their spouses;
5. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information;
6. Promote compliance with the laws governing EMS personnel practice in each member state; and
7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

SECTION 2. DEFINITIONS

In this compact:

A. "Advanced Emergency Medical Technician (AEMT)" means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

B. "Adverse Action" means: any administrative, civil, equitable or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other

2756 limitation or encumbrance on the individual's practice, letters of reprimand or admonition,
2757 fines, criminal convictions and state court judgments enforcing adverse actions by the state
2758 EMS authority.

2759 C. "Alternative program" means: a voluntary, non-disciplinary substance abuse
2760 recovery program approved by a state EMS authority.

2761 D. "Certification" means: the successful verification of entry-level cognitive and
2762 psychomotor competency using a reliable, validated, and legally defensible examination.

2763 E. "Commission" means: the national administrative body of which all states that have
2764 enacted the compact are members.

2765 F. "Emergency Medical Technician (EMT)" means: an individual licensed with
2766 cognitive knowledge and a scope of practice that corresponds to that level in the National EMS
2767 Education Standards and National EMS Scope of Practice Model.

2768 G. "Home State" means: a member state where an individual is licensed to practice
2769 emergency medical services.

2770 H. "License" means: the authorization by a state for an individual to practice as an
2771 EMT, AEMT, paramedic, or a level in between EMT and paramedic.

2772 I. "Medical Director" means: a physician licensed in a member state who is
2773 accountable for the care delivered by EMS personnel.

2774 J. "Member State" means: a state that has enacted this compact.

2775 K. "Privilege to Practice" means: an individual's authority to deliver emergency
2776 medical services in remote states as authorized under this compact.

2777 L. "Paramedic" means: an individual licensed with cognitive knowledge and a scope of
2778 practice that corresponds to that level in the National EMS Education Standards and National
2779 EMS Scope of Practice Model.

2780 M. "Remote State" means: a member state in which an individual is not licensed.

2781 N. "Restricted" means: the outcome of an adverse action that limits a license or the
2782 privilege to practice.

2783 O. "Rule" means: a written statement by the interstate Commission promulgated
2784 pursuant to Section 12 of this compact that is of general applicability; implements, interprets,
2785 or prescribes a policy or provision of the compact; or is an organizational, procedural, or
2786 practice requirement of the Commission and has the force and effect of statutory law in a

member state and includes the amendment, repeal, or suspension of an existing rule.

P. "Scope of Practice" means: defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform.

Q. "Significant Investigatory Information" means:

1. investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

2. investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.

R. "State" means: means any state, commonwealth, district, or territory of the United States.

S. "State EMS Authority" means: the board, office, or other agency with the legislative mandate to license EMS personnel.

SECTION 3. HOME STATE LICENSURE

A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

2. Has a mechanism in place for receiving and investigating complaints about individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

4. No later than five years after activation of the Compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. Sec. 731.202 and submit documentation of such as promulgated in the rules of the Commission; and

5. Complies with the rules of the Commission.

SECTION 4. COMPACT PRIVILEGE TO PRACTICE

A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with Section 3.

B. To exercise the privilege to practice under the terms and provisions of this compact, an individual must:

1. Be at least 18 years of age;

2. Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

3. Practice under the supervision of a medical director.

C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the commission.

D. Except as provided in Section 4 subsection C, an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the Commission.

E. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

F. If an individual's privilege to practice in any remote state is restricted, suspended, or

2849 revoked the individual shall not be eligible to practice in any remote state until the individual's
2850 privilege to practice is restored.

2851 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

2852 An individual may practice in a remote state under a privilege to practice only in the
2853 performance of the individual's EMS duties as assigned by an appropriate authority, as defined
2854 in the rules of the Commission, and under the following circumstances:

2855 1. The individual originates a patient transport in a home state and transports the
2856 patient to a remote state;

2857 2. The individual originates in the home state and enters a remote state to pick up a
2858 patient and provide care and transport of the patient to the home state;

2859 3. The individual enters a remote state to provide patient care and/or transport within
2860 that remote state;

2861 4. The individual enters a remote state to pick up a patient and provide care and
2862 transport to a third member state;

2863 5. Other conditions as determined by rules promulgated by the commission.

2864 SECTION 6. RELATIONSHIP TO EMERGENCY

2865 MANAGEMENT ASSISTANCE COMPACT

2866 Upon a member state's governor's declaration of a state of emergency or disaster that
2867 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
2868 provisions of EMAC shall apply and to the extent any terms or provisions of this Compact
2869 conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual
2870 practicing in the remote state in response to such declaration.

2871 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING

2872 FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

2873 A. Member states shall consider a veteran, active military service member, and
2874 member of the National Guard and Reserves separating from an active duty tour, and a spouse
2875 thereof, who holds a current valid and unrestricted NREMT certification at or above the level
2876 of the state license being sought as satisfying the minimum training and examination
2877 requirements for such licensure.

2878 B. Member states shall expedite the processing of licensure applications submitted by
2879 veterans, active military service members, and members of the National Guard and Reserves

separating from an active duty tour, and their spouses.

C. All individuals functioning with a privilege to practice under this Section remain subject to the Adverse Actions provisions of Section VIII.

SECTION 8. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

B. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

1. All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

2. An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

C. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the Commission in accordance with the rules of the Commission.

D. A remote state may take adverse action on an individual's privilege to practice within that state.

E. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

F. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

G. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member

state during the term of the alternative program without prior authorization from such other member state.

SECTION 9. ADDITIONAL POWERS INVESTED
IN A MEMBER STATE'S EMS AUTHORITY

A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:

1. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses, and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

SECTION 10. ESTABLISHMENT OF THE INTERSTATE
COMMISSION FOR EMS PERSONNEL PRACTICE

A. The Compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice.

1. The Commission is a body politic and an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each member state shall have and be limited to one (1) delegate. The responsible official of the state EMS authority or his designee shall be the delegate to this Compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the

Commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the Governor of the state will determine which entity will be responsible for assigning the delegate.

2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section XII.

5. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

- a. Non-compliance of a member state with its obligations under the Compact;
- b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation;
- d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- e. Accusing any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigatory records compiled for law enforcement purposes;
- i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
- j. Matters specifically exempted from disclosure by federal or member state statute.

2973 6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
2974 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
2975 reference each relevant exempting provision. The Commission shall keep minutes that fully
2976 and clearly describe all matters discussed in a meeting and shall provide a full and accurate
2977 summary of actions taken, and the reasons therefore, including a description of the views
2978 expressed. All documents considered in connection with an action shall be identified in such
2979 minutes. All minutes and documents of a closed meeting shall remain under seal, subject to
2980 release by a majority vote of the Commission or order of a court of competent jurisdiction.

2981 C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or
2982 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and
2983 exercise the powers of the compact, including but not limited to:

- 2984 1. Establishing the fiscal year of the Commission;
2985 2. Providing reasonable standards and procedures:
2986 a. for the establishment and meetings of other committees; and
2987 b. governing any general or specific delegation of any authority or function of the
2988 Commission;
2989 3. Providing reasonable procedures for calling and conducting meetings of the
2990 Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity
2991 for attendance of such meetings by interested parties, with enumerated exceptions designed to
2992 protect the public's interest, the privacy of individuals, and proprietary information, including
2993 trade secrets. The Commission may meet in closed session only after a majority of the
2994 membership votes to close a meeting in whole or in part. As soon as practicable, the
2995 Commission must make public a copy of the vote to close the meeting revealing the vote of
2996 each member with no proxy votes allowed;

2997 4. Establishing the titles, duties and authority, and reasonable procedures for the
2998 election of the officers of the Commission;

2999 5. Providing reasonable standards and procedures for the establishment of the
3000 personnel policies and programs of the Commission. Notwithstanding any civil service or
3001 other similar laws of any member state, the bylaws shall exclusively govern the personnel
3002 policies and programs of the Commission;

3003 6. Promulgating a code of ethics to address permissible and prohibited activities of

3004 Commission members and employees;

3005 7. Providing a mechanism for winding up the operations of the Commission and the
3006 equitable disposition of any surplus funds that may exist after the termination of the Compact
3007 after the payment and/or reserving of all of its debts and obligations;

3008 8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any
3009 amendment thereto, with the appropriate agency or officer in each of the member states, if any.

3010 9. The Commission shall maintain its financial records in accordance with the bylaws.

3011 10. The Commission shall meet and take such actions as are consistent with the
3012 provisions of this Compact and the bylaws.

3013 D. The Commission shall have the following powers:

3014 1. The authority to promulgate uniform rules to facilitate and coordinate
3015 implementation and administration of this Compact. The rules shall have the force and effect
3016 of law and shall be binding in all member states;

3017 2. To bring and prosecute legal proceedings or actions in the name of the Commission,
3018 provided that the standing of any state EMS authority or other regulatory body responsible for
3019 EMS personnel licensure to sue or be sued under applicable law shall not be affected;

3020 3. To purchase and maintain insurance and bonds;

3021 4. To borrow, accept, or contract for services of personnel, including, but not limited
3022 to, employees of a member state;

3023 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
3024 such individuals appropriate authority to carry out the purposes of the compact, and to establish
3025 the Commission's personnel policies and programs relating to conflicts of interest,
3026 qualifications of personnel, and other related personnel matters;

3027 6. To accept any and all appropriate donations and grants of money, equipment,
3028 supplies, materials and services, and to receive, utilize and dispose of the same; provided that
3029 at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict
3030 of interest;

3031 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
3032 hold, improve or use, any property, real, personal or mixed; provided that at all times the
3033 Commission shall strive to avoid any appearance of impropriety;

3034 8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of

3035 any property real, personal, or mixed;

3036 9. To establish a budget and make expenditures;

3037 10. To borrow money;

3038 11. To appoint committees, including advisory committees comprised of members,
3039 state regulators, state legislators or their representatives, and consumer representatives, and
3040 such other interested persons as may be designated in this compact and the bylaws;

3041 12. To provide and receive information from, and to cooperate with, law enforcement
3042 agencies;

3043 13. To adopt and use an official seal; and

3044 14. To perform such other functions as may be necessary or appropriate to achieve the
3045 purposes of this Compact consistent with the state regulation of EMS personnel licensure and
3046 practice.

3047 E. Financing of the Commission

3048 1. The Commission shall pay, or provide for the payment of, the reasonable expenses
3049 of its establishment, organization, and ongoing activities.

3050 2. The Commission may accept any and all appropriate revenue sources, donations, and
3051 grants of money, equipment, supplies, materials, and services.

3052 3. The Commission may levy on and collect an annual assessment from each member
3053 state or impose fees on other parties to cover the cost of the operations and activities of the
3054 Commission and its staff, which must be in a total amount sufficient to cover its annual budget
3055 as approved each year for which revenue is not provided by other sources. The aggregate
3056 annual assessment amount shall be allocated based upon a formula to be determined by the
3057 Commission, which shall promulgate a rule binding upon all member states.

3058 4. The Commission shall not incur obligations of any kind prior to securing the funds
3059 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
3060 states, except by and with the authority of the member state.

3061 5. The Commission shall keep accurate accounts of all receipts and disbursements.

3062 The receipts and disbursements of the Commission shall be subject to the audit and accounting
3063 procedures established under its bylaws. However, all receipts and disbursements of funds
3064 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
3065 and the report of the audit shall be included in and become part of the annual report of the

Commission.

F. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 11. COORDINATED DATABASE

A. The Commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state

shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against an individual's license;
5. An indicator that an individual's privilege to practice is restricted, suspended or revoked;
6. Non-confidential information related to alternative program participation;
7. Any denial of application for licensure, and the reason(s) for such denial; and
8. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

E. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

SECTION 12. RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and

at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and

2. On the website of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;

2. A governmental subdivision or agency; or

3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

3159 4. Nothing in this section shall be construed as requiring a separate hearing on each
3160 rule. Rules may be grouped for the convenience of the Commission at hearings required by
3161 this section.

3162 I. Following the scheduled hearing date, or by the close of business on the scheduled
3163 hearing date if the hearing was not held, the Commission shall consider all written and oral
3164 comments received.

3165 J. The Commission shall, by majority vote of all members, take final action on the
3166 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
3167 record and the full text of the rule.

3168 K. If no written notice of intent to attend the public hearing by interested parties is
3169 received, the Commission may proceed with promulgation of the proposed rule without a
3170 public hearing.

3171 L. Upon determination that an emergency exists, the Commission may consider and
3172 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
3173 that the usual rulemaking procedures provided in the Compact and in this section shall be
3174 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety
3175 (90) days after the effective date of the rule. For the purposes of this provision, an emergency
3176 rule is one that must be adopted immediately in order to:

- 3177 1. Meet an imminent threat to public health, safety, or welfare;
3178 2. Prevent a loss of Commission or member state funds;
3179 3. Meet a deadline for the promulgation of an administrative rule that is established by
3180 federal law or rule; or
3181 4. Protect public health and safety.

3182 M. The Commission or an authorized committee of the Commission may direct
3183 revisions to a previously adopted rule or amendment for purposes of correcting typographical
3184 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
3185 revisions shall be posted on the website of the Commission. The revision shall be subject to
3186 challenge by any person for a period of thirty (30) days after posting. The revision may be
3187 challenged only on grounds that the revision results in a material change to a rule. A challenge
3188 shall be made in writing, and delivered to the chair of the Commission prior to the end of the
3189 notice period. If no challenge is made, the revision will take effect without further action. If

the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the

defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 15. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

Section 81. Section **58-1-307** is amended to read:

58-1-307. Exemptions from licensure.

(1) Except as otherwise provided by statute or rule, the following individuals may engage in the practice of their occupation or profession, subject to the stated circumstances and

limitations, without being licensed under this title:

(a) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or other federal agencies while engaged in activities regulated under this chapter as a part of employment with that federal agency if the individual holds a valid license to practice a regulated occupation or profession issued by any other state or jurisdiction recognized by the division;

(b) a student engaged in activities constituting the practice of a regulated occupation or profession while in training in a recognized school approved by the division to the extent the activities are supervised by qualified faculty, staff, or designee and the activities are a defined part of the training program;

(c) an individual engaged in an internship, residency, preceptorship, postceptorship, fellowship, apprenticeship, or on-the-job training program approved by the division while under the supervision of qualified individuals;

(d) an individual residing in another state and licensed to practice a regulated occupation or profession in that state, who is called in for a consultation by an individual licensed in this state, and the services provided are limited to that consultation;

(e) an individual who is invited by a recognized school, association, society, or other body approved by the division to conduct a lecture, clinic, or demonstration of the practice of a regulated occupation or profession if the individual does not establish a place of business or regularly engage in the practice of the regulated occupation or profession in this state;

(f) an individual licensed under the laws of this state, other than under this title, to practice or engage in an occupation or profession, while engaged in the lawful, professional, and competent practice of that occupation or profession;

(g) an individual licensed in a health care profession in another state who performs that profession while attending to the immediate needs of a patient for a reasonable period during which the patient is being transported from outside of this state, into this state, or through this state;

(h) an individual licensed in another state or country who is in this state temporarily to attend to the needs of an athletic team or group, except that the practitioner may only attend to the needs of the athletic team or group, including all individuals who travel with the team or group in any capacity except as a spectator;

3314 (i) an individual licensed and in good standing in another state, who is in this state:

3315 (i) temporarily, under the invitation and control of a sponsoring entity;

3316 (ii) for a reason associated with a special purpose event, based upon needs that may
3317 exceed the ability of this state to address through its licensees, as determined by the division;

3318 and

3319 (iii) for a limited period of time not to exceed the duration of that event, together with
3320 any necessary preparatory and conclusionary periods; and

3321 (j) the spouse of an individual serving in the armed forces of the United States while
3322 the individual is stationed within this state, provided:

3323 (i) the spouse holds a valid license to practice a regulated occupation or profession
3324 issued by any other state or jurisdiction recognized by the division; and

3325 (ii) the license is current and the spouse is in good standing in the state of licensure.

3326 (2) (a) A practitioner temporarily in this state who is exempted from licensure under
3327 Subsection (1) shall comply with each requirement of the licensing jurisdiction from which the
3328 practitioner derives authority to practice.

3329 (b) Violation of a limitation imposed by this section constitutes grounds for removal of
3330 exempt status, denial of license, or other disciplinary proceedings.

3331 (3) An individual who is licensed under a specific chapter of this title to practice or
3332 engage in an occupation or profession may engage in the lawful, professional, and competent
3333 practice of that occupation or profession without additional licensure under other chapters of
3334 this title, except as otherwise provided by this title.

3335 (4) Upon the declaration of a national, state, or local emergency, a public health
3336 emergency as defined in Section 26-23b-102, or a declaration by the president of the United
3337 States or other federal official requesting public health-related activities, the division in
3338 collaboration with the board may:

3339 (a) suspend the requirements for permanent or temporary licensure of individuals who
3340 are licensed in another state for the duration of the emergency while engaged in the scope of
3341 practice for which they are licensed in the other state;

3342 (b) modify, under the circumstances described in this Subsection (4) and Subsection
3343 (5), the scope of practice restrictions under this title for individuals who are licensed under this
3344 title as:

- 3345 (i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
3346 Osteopathic Medical Practice Act;
- 3347 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure
3348 Compact - Revised;
- 3349 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;
- 3350 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,
3351 Pharmacy Practice Act;
- 3352 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;
- 3353 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist
3354 Practice Act; and
- 3355 (vii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;
- 3356 (c) suspend the requirements for licensure under this title and modify the scope of
3357 practice in the circumstances described in this Subsection (4) and Subsection (5) for medical
3358 services personnel or paramedics required to be licensed under Section ~~[26-8a-302]~~ [53-19-402](#);
- 3359 (d) suspend requirements in Subsections ~~58-17b-620~~(3) through (6) which require
3360 certain prescriptive procedures;
- 3361 (e) exempt or modify the requirement for licensure of an individual who is activated as
3362 a member of a medical reserve corps during a time of emergency as provided in Section
3363 [26A-1-126](#); and
- 3364 (f) exempt or modify the requirement for licensure of an individual who is registered as
3365 a volunteer health practitioner as provided in Title 26, Chapter 49, Uniform Emergency
3366 Volunteer Health Practitioners Act.
- 3367 (5) Individuals exempt under Subsection (4)(c) and individuals operating under
3368 modified scope of practice provisions under Subsection (4)(b):
- 3369 (a) are exempt from licensure or subject to modified scope of practice for the duration
3370 of the emergency;
- 3371 (b) must be engaged in the distribution of medicines or medical devices in response to
3372 the emergency or declaration; and
- 3373 (c) must be employed by or volunteering for:
- 3374 (i) a local or state department of health; or
- 3375 (ii) a host entity as defined in Section [26-49-102](#).

(6) In accordance with the protocols established under Subsection (8), upon the declaration of a national, state, or local emergency, the Department of Health or a local health department shall coordinate with public safety authorities as defined in Subsection 26-23b-110(1) and may:

(a) use a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance to prevent or treat a disease or condition that gave rise to, or was a consequence of, the emergency; or

(b) distribute a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance:

(i) if necessary, to replenish a commercial pharmacy in the event that the commercial pharmacy's normal source of the vaccine, antiviral, antibiotic, or other prescription medication is exhausted; or

(ii) for dispensing or direct administration to treat the disease or condition that gave rise to, or was a consequence of, the emergency by:

(A) a pharmacy;

(B) a prescribing practitioner;

(C) a licensed health care facility;

(D) a federally qualified community health clinic; or

(E) a governmental entity for use by a community more than 50 miles from a person described in Subsections (6)(b)(ii)(A) through (D).

(7) In accordance with protocols established under Subsection (8), upon the declaration of a national, state, or local emergency, the Department of Health shall coordinate the distribution of medications:

(a) received from the strategic national stockpile to local health departments; and

(b) from local health departments to emergency personnel within the local health departments' geographic region.

(8) The Department of Health shall establish by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for administering, dispensing, and distributing a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a controlled substance in the event of a declaration of a national, state, or local emergency. The protocol shall establish procedures for the Department of Health or a local health

3407 department to:

3408 (a) coordinate the distribution of:

3409 (i) a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a
3410 controlled substance received by the Department of Health from the strategic national stockpile
3411 to local health departments; and

3412 (ii) a vaccine, an antiviral, an antibiotic, or other non-controlled prescription
3413 medication received by a local health department to emergency personnel within the local
3414 health department's geographic region;

3415 (b) authorize the dispensing, administration, or distribution of a vaccine, an antiviral,
3416 an antibiotic, or other prescription medication that is not a controlled substance to the contact
3417 of a patient without a patient-practitioner relationship, if the contact's condition is the same as
3418 that of the physician's or physician assistant's patient; and

3419 (c) authorize the administration, distribution, or dispensing of a vaccine, an antiviral,
3420 an antibiotic, or other non-controlled prescription medication to an individual who:

3421 (i) is working in a triage situation;

3422 (ii) is receiving preventative or medical treatment in a triage situation;

3423 (iii) does not have coverage for the prescription in the individual's health insurance
3424 plan;

3425 (iv) is involved in the delivery of medical or other emergency services in response to
3426 the declared national, state, or local emergency; or

3427 (v) otherwise has a direct impact on public health.

3428 (9) The Department of Health shall give notice to the division upon implementation of
3429 the protocol established under Subsection (8).

3430 Section 82. Section **58-1-509** is amended to read:

3431 **58-1-509. Patient consent for certain medical examinations.**

3432 (1) As used in this section:

3433 (a) "Health care provider" means:

3434 (i) an individual who is:

3435 (A) a healthcare provider as defined in Section [78B-3-403](#); and

3436 (B) licensed under this title;

3437 (ii) emergency medical service personnel as defined in Section ~~[26-8a-102]~~ [53-19-102](#);

3438 or

3439 (iii) an individual described in Subsection 58-1-307(1)(b) or (c).

3440 (b) "Patient examination" means a medical examination that requires contact with the
3441 patient's sexual organs.

3442 (2) A health care provider may not perform a patient examination on an anesthetized or
3443 unconscious patient unless:

3444 (a) the health care provider obtains consent from the patient or the patient's
3445 representative in accordance with Subsection (3);

3446 (b) a court orders performance of the patient examination for the collection of
3447 evidence;

3448 (c) the performance of the patient examination is within the scope of care for a
3449 procedure or diagnostic examination scheduled to be performed on the patient; or

3450 (d) the patient examination is immediately necessary for diagnosis or treatment of the
3451 patient.

3452 (3) To obtain consent to perform a patient examination on an anesthetized or
3453 unconscious patient, before performing the patient examination, the health care provider shall:

3454 (a) provide the patient or the patient's representative with a written or electronic
3455 document that:

3456 (i) is provided separately from any other notice or agreement;

3457 (ii) contains the following heading at the top of the document in not smaller than
3458 18-point bold face type: "CONSENT FOR EXAMINATION OF PELVIC REGION";

3459 (iii) specifies the nature and purpose of the patient examination;

3460 (iv) names one or more primary health care providers whom the patient or the patient's
3461 representative may authorize to perform the patient examination;

3462 (v) states whether there may be a student or resident that the patient or the patient's
3463 representative authorizes to:

3464 (A) perform an additional patient examination; or

3465 (B) observe or otherwise be present at the patient examination, either in person or
3466 through electronic means; and

3467 (vi) provides the patient or the patient's representative with a series of check boxes that
3468 allow the patient or the patient's representative to:

(A) consent to the patient examination for diagnosis or treatment and an additional patient examination performed by a student or resident for an educational or training purpose;

(B) consent to the patient examination only for diagnosis or treatment; or

(C) refuse to consent to the patient examination;

(b) obtain the signature of the patient or the patient's representative on the written or electronic document while witnessed by a third party; and

(c) sign the written or electronic document.

Section 83. Section **58-37-8** is amended to read:

58-37-8. Prohibited acts -- Penalties.

(1) Prohibited acts A -- Penalties and reporting:

(a) Except as authorized by this chapter, it is unlawful for a person to knowingly and intentionally:

(i) produce, manufacture, or dispense, or to possess with intent to produce, manufacture, or dispense, a controlled or counterfeit substance;

(ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or arrange to distribute a controlled or counterfeit substance;

(iii) possess a controlled or counterfeit substance with intent to distribute; or

(iv) engage in a continuing criminal enterprise where:

(A) the person participates, directs, or engages in conduct that results in a violation of Chapters 37, Utah Controlled Substances Act, 37a, Utah Drug Paraphernalia Act, 37b, Imitation Controlled Substances Act, 37c, Utah Controlled Substance Precursor Act, or 37d, Clandestine Drug Lab Act, that is a felony; and

(B) the violation is a part of a continuing series of two or more violations of Chapters 37, Utah Controlled Substances Act, 37a, Utah Drug Paraphernalia Act, 37b, Imitation Controlled Substances Act, 37c, Utah Controlled Substance Precursor Act, or 37d, Clandestine Drug Lab Act, on separate occasions that are undertaken in concert with five or more persons with respect to whom the person occupies a position of organizer, supervisor, or any other position of management.

(b) A person convicted of violating Subsection (1)(a) with respect to:

(i) a substance or a counterfeit of a substance classified in Schedule I or II, a controlled substance analog, or gammahydroxybutyric acid as listed in Schedule III is guilty of a second

degree felony, punishable by imprisonment for not more than 15 years, and upon a second or subsequent conviction is guilty of a first degree felony;

(ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree felony, and upon a second or subsequent conviction is guilty of a second degree felony; or

(iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a class A misdemeanor and upon a second or subsequent conviction is guilty of a third degree felony.

(c) A person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) may be sentenced to imprisonment for an indeterminate term as provided by law, but if the trier of fact finds a firearm as defined in Section 76-10-501 was used, carried, or possessed on the person or in the person's immediate possession during the commission or in furtherance of the offense, the court shall additionally sentence the person convicted for a term of one year to run consecutively and not concurrently; and the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently.

(d) A person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree felony punishable by imprisonment for an indeterminate term of not less than seven years and which may be for life. Imposition or execution of the sentence may not be suspended, and the person is not eligible for probation.

(e) The Administrative Office of the Courts shall report to the Division of Occupational and Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each person convicted of violating Subsection (1)(a).

(2) Prohibited acts B -- Penalties and reporting:

(a) It is unlawful:

(i) for a person knowingly and intentionally to possess or use a controlled substance analog or a controlled substance, unless it was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the person's professional practice, or as otherwise authorized by this chapter;

(ii) for an owner, tenant, licensee, or person in control of a building, room, tenement, vehicle, boat, aircraft, or other place knowingly and intentionally to permit them to be occupied

3531 by persons unlawfully possessing, using, or distributing controlled substances in any of those
3532 locations; or

3533 (iii) for a person knowingly and intentionally to possess an altered or forged
3534 prescription or written order for a controlled substance.

3535 (b) A person convicted of violating Subsection (2)(a)(i) with respect to:

3536 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree felony;

3537 or

3538 (ii) a substance classified in Schedule I or II, or a controlled substance analog, is guilty
3539 of a class A misdemeanor on a first or second conviction, and on a third or subsequent
3540 conviction is guilty of a third degree felony.

3541 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a
3542 conviction under Subsection (1)(a), that person shall be sentenced to a one degree greater
3543 penalty than provided in this Subsection (2).

3544 (d) A person who violates Subsection (2)(a)(i) with respect to all other controlled
3545 substances not included in Subsection (2)(b)(i) or (ii), including a substance listed in Section
3546 58-37-4.2, or marijuana, is guilty of a class B misdemeanor. Upon a third conviction the
3547 person is guilty of a class A misdemeanor, and upon a fourth or subsequent conviction the
3548 person is guilty of a third degree felony.

3549 (e) A person convicted of violating Subsection (2)(a)(i) while inside the exterior
3550 boundaries of property occupied by a correctional facility as defined in Section 64-13-1 or a
3551 public jail or other place of confinement shall be sentenced to a penalty one degree greater than
3552 provided in Subsection (2)(b), and if the conviction is with respect to controlled substances as
3553 listed in:

3554 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an
3555 indeterminate term as provided by law, and:

3556 (A) the court shall additionally sentence the person convicted to a term of one year to
3557 run consecutively and not concurrently; and

3558 (B) the court may additionally sentence the person convicted for an indeterminate term
3559 not to exceed five years to run consecutively and not concurrently; and

3560 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an
3561 indeterminate term as provided by law, and the court shall additionally sentence the person

convicted to a term of six months to run consecutively and not concurrently.

(f) A person convicted of violating Subsection (2)(a)(ii) or (iii) is:

(i) on a first conviction, guilty of a class B misdemeanor;

(ii) on a second conviction, guilty of a class A misdemeanor; and

(iii) on a third or subsequent conviction, guilty of a third degree felony.

(g) A person is subject to the penalties under Subsection (2)(h) who, in an offense not amounting to a violation of Section 76-5-207:

(i) violates Subsection (2)(a)(i) by knowingly and intentionally having in the person's body any measurable amount of a controlled substance; and

(ii) operates a motor vehicle as defined in Section 76-5-207 in a negligent manner, causing serious bodily injury as defined in Section 76-1-601 or the death of another.

(h) A person who violates Subsection (2)(g) by having in the person's body:

(i) a controlled substance classified under Schedule I, other than those described in Subsection (2)(h)(ii), or a controlled substance classified under Schedule II is guilty of a second degree felony;

(ii) marijuana, tetrahydrocannabinols, or equivalents described in Subsection 58-37-4(2)(a)(iii)(S) or (AA), or a substance listed in Section 58-37-4.2 is guilty of a third degree felony; or

(iii) a controlled substance classified under Schedules III, IV, or V is guilty of a class A misdemeanor.

(i) A person is guilty of a separate offense for each victim suffering serious bodily injury or death as a result of the person's negligent driving in violation of Subsection (2)(g) whether or not the injuries arise from the same episode of driving.

(j) The Administrative Office of the Courts shall report to the Division of Occupational and Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each person convicted of violating Subsection (2)(a).

(3) Prohibited acts C -- Penalties:

(a) It is unlawful for a person knowingly and intentionally:

(i) to use in the course of the manufacture or distribution of a controlled substance a license number which is fictitious, revoked, suspended, or issued to another person or, for the purpose of obtaining a controlled substance, to assume the title of, or represent oneself to be, a

3593 manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized
3594 person;

3595 (ii) to acquire or obtain possession of, to procure or attempt to procure the
3596 administration of, to obtain a prescription for, to prescribe or dispense to a person known to be
3597 attempting to acquire or obtain possession of, or to procure the administration of a controlled
3598 substance by misrepresentation or failure by the person to disclose receiving a controlled
3599 substance from another source, fraud, forgery, deception, subterfuge, alteration of a
3600 prescription or written order for a controlled substance, or the use of a false name or address;

3601 (iii) to make a false or forged prescription or written order for a controlled substance,
3602 or to utter the same, or to alter a prescription or written order issued or written under the terms
3603 of this chapter; or

3604 (iv) to make, distribute, or possess a punch, die, plate, stone, or other thing designed to
3605 print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or
3606 device of another or any likeness of any of the foregoing upon any drug or container or labeling
3607 so as to render a drug a counterfeit controlled substance.

3608 (b) (i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is a class A
3609 misdemeanor.

3610 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third
3611 degree felony.

3612 (c) A violation of Subsection (3)(a)(iv) is a third degree felony.

3613 (4) Prohibited acts D -- Penalties:

3614 (a) Notwithstanding other provisions of this section, a person not authorized under this
3615 chapter who commits any act that is unlawful under Subsection (1)(a) or Section 58-37b-4 is
3616 upon conviction subject to the penalties and classifications under this Subsection (4) if the trier
3617 of fact finds the act is committed:

3618 (i) in a public or private elementary or secondary school or on the grounds of any of
3619 those schools during the hours of 6 a.m. through 10 p.m.;

3620 (ii) in a public or private vocational school or postsecondary institution or on the
3621 grounds of any of those schools or institutions during the hours of 6 a.m. through 10 p.m.;

3622 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or
3623 facility's hours of operation;

(iv) in a public park, amusement park, arcade, or recreation center when the public or amusement park, arcade, or recreation center is open to the public;

(v) in or on the grounds of a house of worship as defined in Section 76-10-501;

(vi) in or on the grounds of a library when the library is open to the public;

(vii) within an area that is within 100 feet of any structure, facility, or grounds included in Subsections (4)(a)(i), (ii), (iii), (iv), (v), and (vi);

(viii) in the presence of a person younger than 18 years of age, regardless of where the act occurs; or

(ix) for the purpose of facilitating, arranging, or causing the transport, delivery, or distribution of a substance in violation of this section to an inmate or on the grounds of a correctional facility as defined in Section 76-8-311.3.

(b) (i) A person convicted under this Subsection (4) is guilty of a first degree felony and shall be imprisoned for a term of not less than five years if the penalty that would otherwise have been established but for this Subsection (4) would have been a first degree felony.

(ii) Imposition or execution of the sentence may not be suspended, and the person is not eligible for probation.

(c) If the classification that would otherwise have been established would have been less than a first degree felony but for this Subsection (4), a person convicted under this Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that offense. This Subsection (4)(c) does not apply to a violation of Subsection (2)(g).

(d) (i) If the violation is of Subsection (4)(a)(ix):

(A) the person may be sentenced to imprisonment for an indeterminate term as provided by law, and the court shall additionally sentence the person convicted for a term of one year to run consecutively and not concurrently; and

(B) the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently; and

(ii) the penalties under this Subsection (4)(d) apply also to a person who, acting with the mental state required for the commission of an offense, directly or indirectly solicits, requests, commands, coerces, encourages, or intentionally aids another person to commit a violation of Subsection (4)(a)(ix).

(e) It is not a defense to a prosecution under this Subsection (4) that:

(i) the actor mistakenly believed the individual to be 18 years of age or older at the time of the offense or was unaware of the individual's true age; or

(ii) the actor mistakenly believed that the location where the act occurred was not as described in Subsection (4)(a) or was unaware that the location where the act occurred was as described in Subsection (4)(a).

(5) A violation of this chapter for which no penalty is specified is a class B misdemeanor.

(6) (a) For purposes of penalty enhancement under Subsections (1) and (2), a plea of guilty or no contest to a violation or attempted violation of this section or a plea which is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a conviction that is:

(i) from a separate criminal episode than the current charge; and

(ii) from a conviction that is separate from any other conviction used to enhance the current charge.

(7) A person may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this chapter.

(8) (a) A penalty imposed for violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.

(b) When a violation of this chapter violates a federal law or the law of another state, conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

(9) In any prosecution for a violation of this chapter, evidence or proof that shows a person or persons produced, manufactured, possessed, distributed, or dispensed a controlled substance or substances, is prima facie evidence that the person or persons did so with knowledge of the character of the substance or substances.

(10) This section does not prohibit a veterinarian, in good faith and in the course of the veterinarian's professional practice only and not for humans, from prescribing, dispensing, or

administering controlled substances or from causing the substances to be administered by an assistant or orderly under the veterinarian's direction and supervision.

(11) Civil or criminal liability may not be imposed under this section on:

(a) a person registered under this chapter who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or investigational new drug by a registered practitioner in the ordinary course of professional practice or research; or

(b) a law enforcement officer acting in the course and legitimate scope of the officer's employment.

(12) (a) Civil or criminal liability may not be imposed under this section on any Indian, as defined in Section 58-37-2, who uses, possesses, or transports peyote for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion as defined in Section 58-37-2.

(b) In a prosecution alleging violation of this section regarding peyote as defined in Section 58-37-4, it is an affirmative defense that the peyote was used, possessed, or transported by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion.

(c) (i) The defendant shall provide written notice of intent to claim an affirmative defense under this Subsection (12) as soon as practicable, but not later than 10 days before trial.

(ii) The notice shall include the specific claims of the affirmative defense.

(iii) The court may waive the notice requirement in the interest of justice for good cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

(d) The defendant shall establish the affirmative defense under this Subsection (12) by a preponderance of the evidence. If the defense is established, it is a complete defense to the charges.

(13) (a) It is an affirmative defense that the person produced, possessed, or administered a controlled substance listed in Section 58-37-4.2 if the person was:

(i) engaged in medical research; and

(ii) a holder of a valid license to possess controlled substances under Section 58-37-6.

(b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed a controlled substance listed in Section 58-37-4.2.

(14) It is an affirmative defense that the person possessed, in the person's body, a controlled substance listed in Section [58-37-4.2](#) if:

(a) the person was the subject of medical research conducted by a holder of a valid license to possess controlled substances under Section [58-37-6](#); and

(b) the substance was administered to the person by the medical researcher.

(15) The application of any increase in penalty under this section to a violation of Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony. This Subsection (15) takes precedence over any conflicting provision of this section.

(16) (a) It is an affirmative defense to an allegation of the commission of an offense listed in Subsection (16)(b) that the person:

(i) reasonably believes that the person or another person is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance;

(ii) reports in good faith the overdose event to a medical provider, an emergency medical service provider as defined in Section ~~[26-8a-102]~~ [53-19-102](#), a law enforcement officer, a 911 emergency call system, or an emergency dispatch system, or the person is the subject of a report made under this Subsection (16);

(iii) provides in the report under Subsection (16)(a)(ii) a functional description of the actual location of the overdose event that facilitates responding to the person experiencing the overdose event;

(iv) remains at the location of the person experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives, or remains at the medical care facility where the person experiencing an overdose event is located until a responding law enforcement officer arrives;

(v) cooperates with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the person experiencing the overdose event and any substances the person may have injected, inhaled, or otherwise introduced into the person's body; and

(vi) is alleged to have committed the offense in the same course of events from which the reported overdose arose.

(b) The offenses referred to in Subsection (16)(a) are:

- 3748 (i) the possession or use of less than 16 ounces of marijuana;
3749 (ii) the possession or use of a scheduled or listed controlled substance other than
3750 marijuana; and
3751 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,
3752 Imitation Controlled Substances Act.
- 3753 (c) As used in this Subsection (16) and in Section 76-3-203.11, "good faith" does not
3754 include seeking medical assistance under this section during the course of a law enforcement
3755 agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.
- 3756 (17) If any provision of this chapter, or the application of any provision to any person
3757 or circumstances, is held invalid, the remainder of this chapter shall be given effect without the
3758 invalid provision or application.
- 3759 (18) A legislative body of a political subdivision may not enact an ordinance that is
3760 less restrictive than any provision of this chapter.
- 3761 (19) If a minor who is under 18 years of age is found by a court to have violated this
3762 section, the court may order the minor to complete:
- 3763 (a) a screening as defined in Section 41-6a-501;
3764 (b) an assessment as defined in Section 41-6a-501 if the screening indicates an
3765 assessment to be appropriate; and
3766 (c) an educational series as defined in Section 41-6a-501 or substance use disorder
3767 treatment as indicated by an assessment.
- 3768 Section 84. Section 58-57-7 is amended to read:
3769 **58-57-7. Exemptions from licensure.**
- 3770 (1) (a) For purposes of Subsection (2)(b), "qualified" means an individual who is a
3771 registered polysomnographic technologist or a Diplomate certified by the American Board of
3772 Sleep Medicine.
- 3773 (b) For purposes of Subsections (2)(f) and (g), "supervision" means one of the
3774 following will be immediately available for consultation in person or by phone:
- 3775 (i) a practitioner;
3776 (ii) a respiratory therapist;
3777 (iii) a Diplomate of the American Board of Sleep Medicine; or
3778 (iv) a registered polysomnographic technologist.

(2) In addition to the exemptions from licensure in Section [58-1-307](#), the following persons may engage in the practice of respiratory therapy subject to the stated circumstances and limitations without being licensed under this chapter:

(a) any person who provides gratuitous care for a member of his immediate family without representing himself as a licensed respiratory care practitioner;

(b) any person who is a licensed or qualified member of another health care profession, if this practice is consistent with the accepted standards of the profession and if the person does not represent himself as a respiratory care practitioner;

(c) any person who serves in the Armed Forces of the United States or any other agency of the federal government and is engaged in the performance of his official duties;

(d) any person who acts under a certification issued pursuant to ~~[Title 26, Chapter 8a]~~ Title 53, Chapter 19, Utah Emergency Medical Services System Act, while providing emergency medical services;

(e) any person who delivers, installs, or maintains respiratory related durable medical equipment and who gives instructions regarding the use of that equipment in accordance with Subsections [58-57-2](#)(3) and (6), except that this exemption does not include any clinical evaluation or treatment of the patient;

(f) any person who is working in a practitioner's office, acting under supervision; and

(g) a polysomnographic technician or trainee, acting under supervision, as long as the technician or trainee administers the following only in a sleep lab, sleep center, or sleep facility:

(i) oxygen titration; and

(ii) positive airway pressure that does not include mechanical ventilation.

(3) Nothing in this chapter permits a respiratory care practitioner to engage in the unauthorized practice of other health disciplines.

Section 85. Section **59-12-801** is amended to read:

59-12-801. Definitions.

As used in this part:

(1) "Emergency medical services" is as defined in Section ~~[26-8a-102]~~ [53-19-102](#).

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

(3) "Freestanding urgent care center" means a facility that provides outpatient health

3810 care service:

3811 (a) on an as-needed basis, without an appointment;

3812 (b) to the public;

3813 (c) for the diagnosis and treatment of a medical condition if that medical condition

3814 does not require hospitalization or emergency intervention for a life threatening or potentially

3815 permanently disabling condition; and

3816 (d) including one or more of the following services:

3817 (i) a medical history physical examination;

3818 (ii) an assessment of health status; or

3819 (iii) treatment:

3820 (A) for a variety of medical conditions; and

3821 (B) that is commonly offered in a physician's office.

3822 (4) "Nursing care facility" is as defined in Section 26-21-2.

3823 (5) "Rural city hospital" means a hospital owned by a city that is located within a third,

3824 fourth, fifth, or sixth class county.

3825 (6) "Rural county health care facility" means a:

3826 (a) rural county hospital; or

3827 (b) rural county nursing care facility.

3828 (7) "Rural county hospital" means a hospital owned by a county that is:

3829 (a) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and

3830 (b) located outside of a standard metropolitan statistical area, as designated by the

3831 United States Bureau of the Census.

3832 (8) "Rural county nursing care facility" means a nursing care facility owned by:

3833 (a) a county that is:

3834 (i) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and

3835 (ii) located outside of a standard metropolitan statistical area, as designated by the

3836 United States Census Bureau; or

3837 (b) a special service district if the special service district is:

3838 (i) created for the purpose of operating the nursing care facility; and

3839 (ii) within a county that is:

3840 (A) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and

3841 (B) located outside of a standard metropolitan statistical area, as designated by the
3842 United States Census Bureau.

3843 (9) "Rural emergency medical services" means emergency medical services that are
3844 provided by a county that is:

3845 (a) a fifth or sixth class county, as defined in Section 17-50-501; and

3846 (b) located outside of a standard metropolitan statistical area, as designated by the
3847 United States Census Bureau.

3848 (10) "Rural health clinic" is as defined in 42 U.S.C. Sec. 1395x.

3849 Section 86. Section **62A-15-629** is amended to read:

3850 **62A-15-629. Temporary commitment -- Requirements and procedures.**

3851 (1) An adult shall be temporarily, involuntarily committed to a local mental health
3852 authority upon:

3853 (a) a written application that:

3854 (i) is completed by a responsible individual who has reason to know, stating a belief
3855 that the adult, due to mental illness, is likely to pose substantial danger to self or others if not
3856 restrained and stating the personal knowledge of the adult's condition or circumstances that
3857 lead to the individual's belief; and

3858 (ii) includes a certification by a licensed physician or designated examiner stating that
3859 the physician or designated examiner has examined the adult within a three-day period
3860 immediately preceding that certification, and that the physician or designated examiner is of the
3861 opinion that, due to mental illness, the adult poses a substantial danger to self or others; or

3862 (b) a peace officer or a mental health officer:

3863 (i) observing an adult's conduct that gives the peace officer or mental health officer
3864 probable cause to believe that:

3865 (A) the adult has a mental illness; and

3866 (B) because of the adult's mental illness and conduct, the adult poses a substantial
3867 danger to self or others; and

3868 (ii) completing a temporary commitment application that:

3869 (A) is on a form prescribed by the division;

3870 (B) states the peace officer's or mental health officer's belief that the adult poses a
3871 substantial danger to self or others;

3872 (C) states the specific nature of the danger;

3873 (D) provides a summary of the observations upon which the statement of danger is
3874 based; and

3875 (E) provides a statement of the facts that called the adult to the peace officer's or
3876 mental health officer's attention.

3877 (2) If at any time a patient committed under this section no longer meets the
3878 commitment criteria described in Subsection (1), the local mental health authority or the local
3879 mental health authority's designee shall document the change and release the patient.

3880 (3) A patient committed under this section may be held for a maximum of 24 hours
3881 after commitment, excluding Saturdays, Sundays, and legal holidays, unless:

3882 (a) as described in Section [62A-15-631](#), an application for involuntary commitment is
3883 commenced, which may be accompanied by an order of detention described in Subsection
3884 [62A-15-631](#)(4); or

3885 (b) the patient makes a voluntary application for admission.

3886 (4) Upon a written application described in Subsection (1)(a) or the observation and
3887 belief described in Subsection (1)(b)(i), the adult shall be:

3888 (a) taken into a peace officer's protective custody, by reasonable means, if necessary for
3889 public safety; and

3890 (b) transported for temporary commitment to a facility designated by the local mental
3891 health authority, by means of:

3892 (i) an ambulance, if the adult meets any of the criteria described in Section [\[26-8a-305\]](#)
3893 [53-19-405](#);

3894 (ii) an ambulance, if a peace officer is not necessary for public safety, and
3895 transportation arrangements are made by a physician, designated examiner, or mental health
3896 officer;

3897 (iii) the city, town, or municipal law enforcement authority with jurisdiction over the
3898 location where the individual to be committed is present, if the individual is not transported by
3899 ambulance; or

3900 (iv) the county sheriff, if the designated facility is outside of the jurisdiction of the law
3901 enforcement authority described in Subsection (4)(b)(iii) and the individual is not transported
3902 by ambulance.

3903 (5) Notwithstanding Subsection (4):

3904 (a) an individual shall be transported by ambulance to an appropriate medical facility
3905 for treatment if the individual requires physical medical attention;

3906 (b) if an officer has probable cause to believe, based on the officer's experience and
3907 de-escalation training that taking an individual into protective custody or transporting an
3908 individual for temporary commitment would increase the risk of substantial danger to the
3909 individual or others, a peace officer may exercise discretion to not take the individual into
3910 custody or transport the individual, as permitted by policies and procedures established by the
3911 officer's law enforcement agency and any applicable federal or state statute, or case law; and

3912 (c) if an officer exercises discretion under Subsection (4)(b) to not take an individual
3913 into protective custody or transport an individual, the officer shall document in the officer's
3914 report the details and circumstances that led to the officer's decision.

3915 (6) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to this section.
3916 This section does not create a special duty of care.

3917 Section 87. Section **62A-15-1401** is amended to read:

3918 **62A-15-1401. Definitions.**

3919 As used in this part:

3920 (1) "Commission" means the Mental Health Crisis Line Commission created in Section
3921 [~~63C-18-202~~] 53-19-102.

3922 (2) "Emergency medical service personnel" means the same as that term is defined in
3923 Section [~~26-8a-102~~] 53-19-102.

3924 (3) "Emergency medical services" means the same as that term is defined in Section
3925 26-8a-102.

3926 (4) "MCOT certification" means the certification created in this part for MCOT
3927 personnel and mental health crisis outreach services.

3928 (5) "MCOT personnel" means a licensed mental health therapist or other mental health
3929 professional, as determined by the division, who is a part of a mobile crisis outreach team.

3930 (6) "Mental health crisis" means a mental health condition that manifests itself by
3931 symptoms of sufficient severity that a prudent layperson who possesses an average knowledge
3932 of mental health issues could reasonably expect the absence of immediate attention or
3933 intervention to result in:

3934 (a) serious jeopardy to the individual's health or well-being; or

3935 (b) a danger to others.

3936 (7) (a) "Mental health crisis services" means mental health services and on-site
3937 intervention that a person renders to an individual suffering from a mental health crisis.

3938 (b) "Mental health crisis services" includes the provision of safety and care plans,
3939 stabilization services offered for a minimum of 60 days, and referrals to other community
3940 resources.

3941 (8) "Mental health therapist" means the same as that term is defined in Section
3942 [58-60-102](#).

3943 (9) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
3944 mental health professionals that provides mental health crisis services and, based on the
3945 individual circumstances of each case, coordinates with local law enforcement, emergency
3946 medical service personnel, and other appropriate state or local resources.

3947 Section 88. Section **63G-4-102** is amended to read:

3948 **63G-4-102. Scope and applicability of chapter.**

3949 (1) Except as set forth in Subsection (2), and except as otherwise provided by a statute
3950 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
3951 this chapter apply to every agency of the state and govern:

3952 (a) state agency action that determines the legal rights, duties, privileges, immunities,
3953 or other legal interests of an identifiable person, including agency action to grant, deny, revoke,
3954 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

3955 (b) judicial review of the action.

3956 (2) This chapter does not govern:

3957 (a) the procedure for making agency rules, or judicial review of the procedure or rules;

3958 (b) the issuance of a notice of a deficiency in the payment of a tax, the decision to
3959 waive a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the
3960 issuance of a tax assessment, except that this chapter governs an agency action commenced by
3961 a taxpayer or by another person authorized by law to contest the validity or correctness of the
3962 action;

3963 (c) state agency action relating to extradition, to the granting of a pardon or parole, a
3964 commutation or termination of a sentence, or to the rescission, termination, or revocation of

3965 parole or probation, to the discipline of, resolution of a grievance of, supervision of,
3966 confinement of, or the treatment of an inmate or resident of a correctional facility, the Utah
3967 State Hospital, the Utah State Developmental Center, or a person in the custody or jurisdiction
3968 of the Division of Substance Abuse and Mental Health, or a person on probation or parole, or
3969 judicial review of the action;

3970 (d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a
3971 student or teacher in a school or educational institution, or judicial review of the action;

3972 (e) an application for employment and internal personnel action within an agency
3973 concerning its own employees, or judicial review of the action;

3974 (f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah
3975 Occupational Safety and Health Act, and Title 58, Occupations and Professions, except that
3976 this chapter governs an agency action commenced by the employer, licensee, or other person
3977 authorized by law to contest the validity or correctness of the citation or assessment;

3978 (g) state agency action relating to management of state funds, the management and
3979 disposal of school and institutional trust land assets, and contracts for the purchase or sale of
3980 products, real property, supplies, goods, or services by or for the state, or by or for an agency of
3981 the state, except as provided in those contracts, or judicial review of the action;

3982 (h) state agency action under Title 7, Chapter 1, Part 3, Powers and Duties of
3983 Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository Institution
3984 by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository Institutions or
3985 Holding Companies, and Title 63G, Chapter 7, Governmental Immunity Act of Utah, or
3986 judicial review of the action;

3987 (i) the initial determination of a person's eligibility for unemployment benefits, the
3988 initial determination of a person's eligibility for benefits under Title 34A, Chapter 2, Workers'
3989 Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act, or the initial
3990 determination of a person's unemployment tax liability;

3991 (j) state agency action relating to the distribution or award of a monetary grant to or
3992 between governmental units, or for research, development, or the arts, or judicial review of the
3993 action;

3994 (k) the issuance of a notice of violation or order under ~~[Title 26, Chapter 8a]~~ Title 53,
3995 Chapter 19, Utah Emergency Medical Services System Act, Title 19, Chapter 2, Air

3996 Conservation Act, Title 19, Chapter 3, Radiation Control Act, Title 19, Chapter 4, Safe
3997 Drinking Water Act, Title 19, Chapter 5, Water Quality Act, Title 19, Chapter 6, Part 1, Solid
3998 and Hazardous Waste Act, Title 19, Chapter 6, Part 4, Underground Storage Tank Act, [or]
3999 Title 19, Chapter 6, Part 7, Used Oil Management Act, or Title 19, Chapter 6, Part 10, Mercury
4000 Switch Removal Act, except that this chapter governs an agency action commenced by a
4001 person authorized by law to contest the validity or correctness of the notice or order;

4002 (l) state agency action, to the extent required by federal statute or regulation, to be
4003 conducted according to federal procedures;

4004 (m) the initial determination of a person's eligibility for government or public
4005 assistance benefits;

4006 (n) state agency action relating to wildlife licenses, permits, tags, and certificates of
4007 registration;

4008 (o) a license for use of state recreational facilities;

4009 (p) state agency action under Title 63G, Chapter 2, Government Records Access and
4010 Management Act, except as provided in Section 63G-2-603;

4011 (q) state agency action relating to the collection of water commissioner fees and
4012 delinquency penalties, or judicial review of the action;

4013 (r) state agency action relating to the installation, maintenance, and repair of headgates,
4014 caps, valves, or other water controlling works and weirs, flumes, meters, or other water
4015 measuring devices, or judicial review of the action;

4016 (s) the issuance and enforcement of an initial order under Section 73-2-25;

4017 (t) (i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and

4018 (ii) an action taken by the Division of Securities under a hearing conducted under
4019 Section 61-1-11.1, including a determination regarding the fairness of an issuance or exchange
4020 of securities described in Subsection 61-1-11.1(1);

4021 (u) state agency action relating to water well driller licenses, water well drilling
4022 permits, water well driller registration, or water well drilling construction standards, or judicial
4023 review of the action;

4024 (v) the issuance of a determination and order under Title 34A, Chapter 5, Utah
4025 Antidiscrimination Act; or

4026 (w) state environmental studies and related decisions by the Department of

4027 Transportation approving state or locally funded projects, or judicial review of the action.

4028 (3) This chapter does not affect a legal remedy otherwise available to:

4029 (a) compel an agency to take action; or

4030 (b) challenge an agency's rule.

4031 (4) This chapter does not preclude an agency, prior to the beginning of an adjudicative
4032 proceeding, or the presiding officer during an adjudicative proceeding from:

4033 (a) requesting or ordering a conference with parties and interested persons to:

4034 (i) encourage settlement;

4035 (ii) clarify the issues;

4036 (iii) simplify the evidence;

4037 (iv) facilitate discovery; or

4038 (v) expedite the proceeding; or

4039 (b) granting a timely motion to dismiss or for summary judgment if the requirements of
4040 Rule 12(b) or Rule 56 of the Utah Rules of Civil Procedure are met by the moving party,
4041 except to the extent that the requirements of those rules are modified by this chapter.

4042 (5) (a) A declaratory proceeding authorized by Section 63G-4-503 is not governed by
4043 this chapter, except as explicitly provided in that section.

4044 (b) Judicial review of a declaratory proceeding authorized by Section 63G-4-503 is
4045 governed by this chapter.

4046 (6) This chapter does not preclude an agency from enacting a rule affecting or
4047 governing an adjudicative proceeding or from following the rule, if the rule is enacted
4048 according to the procedures outlined in Title 63G, Chapter 3, Utah Administrative Rulemaking
4049 Act, and if the rule conforms to the requirements of this chapter.

4050 (7) (a) If the attorney general issues a written determination that a provision of this
4051 chapter would result in the denial of funds or services to an agency of the state from the federal
4052 government, the applicability of the provision to that agency shall be suspended to the extent
4053 necessary to prevent the denial.

4054 (b) The attorney general shall report the suspension to the Legislature at its next
4055 session.

4056 (8) Nothing in this chapter may be interpreted to provide an independent basis for
4057 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 89. Section 63I-2-226 is amended to read:

63I-2-226. Repeal dates -- Title 26.

(1) Subsection 26-7-8(3) is repealed January 1, 2027.

~~[(2) Section 26-8a-107 is repealed July 1, 2024.]~~

~~[(3) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.]~~

~~[(4)]~~ (2) Subsection 26-18-2.3(5) is repealed January 1, 2020.

~~[(5)]~~ (3) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

~~[(6)]~~ (4) Subsection 26-18-411(8), related to reporting on the health coverage improvement program, is repealed January 1, 2023.

~~[(7)]~~ (5) Subsection 26-18-604(2) is repealed January 1, 2020.

~~[(8)]~~ (6) Subsection 26-21-28(2)(b) is repealed January 1, 2021.

~~[(9)]~~ (7) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

~~[(10)]~~ (8) Subsection 26-33a-106.5(6)(c)(iii) is repealed January 1, 2020.

~~[(11)]~~ (9) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance Program, is repealed July 1, 2027.

~~[(12)]~~ (10) Subsection 26-50-202(7)(b) is repealed January 1, 2020.

~~[(13)]~~ (11) Subsections 26-54-103(6)(d)(ii) and (iii) are repealed January 1, 2020.

~~[(14)]~~ (12) Subsection 26-55-107(8) is repealed January 1, 2021.

~~[(15)]~~ (13) Subsection 26-56-103(9)(d) is repealed January 1, 2020.

~~[(16)]~~ (14) Title 26, Chapter 59, Telehealth Pilot Program, is repealed January 1, 2020.

~~[(17)]~~ (15) Subsection 26-61-202(4)(b) is repealed January 1, 2022.

4089 ~~[(18)]~~ (16) Subsection ~~26-61-202~~(5) is repealed January 1, 2022.

4090 Section 90. Section ~~63I-2-253~~ is amended to read:

4091 **~~63I-2-253.~~ Repeal dates -- Titles 53 through 53G.**

4092 (1) Section ~~53-19-107~~ is repealed July 1, 2024.

4093 (2) Section ~~53-19-109~~ is repealed December 31, 2024.

4094 (3) Subsection ~~53-19-203~~(3)(a)(i), which requires the State Emergency Medical
 4095 Services Committee to annually report data to the Health and Human Services Interim
 4096 Committee, is repealed January 1, 2023.

4097 ~~[(1)]~~ (4) (a) Subsections ~~53B-2a-103~~(2) and (4), regarding the composition of the
 4098 UTech Board of Trustees and the transition to that composition, are repealed July 1, 2019.

4099 (b) When repealing Subsections ~~53B-2a-103~~(2) and (4), the Office of Legislative
 4100 Research and General Counsel shall, in addition to its authority under Subsection ~~36-12-12~~(3),
 4101 make necessary changes to subsection numbering and cross references.

4102 ~~[(2)]~~ (5) (a) Subsection ~~53B-2a-108~~(5), regarding exceptions to the composition of a
 4103 technical college board of directors, is repealed July 1, 2022.

4104 (b) When repealing Subsection ~~53B-2a-108~~(5), the Office of Legislative Research and
 4105 General Counsel shall, in addition to its authority under Subsection ~~36-12-12~~(3), make
 4106 necessary changes to subsection numbering and cross references.

4107 ~~[(3)]~~ (6) Section ~~53B-6-105.7~~ is repealed July 1, 2024.

4108 ~~[(4)]~~ (7) (a) Subsection ~~53B-7-705~~(6)(b)(ii)(A), the language that states "Except as
 4109 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

4110 (b) Subsection ~~53B-7-705~~(6)(b)(ii)(B), regarding comparing a technical college's
 4111 change in performance with the technical college's average performance, is repealed July 1,
 4112 2021.

4113 ~~[(5)]~~ (8) (a) Subsection ~~53B-7-707~~(3)(a)(ii), the language that states "Except as
 4114 provided in Subsection (3)(b)," is repealed July 1, 2021.

4115 (b) Subsection ~~53B-7-707~~(3)(b), regarding performance data of a technical college
 4116 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

4117 ~~[(6)]~~ (9) Section ~~53B-8-112~~ is repealed July 1, 2024.

4118 ~~[(7)]~~ (10) Section ~~53B-8-114~~ is repealed July 1, 2024.

4119 ~~[(8)]~~ (11) (a) The following sections, regarding the Regents' scholarship program, are

4120 repealed on July 1, 2023:

4121 (i) Section 53B-8-202;

4122 (ii) Section 53B-8-203;

4123 (iii) Section 53B-8-204; and

4124 (iv) Section 53B-8-205.

4125 (b) (i) Subsection 53B-8-201(2), regarding the Regents' scholarship program for
4126 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

4127 (ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and
4128 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
4129 necessary changes to subsection numbering and cross references.

4130 ~~[(9)]~~ (12) Section 53B-10-101 is repealed on July 1, 2027.

4131 ~~[(10)]~~ (13) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,
4132 is repealed July 1, 2023.

4133 ~~[(11)]~~ (14) Section 53E-3-519 regarding school counselor services is repealed July 1,
4134 2020.

4135 ~~[(12)]~~ (15) Section 53E-3-520 is repealed July 1, 2021.

4136 ~~[(13)]~~ (16) Subsection 53E-5-306(3)(b)(ii)(B), related to improving school
4137 performance and continued funding relating to the School Recognition and Reward Program, is
4138 repealed July 1, 2020.

4139 ~~[(14)]~~ (17) Section 53E-5-307 is repealed July 1, 2020.

4140 ~~[(15)]~~ (18) In Subsections 53F-2-205(4) and (5), regarding the State Board of
4141 Education's duties if contributions from the minimum basic tax rate are overestimated or
4142 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,
4143 2023.

4144 ~~[(16)]~~ (19) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
4145 repealed July 1, 2023.

4146 ~~[(17)]~~ (20) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
4147 applicable" is repealed July 1, 2023.

4148 ~~[(18)]~~ (21) Section 53F-4-204 is repealed July 1, 2019.

4149 ~~[(19)]~~ (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
4150 applicable" is repealed July 1, 2023.

4151 ~~[(20)]~~ (23) In Subsection [53F-9-305](#)(3)(a), the language that states "or [53F-2-301.5](#), as
4152 applicable" is repealed July 1, 2023.

4153 ~~[(21)]~~ (24) In Subsection [53F-9-306](#)(3)(a), the language that states "or [53F-2-301.5](#), as
4154 applicable" is repealed July 1, 2023.

4155 ~~[(22)]~~ (25) In Subsection [53G-3-304](#)(1)(c)(i), the language that states "or [53F-2-301.5](#),
4156 as applicable" is repealed July 1, 2023.

4157 ~~[(23)]~~ (26) On July 1, 2023, when making changes in this section, the Office of
4158 Legislative Research and General Counsel shall, in addition to the office's authority under
4159 Subsection [36-12-12](#)(3), make corrections necessary to ensure that sections and subsections
4160 identified in this section are complete sentences and accurately reflect the office's perception of
4161 the Legislature's intent.

4162 Section 91. Section **63J-1-602.1** is amended to read:

4163 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

4164 Appropriations made from the following accounts or funds are nonlapsing:

4165 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
4166 and Leadership Restricted Account created in Section [4-42-102](#).

4167 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

4168 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
4169 Section [9-18-102](#).

4170 (4) The National Professional Men's Soccer Team Support of Building Communities
4171 Restricted Account created in Section [9-19-102](#).

4172 (5) Funds collected for directing and administering the C-PACE district created in
4173 Section [11-42a-302](#).

4174 (6) The "Support for State-Owned Shooting Ranges Restricted Account" created in
4175 Section [23-14-13.5](#).

4176 (7) Award money under the State Asset Forfeiture Grant Program, as provided under
4177 Section [24-4-117](#).

4178 (8) Funds collected from the program fund for local health department expenses
4179 incurred in responding to a local health emergency under Section [26-1-38](#).

4180 (9) Funds collected from the emergency medical services grant program, as provided in
4181 Section ~~[[26-8a-207](#)]~~ [53-19-207](#).

- 4182 (10) The Children with Cancer Support Restricted Account created in Section
4183 26-21a-304.
- 4184 (11) State funds for matching federal funds in the Children's Health Insurance Program
4185 as provided in Section 26-40-108.
- 4186 (12) The Children with Heart Disease Support Restricted Account created in Section
4187 26-58-102.
- 4188 (13) The Nurse Home Visiting Restricted Account created in Section 26-63-601.
- 4189 (14) The Technology Development Restricted Account created in Section 31A-3-104.
- 4190 (15) The Criminal Background Check Restricted Account created in Section
4191 31A-3-105.
- 4192 (16) The Captive Insurance Restricted Account created in Section 31A-3-304, except
4193 to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- 4194 (17) The Title Licensee Enforcement Restricted Account created in Section
4195 31A-23a-415.
- 4196 (18) The Health Insurance Actuarial Review Restricted Account created in Section
4197 31A-30-115.
- 4198 (19) The Insurance Fraud Investigation Restricted Account created in Section
4199 31A-31-108.
- 4200 (20) The Underage Drinking Prevention Media and Education Campaign Restricted
4201 Account created in Section 32B-2-306.
- 4202 (21) The School Readiness Restricted Account created in Section 35A-15-203.
- 4203 (22) Money received by the Utah State Office of Rehabilitation for the sale of certain
4204 products or services, as provided in Section 35A-13-202.
- 4205 (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 4206 (24) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
4207 the Motor Vehicle Division.
- 4208 (25) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
4209 created by Section 41-3-110 to the State Tax Commission.
- 4210 (26) The Utah Law Enforcement Memorial Support Restricted Account created in
4211 Section 53-1-120.
- 4212 (27) The State Disaster Recovery Restricted Account to the Division of Emergency

- 4213 Management, as provided in Section 53-2a-603.
- 4214 (28) The Department of Public Safety Restricted Account to the Department of Public
- 4215 Safety, as provided in Section 53-3-106.
- 4216 (29) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
- 4217 53-8-303.
- 4218 (30) The DNA Specimen Restricted Account created in Section 53-10-407.
- 4219 (31) The Canine Body Armor Restricted Account created in Section 53-16-201.
- 4220 (32) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.
- 4221 (33) The Higher Education Capital Projects Fund created in Section 53B-22-202.
- 4222 (34) A certain portion of money collected for administrative costs under the School
- 4223 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 4224 (35) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
- 4225 subject to Subsection 54-5-1.5(4)(d).
- 4226 (36) Funds collected from a surcharge fee to provide certain licensees with access to an
- 4227 electronic reference library, as provided in Section 58-3a-105.
- 4228 (37) Certain fines collected by the Division of Occupational and Professional Licensing
- 4229 for violation of unlawful or unprofessional conduct that are used for education and enforcement
- 4230 purposes, as provided in Section 58-17b-505.
- 4231 (38) Funds collected from a surcharge fee to provide certain licensees with access to an
- 4232 electronic reference library, as provided in Section 58-22-104.
- 4233 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
- 4234 electronic reference library, as provided in Section 58-55-106.
- 4235 (40) Funds collected from a surcharge fee to provide certain licensees with access to an
- 4236 electronic reference library, as provided in Section 58-56-3.5.
- 4237 (41) Certain fines collected by the Division of Occupational and Professional Licensing
- 4238 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
- 4239 Section 58-63-103.
- 4240 (42) The Relative Value Study Restricted Account created in Section 59-9-105.
- 4241 (43) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 4242 (44) Funds paid to the Division of Real Estate for the cost of a criminal background
- 4243 check for a mortgage loan license, as provided in Section 61-2c-202.

- 4244 (45) Funds paid to the Division of Real Estate for the cost of a criminal background
4245 check for principal broker, associate broker, and sales agent licenses, as provided in Section
4246 [61-2f-204](#).
- 4247 (46) Certain funds donated to the Department of Human Services, as provided in
4248 Section [62A-1-111](#).
- 4249 (47) The National Professional Men's Basketball Team Support of Women and
4250 Children Issues Restricted Account created in Section [62A-1-202](#).
- 4251 (48) Certain funds donated to the Division of Child and Family Services, as provided
4252 in Section [62A-4a-110](#).
- 4253 (49) The Choose Life Adoption Support Restricted Account created in Section
4254 [62A-4a-608](#).
- 4255 (50) Funds collected by the Office of Administrative Rules for publishing, as provided
4256 in Section [63G-3-402](#).
- 4257 (51) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 4258 (52) Money received by the military installation development authority, as provided in
4259 Section [63H-1-504](#).
- 4260 (53) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 4261 (54) The Unified Statewide 911 Emergency Service Account created in Section
4262 [63H-7a-304](#).
- 4263 (55) The Utah Statewide Radio System Restricted Account created in Section
4264 [63H-7a-403](#).
- 4265 (56) The Employability to Careers Program Restricted Account created in Section
4266 [63J-4-703](#).
- 4267 (57) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 4268 (58) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
4269 as provided under Section [63N-10-301](#).
- 4270 (59) Funds collected by the housing of state probationary inmates or state parole
4271 inmates, as provided in Subsection [64-13e-104](#)(2).
- 4272 (60) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
4273 and State Lands, as provided in Section [65A-8-103](#).
- 4274 (61) The Transportation of Veterans to Memorials Support Restricted Account created

4275 in Section [71-14-102](#).

4276 (62) The Amusement Ride Safety Restricted Account, as provided in Section
4277 [72-16-204](#).

4278 (63) Certain funds received by the Office of the State Engineer for well drilling fines or
4279 bonds, as provided in Section [73-3-25](#).

4280 (64) The Water Resources Conservation and Development Fund, as provided in
4281 Section [73-23-2](#).

4282 (65) Funds donated or paid to a juvenile court by private sources, as provided in
4283 Subsection [78A-6-203\(1\)\(c\)](#).

4284 (66) Fees for certificate of admission created under Section [78A-9-102](#).

4285 (67) Funds collected for adoption document access as provided in Sections [78B-6-141](#),
4286 [78B-6-144](#), and [78B-6-144.5](#).

4287 (68) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
4288 Utah Indigent Defense Commission.

4289 (69) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
4290 Park, Jordan River State Park, and Green River State Park, as provided under Section
4291 [79-4-403](#).

4292 (70) Certain funds received by the Division of Parks and Recreation from the sale or
4293 disposal of buffalo, as provided under Section [79-4-1001](#).

4294 Section 92. Section **63M-7-209** is amended to read:

4295 **63M-7-209. Trauma-informed justice program.**

4296 (1) As used in this section:

4297 (a) "Committee" means the Multi-Disciplinary Trauma-Informed Committee created
4298 under Subsection (2).

4299 (b) "First responder" includes:

4300 (i) a law enforcement officer, as defined in Section [53-13-103](#);

4301 (ii) emergency medical service personnel, as defined in Section [\[26-8a-102\]](#)
4302 [53-19-102](#); and

4303 (iii) a firefighter.

4304 (c) "Trauma-informed" means a policy, procedure, program, or practice that
4305 demonstrates an ability to minimize retraumatization associated with the criminal and juvenile

4306 justice system.

4307 (d) "Victim" means the same as that term is defined in Section 77-37-2.

4308 (2) (a) The commission shall create a committee known as the Multi-Disciplinary
4309 Trauma-Informed Committee to assist the commission in meeting the requirements of this
4310 section. The commission shall provide for the membership, terms, and quorum requirements of
4311 the committee, except that:

4312 (i) at least one member of the committee shall be a victim;

4313 (ii) the executive director of the Department of Health or the executive director's
4314 designee shall be on the committee;

4315 (iii) the executive director of the Department of Human Services or the executive
4316 director's designee shall be on the committee;

4317 (iv) a member of the Utah Intergenerational Welfare Reform Commission, created in
4318 Section 35A-9-301, as chosen by the chair of the Utah Intergenerational Welfare Reform
4319 Commission shall be on the committee; and

4320 (v) the commission shall terminate the committee on June 30, 2020.

4321 (b) The commission shall use the Utah Office for Victims of Crime, the Utah Office on
4322 Domestic and Sexual Violence, and the Utah Council on Victims of Crime in meeting the
4323 requirements of this section.

4324 (3) (a) The committee shall work with statewide coalitions, children's justice centers,
4325 and other stakeholders to complete, by no later than September 1, 2019, a review of current and
4326 recommended trauma-informed policies, procedures, programs, or practices in the state's
4327 criminal and juvenile justice system, including:

4328 (i) reviewing the role of victim advocates and victim services in the criminal and
4329 juvenile justice system and:

4330 (A) how to implement the option of a comprehensive, seamless victim advocate system
4331 that is based on the best interests of victims and assists a victim throughout the criminal and
4332 juvenile justice system or a victim's process of recovering from the trauma the victim
4333 experienced as a result of being a victim of crime; and

4334 (B) recommending what minimum qualifications a victim advocate must meet,
4335 including recommending trauma-informed training or trauma-informed continuing education
4336 hours;

(ii) reviewing of best practice standards and protocols, including recommending adoption or creation of trauma-informed interview protocols, that may be used to train persons within the criminal and juvenile justice system concerning trauma-informed policies, procedures, programs, or practices, including training of:

(A) peace officers that is consistent with the training developed under Section 76-5-608;

(B) first responders;

(C) prosecutors;

(D) defense counsel;

(E) judges and other court personnel;

(F) the Board of Pardons and Parole and its personnel;

(G) the Department of Corrections, including Adult Probation and Parole; and

(H) others involved in the state's criminal and juvenile justice system;

(iii) recommending outcome based metrics to measure achievement related to trauma-informed policies, procedures, programs, or practices in the criminal and juvenile justice system;

(iv) recommending minimum qualifications and continuing education of individuals providing training, consultation, or administrative supervisory consultation within the criminal and juvenile justice system regarding trauma-informed policies, procedures, programs, or practices;

(v) identifying needs that are not funded or that would benefit from additional resources;

(vi) identifying funding sources, including outlining the restrictions on the funding sources, that may fund trauma-informed policies, procedures, programs, or practices;

(vii) reviewing which governmental entities should have the authority to implement recommendations of the committee; and

(viii) reviewing the need, if any, for legislation or appropriations to meet budget needs.

(b) Whenever the commission conducts a related survey, the commission, when possible, shall include how victims and their family members interact with Utah's criminal and juvenile justice system, including whether the victims and family members are treated with trauma-informed policies, procedures, programs, or practices throughout the criminal and

4368 juvenile justice system.

4369 (4) The commission shall establish and administer a performance incentive grant
4370 program that allocates money appropriated by the Legislature to public or private entities:

4371 (a) to provide advocacy and related service for victims in connection with the Board of
4372 Pardons and Parole process; and

4373 (b) that have demonstrated experience and competency in the best practices and
4374 standards of trauma-informed care.

4375 (5) The commission shall report to the Judiciary Interim Committee, at the request of
4376 the Judiciary Interim Committee, and the Law Enforcement and Criminal Justice Interim
4377 Committee by no later than the September 2019 interim regarding the grant under Subsection
4378 (4), the committee's activities under this section, and whether the committee should be
4379 extended beyond June 30, 2020.

4380 Section 93. Section **72-10-502** is amended to read:

4381 **72-10-502. Implied consent to chemical tests for alcohol or drugs -- Number of**
4382 **tests -- Refusal -- Person incapable of refusal -- Results of test available -- Who may give**
4383 **test -- Evidence -- Immunity from liability.**

4384 (1) (a) A person operating an aircraft in this state consents to a chemical test or tests of
4385 the person's breath, blood, urine, or oral fluids:

4386 (i) for the purpose of determining whether the person was operating or in actual
4387 physical control of an aircraft while having a blood or breath alcohol content statutorily
4388 prohibited under Section [72-10-501](#), or while under the influence of alcohol, any drug, or
4389 combination of alcohol and any drug under Section [72-10-501](#), if the test is or tests are
4390 administered at the direction of a peace officer having grounds to believe that person to have
4391 been operating or in actual physical control of an aircraft in violation of Section [72-10-501](#); or

4392 (ii) if the person operating the aircraft is involved in an accident that results in death,
4393 serious injury, or substantial aircraft damage.

4394 (b) (i) The peace officer determines which of the tests are administered and how many
4395 of them are administered.

4396 (ii) The peace officer may order any or all tests of the person's breath, blood, urine, or
4397 oral fluids.

4398 (iii) If an officer requests more than one test, refusal by a person to take one or more

4399 requested tests, even though the person does submit to any other requested test or tests, is a
4400 refusal under this section.

4401 (c) (i) A person who has been requested under this section to submit to a chemical test
4402 or tests of the person's breath, blood, urine, or oral fluids may not select the test or tests to be
4403 administered.

4404 (ii) The failure or inability of a peace officer to arrange for any specific chemical test is
4405 not a defense to taking a test requested by a peace officer, and it is not a defense in any
4406 criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the
4407 requested test or tests.

4408 (2) (a) If the person has been placed under arrest and has then been requested by a
4409 peace officer to submit to any one or more of the chemical tests provided in Subsection (1) and
4410 refuses to submit to any chemical test, the person shall be warned by the peace officer
4411 requesting the test that a refusal to submit to the test is admissible in civil or criminal
4412 proceedings as provided under Subsection (8).

4413 (b) Following this warning, unless the person immediately requests that the chemical
4414 test offered by a peace officer be administered, a test may not be given.

4415 (3) A person who is dead, unconscious, or in any other condition rendering the person
4416 incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn
4417 the consent provided for in Subsection (1), and the test or tests may be administered whether
4418 the person has been arrested or not.

4419 (4) Upon the request of the person who was tested, the results of the test or tests shall
4420 be made available to that person.

4421 (5) (a) Only the following, acting at the request of a peace officer, may draw blood to
4422 determine its alcohol or drug content:

4423 (i) a physician;

4424 (ii) a registered nurse;

4425 (iii) a licensed practical nurse;

4426 (iv) a paramedic;

4427 (v) as provided in Subsection (5)(b), emergency medical service personnel other than
4428 paramedics; or

4429 (vi) a person with a valid permit issued by the Department of Health under Section

4430 26-1-30.

4431 (b) The Department of ~~[Health]~~ Public Safety may designate by rule, in accordance
4432 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency medical
4433 service personnel, as defined in Section ~~[26-8a-102]~~ 53-19-102, are authorized to draw blood
4434 under Subsection (5)(a)(v), based on the type of license under Section ~~[26-8a-302]~~ 53-19-402.

4435 (c) Subsection (5)(a) does not apply to taking a urine, breath, or oral fluid specimen.

4436 (d) The following are immune from civil or criminal liability arising from drawing a
4437 blood sample from a person who a peace officer has reason to believe is flying in violation of
4438 this chapter if the sample is drawn in accordance with standard medical practice:

4439 (i) a person authorized to draw blood under Subsection (5)(a); and

4440 (ii) if the blood is drawn at a hospital or other medical facility, the medical facility.

4441 (6) (a) The person to be tested may, at the person's own expense, have a physician of
4442 the person's own choice administer a chemical test in addition to the test or tests administered
4443 at the direction of a peace officer.

4444 (b) The failure or inability to obtain the additional test does not affect admissibility of
4445 the results of the test or tests taken at the direction of a peace officer, or preclude or delay the
4446 test or tests to be taken at the direction of a peace officer.

4447 (c) The additional test shall be subsequent to the test or tests administered at the
4448 direction of a peace officer.

4449 (7) For the purpose of determining whether to submit to a chemical test or tests, the
4450 person to be tested does not have the right to consult an attorney or have an attorney, physician,
4451 or other person present as a condition for the taking of any test.

4452 (8) If a person under arrest refuses to submit to a chemical test or tests or any
4453 additional test under this section, evidence of any refusal is admissible in any civil or criminal
4454 action or proceeding arising out of acts alleged to have been committed while the person was
4455 operating or in actual physical control of an aircraft while under the influence of alcohol, any
4456 drug, or combination of alcohol and any drug.

4457 (9) The results of any test taken under this section or the refusal to be tested shall be
4458 reported to the Federal Aviation Administration by the peace officer requesting the test.

4459 (10) Notwithstanding the provisions of this section, a blood test taken under this
4460 section is subject to Section 77-23-213.

Section 94. Section **75-2a-103** is amended to read:

75-2a-103. Definitions.

As used in this chapter:

(1) "Adult" means a person who is:

(a) at least 18 years of age; or

(b) an emancipated minor.

(2) "Advance health care directive":

(a) includes:

(i) a designation of an agent to make health care decisions for an adult when the adult cannot make or communicate health care decisions; or

(ii) an expression of preferences about health care decisions;

(b) may take one of the following forms:

(i) a written document, voluntarily executed by an adult in accordance with the requirements of this chapter; or

(ii) a witnessed oral statement, made in accordance with the requirements of this chapter; and

(c) does not include a life with dignity order.

(3) "Agent" means a person designated in an advance health care directive to make health care decisions for the declarant.

(4) "APRN" means a person who is:

(a) certified or licensed as an advance practice registered nurse under Subsection [58-31b-301\(2\)\(d\)](#);

(b) an independent practitioner;

(c) acting under a consultation and referral plan with a physician; and

(d) acting within the scope of practice for that person, as provided by law, rule, and specialized certification and training in that person's area of practice.

(5) "Best interest" means that the benefits to the person resulting from a treatment outweigh the burdens to the person resulting from the treatment, taking into account:

(a) the effect of the treatment on the physical, emotional, and cognitive functions of the person;

(b) the degree of physical pain or discomfort caused to the person by the treatment or

4492 the withholding or withdrawal of treatment;

4493 (c) the degree to which the person's medical condition, the treatment, or the
4494 withholding or withdrawal of treatment, result in a severe and continuing impairment of the
4495 dignity of the person by subjecting the person to humiliation and dependency;

4496 (d) the effect of the treatment on the life expectancy of the person;

4497 (e) the prognosis of the person for recovery with and without the treatment;

4498 (f) the risks, side effects, and benefits of the treatment, or the withholding or
4499 withdrawal of treatment; and

4500 (g) the religious beliefs and basic values of the person receiving treatment, to the extent
4501 these may assist the decision maker in determining the best interest.

4502 (6) "Capacity to appoint an agent" means that the adult understands the consequences
4503 of appointing a particular person as agent.

4504 (7) "Declarant" means an adult who has completed and signed or directed the signing
4505 of an advance health care directive.

4506 (8) "Default surrogate" means the adult who may make decisions for an individual
4507 when either:

4508 (a) an agent or guardian has not been appointed; or

4509 (b) an agent is not able, available, or willing to make decisions for an adult.

4510 (9) "Emergency medical services provider" means a person who is licensed,
4511 designated, or certified under ~~[Title 26, Chapter 8a]~~ Title 53, Chapter 19, Utah Emergency
4512 Medical Services System Act.

4513 (10) "Generally accepted health care standards":

4514 (a) is defined only for the purpose of:

4515 (i) this chapter and does not define the standard of care for any other purpose under
4516 Utah law; and

4517 (ii) enabling health care providers to interpret the statutory form set forth in Section
4518 [75-2a-117](#); and

4519 (b) means the standard of care that justifies a provider in declining to provide life
4520 sustaining care because the proposed life sustaining care:

4521 (i) will not prevent or reduce the deterioration in the health or functional status of a
4522 person;

- 4523 (ii) will not prevent the impending death of a person; or
4524 (iii) will impose more burden on the person than any expected benefit to the person.
- 4525 (11) "Health care" means any care, treatment, service, or procedure to improve,
4526 maintain, diagnose, or otherwise affect a person's physical or mental condition.
- 4527 (12) "Health care decision":
4528 (a) means a decision about an adult's health care made by, or on behalf of, an adult, that
4529 is communicated to a health care provider;
- 4530 (b) includes:
4531 (i) selection and discharge of a health care provider and a health care facility;
4532 (ii) approval or disapproval of diagnostic tests, procedures, programs of medication,
4533 and orders not to resuscitate; and
4534 (iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and
4535 all other forms of health care; and
- 4536 (c) does not include decisions about an adult's financial affairs or social interactions
4537 other than as indirectly affected by the health care decision.
- 4538 (13) "Health care decision making capacity" means an adult's ability to make an
4539 informed decision about receiving or refusing health care, including:
- 4540 (a) the ability to understand the nature, extent, or probable consequences of health
4541 status and health care alternatives;
- 4542 (b) the ability to make a rational evaluation of the burdens, risks, benefits, and
4543 alternatives of accepting or rejecting health care; and
- 4544 (c) the ability to communicate a decision.
- 4545 (14) "Health care facility" means:
4546 (a) a health care facility as defined in Title 26, Chapter 21, Health Care Facility
4547 Licensing and Inspection Act; and
4548 (b) private offices of physicians, dentists, and other health care providers licensed to
4549 provide health care under Title 58, Occupations and Professions.
- 4550 (15) "Health care provider" is as defined in Section 78B-3-403, except that it does not
4551 include an emergency medical services provider.
- 4552 (16) (a) "Life sustaining care" means any medical intervention, including procedures,
4553 administration of medication, or use of a medical device, that maintains life by sustaining,

4554 restoring, or supplanting a vital function.

4555 (b) "Life sustaining care" does not include care provided for the purpose of keeping a
4556 person comfortable.

4557 (17) "Life with dignity order" means an order, designated by the Department of Health
4558 under Section 75-2a-106(5)(a), that gives direction to health care providers, health care
4559 facilities, and emergency medical services providers regarding the specific health care
4560 decisions of the person to whom the order relates.

4561 (18) "Minor" means a person who:

4562 (a) is under 18 years of age; and

4563 (b) is not an emancipated minor.

4564 (19) "Physician" means a physician and surgeon or osteopathic surgeon licensed under
4565 Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical
4566 Practice Act.

4567 (20) "Physician assistant" means a person licensed as a physician assistant under Title
4568 58, Chapter 70a, Utah Physician Assistant Act.

4569 (21) "Reasonably available" means:

4570 (a) readily able to be contacted without undue effort; and

4571 (b) willing and able to act in a timely manner considering the urgency of the
4572 circumstances.

4573 (22) "Substituted judgment" means the standard to be applied by a surrogate when
4574 making a health care decision for an adult who previously had the capacity to make health care
4575 decisions, which requires the surrogate to consider:

4576 (a) specific preferences expressed by the adult:

4577 (i) when the adult had the capacity to make health care decisions; and

4578 (ii) at the time the decision is being made;

4579 (b) the surrogate's understanding of the adult's health care preferences;

4580 (c) the surrogate's understanding of what the adult would have wanted under the
4581 circumstances; and

4582 (d) to the extent that the preferences described in Subsections (22)(a) through (c) are
4583 unknown, the best interest of the adult.

4584 (23) "Surrogate" means a health care decision maker who is:

4585 (a) an appointed agent;

4586 (b) a default surrogate under the provisions of Section 75-2a-108; or

4587 (c) a guardian.

4588 Section 95. Section 75-2a-106 is amended to read:

4589 **75-2a-106. Emergency medical services -- Life with dignity order.**

4590 (1) A life with dignity order may be created by or on behalf of a person as described in
4591 this section.

4592 (2) A life with dignity order shall, in consultation with the person authorized to consent
4593 to the order pursuant to this section, be prepared by:

4594 (a) the physician, APRN, or, subject to Subsection (11), physician assistant of the
4595 person to whom the life with dignity order relates; or

4596 (b) a health care provider who:

4597 (i) is acting under the supervision of a person described in Subsection (2)(a); and

4598 (ii) is:

4599 (A) a nurse, licensed under Title 58, Chapter 31b, Nurse Practice Act;

4600 (B) a physician assistant, licensed under Title 58, Chapter 70a, Utah Physician

4601 Assistant Act;

4602 (C) a mental health professional, licensed under Title 58, Chapter 60, Mental Health

4603 Professional Practice Act; or

4604 (D) another health care provider, designated by rule as described in Subsection (10).

4605 (3) A life with dignity order shall be signed:

4606 (a) personally, by the physician, APRN, or, subject to Subsection (11), physician
4607 assistant of the person to whom the life with dignity order relates; and

4608 (b) (i) if the person to whom the life with dignity order relates is an adult with health
4609 care decision making capacity, by:

4610 (A) the person; or

4611 (B) an adult who is directed by the person to sign the life with dignity order on behalf
4612 of the person;

4613 (ii) if the person to whom the life with dignity order relates is an adult who lacks health
4614 care decision making capacity, by:

4615 (A) the surrogate with the highest priority under Section 75-2a-111;

4616 (B) the majority of the class of surrogates with the highest priority under Section
4617 75-2a-111; or

4618 (C) a person directed to sign the order by, and on behalf of, the persons described in
4619 Subsection (3)(b)(ii)(A) or (B); or

4620 (iii) if the person to whom the life with dignity order relates is a minor, by a parent or
4621 guardian of the minor.

4622 (4) If a life with dignity order relates to a minor and directs that life sustaining
4623 treatment be withheld or withdrawn from the minor, the order shall include a certification by
4624 two physicians that, in their clinical judgment, an order to withhold or withdraw life sustaining
4625 treatment is in the best interest of the minor.

4626 (5) A life with dignity order:

4627 (a) shall be in writing, on a form approved by the Department of Health;

4628 (b) shall state the date on which the order was made;

4629 (c) may specify the level of life sustaining care to be provided to the person to whom
4630 the order relates; and

4631 (d) may direct that life sustaining care be withheld or withdrawn from the person to
4632 whom the order relates.

4633 (6) A health care provider or emergency medical service provider, licensed or certified
4634 under [~~Title 26, Chapter 8a~~] Title 53, Chapter 19, Utah Emergency Medical Services System
4635 Act, is immune from civil or criminal liability, and is not subject to discipline for
4636 unprofessional conduct, for:

4637 (a) complying with a life with dignity order in good faith; or

4638 (b) providing life sustaining treatment to a person when a life with dignity order directs
4639 that the life sustaining treatment be withheld or withdrawn.

4640 (7) To the extent that the provisions of a life with dignity order described in this
4641 section conflict with the provisions of an advance health care directive made under Section
4642 75-2a-107, the provisions of the life with dignity order take precedence.

4643 (8) An adult, or a parent or guardian of a minor, may revoke a life with dignity order
4644 by:

4645 (a) orally informing emergency service personnel;

4646 (b) writing "void" across the form;

- 4647 (c) burning, tearing, or otherwise destroying or defacing:
4648 (i) the form; or
4649 (ii) a bracelet or other evidence of the life with dignity order;
4650 (d) asking another adult to take the action described in this Subsection (8) on the
4651 person's behalf;
4652 (e) signing or directing another adult to sign a written revocation on the person's
4653 behalf;
4654 (f) stating, in the presence of an adult witness, that the person wishes to revoke the
4655 order; or
4656 (g) completing a new life with dignity order.
- 4657 (9) (a) Except as provided in Subsection (9)(c), a surrogate for an adult who lacks
4658 health care decision making capacity may only revoke a life with dignity order if the revocation
4659 is consistent with the substituted judgment standard.
- 4660 (b) Except as provided in Subsection (9)(c), a surrogate who has authority under this
4661 section to sign a life with dignity order may revoke a life with dignity order, in accordance with
4662 Subsection (9)(a), by:
- 4663 (i) signing a written revocation of the life with dignity order; or
4664 (ii) completing and signing a new life with dignity order.
- 4665 (c) A surrogate may not revoke a life with dignity order during the period of time
4666 beginning when an emergency service provider is contacted for assistance, and ending when
4667 the emergency ends.
- 4668 (10) (a) The Department of Health shall adopt rules, in accordance with Title 63G,
4669 Chapter 3, Utah Administrative Rulemaking Act, to:
- 4670 (i) create the forms and systems described in this section; and
4671 (ii) develop uniform instructions for the form established in Section [75-2a-117](#).
- 4672 (b) The Department of Health may adopt rules, in accordance with Title 63G, Chapter
4673 3, Utah Administrative Rulemaking Act, to designate health care professionals, in addition to
4674 those described in Subsection (2)(b)(ii), who may prepare a life with dignity order.
- 4675 (c) The Department of Health may assist others with training of health care
4676 professionals regarding this chapter.
- 4677 (11) A physician assistant may not prepare or sign a life with dignity order, unless the

physician assistant is permitted to prepare or sign the life with dignity order under the physician assistant's delegation of services agreement, as defined in Section [58-70a-102](#).

Section 96. Section **76-3-203.11** is amended to read:

76-3-203.11. Reporting an overdose -- Mitigating factor.

It is a mitigating factor in sentencing for an offense under Title 58, Chapter 37, Utah Controlled Substances Act, that the person:

(1) reasonably believes that the person or another person is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance;

(2) reports in good faith the overdose event to a medical provider, an emergency medical service provider as defined in Section [\[26-8a-102\]](#) [53-19-102](#), a law enforcement officer, a 911 emergency call system, or an emergency dispatch system, or the person is the subject of a report made under this section;

(3) provides in the report under Subsection (2) a functional description of the location of the actual overdose event that facilitates responding to the person experiencing the overdose event;

(4) remains at the location of the person experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives, or remains at the medical care facility where the person experiencing an overdose event is located until a responding law enforcement officer arrives;

(5) cooperates with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the person experiencing the overdose event and any substances the person may have injected, inhaled, or otherwise introduced into the person's body; and

(6) committed the offense in the same course of events from which the reported overdose arose.

Section 97. Section **76-5-102.7** is amended to read:

76-5-102.7. Assault against health care provider and emergency medical service worker -- Penalty.

(1) A person who commits an assault or threat of violence against a health care provider or emergency medical service worker is guilty of a class A misdemeanor if:

4709 (a) the person is not a prisoner or a person detained under Section [77-7-15](#);
4710 (b) the person knew that the victim was a health care provider or emergency medical
4711 service worker; and

4712 (c) the health care provider or emergency medical service worker was performing
4713 emergency or life saving duties within the scope of his or her authority at the time of the
4714 assault.

4715 (2) A person who violates Subsection (1) is guilty of a third degree felony if the
4716 person:

4717 (a) causes substantial bodily injury, as defined in Section [76-1-601](#); and

4718 (b) acts intentionally or knowingly.

4719 (3) As used in this section:

4720 (a) "Assault" means the same as that term is defined in Section [76-5-102](#).

4721 (b) "Emergency medical service worker" means a person licensed under Section
4722 ~~[26-8a-302]~~ [53-19-402](#).

4723 (c) "Health care provider" means the same as that term is defined in Section
4724 [78B-3-403](#).

4725 (d) "Threat of violence" means the same as that term is defined in Section [76-5-107](#).

4726 Section 98. Section **76-10-3105** is amended to read:

4727 **76-10-3105. Exempt activities.**

4728 (1) This act may not be construed to prohibit:

4729 (a) the activities of any public utility to the extent that those activities are subject to
4730 regulation by the public service commission, the state or federal department of transportation,
4731 the federal energy regulatory commission, the federal communications commission, the
4732 interstate commerce commission, or successor agencies;

4733 (b) the activities of any insurer, insurance producer, independent insurance adjuster, or
4734 rating organization including, but not limited to, making or participating in joint underwriting
4735 or reinsurance arrangements, to the extent that those activities are subject to regulation by the
4736 commissioner of insurance;

4737 (c) the activities of securities dealers, issuers, or agents, to the extent that those
4738 activities are subject to regulation under the laws of either this state or the United States;

4739 (d) the activities of any state or national banking institution, to the extent that the

activities are regulated or supervised by state government officers or agencies under the banking laws of this state or by federal government officers or agencies under the banking laws of the United States;

(e) the activities of any state or federal savings and loan association to the extent that those activities are regulated or supervised by state government officers or agencies under the banking laws of this state or federal government officers or agencies under the banking laws of the United States;

(f) the activities of a political subdivision to the extent authorized or directed by state law, consistent with the state action doctrine of federal antitrust law; or

(g) the activities of an emergency medical service provider licensed under ~~Title 26, Chapter 8a~~ Title 53, Chapter 19, Utah Emergency Medical Services System Act, to the extent that those activities are regulated by state government officers or agencies under that act.

(2) (a) The labor of a human being is not a commodity or article of commerce.

(b) Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of these organizations from lawfully carrying out their legitimate objects; nor may these organizations or membership in them be held to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

(3) (a) As used in this section, an entity is also a municipality if the entity was formed under Title 11, Chapter 13, Interlocal Cooperation Act, prior to January 1, 1981, and the entity is:

(i) a project entity as defined in Section 11-13-103;

(ii) an electric interlocal entity as defined in Section 11-13-103; or

(iii) an energy services interlocal entity as defined in Section 11-13-103.

(b) The activities of the entities under Subsection (3)(a) are authorized or directed by state law.

Section 99. 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

4771 and detection of crime and the enforcement of criminal statutes or ordinances of this state or
4772 any of this state's political subdivisions.

4773 (b) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace
4774 Officer Classifications.

4775 (2) A peace officer may require an individual to submit to a blood test for a law
4776 enforcement purpose only if:

4777 (a) the individual or legal representative of the individual with authority to give
4778 consent gives oral or written consent to the blood test;

4779 (b) the peace officer obtains a warrant to administer the blood test; or

4780 (c) a judicially recognized exception to obtaining a warrant exists as established by the
4781 Utah Court of Appeals, Utah Supreme Court, Court of Appeals of the Tenth Circuit, or the
4782 Supreme Court of the United States.

4783 (3) (a) Only the following, acting at the request of a peace officer, may draw blood to
4784 determine the blood's alcohol or drug content:

4785 (i) a physician;

4786 (ii) a physician assistant;

4787 (iii) a registered nurse;

4788 (iv) a licensed practical nurse;

4789 (v) a paramedic;

4790 (vi) as provided in Subsection (3)(b), emergency medical service personnel other than a
4791 paramedic; or

4792 (vii) a person with a valid permit issued by the Department of Health under Section
4793 [26-1-30](#).

4794 (b) The Department of ~~Health~~ Public Safety may designate by rule, in accordance
4795 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency medical
4796 service personnel, as defined in Section ~~[26-8a-102]~~ [53-19-102](#), are authorized to draw blood
4797 under Subsection (3)(a)(vi), based on the type of license under Section ~~[26-8a-302]~~ [53-19-402](#).

4798 (c) The following are immune from civil or criminal liability arising from drawing a
4799 blood sample from a person who a peace officer requests, for law enforcement purposes, if the
4800 sample is drawn in accordance with standard medical practice:

4801 (i) a person authorized to draw blood under Subsection (3)(a); and

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

Section 100. Section **78A-6-209** is amended to read:

78A-6-209. Court records -- Inspection.

(1) The court and the probation department shall keep records as required by the board and the presiding judge.

(2) Court records shall be open to inspection by:

(a) the parents or guardian of a child, a minor who is at least 18 years of age, other parties in the case, the attorneys, and agencies to which custody of a minor has been transferred;

(b) for information relating to adult offenders alleged to have committed a sexual offense, a felony or class A misdemeanor drug offense, or an offense against the person under Title 76, Chapter 5, Offenses Against the Person, the State Board of Education for the purpose of evaluating whether an individual should be permitted to obtain or retain a license as an educator or serve as an employee or volunteer in a school, with the understanding that the State Board of Education must provide the individual with an opportunity to respond to any information gathered from its inspection of the records before it makes a decision concerning licensure or employment;

(c) the Criminal Investigations and Technical Services Division, established in Section [53-10-103](#), for the purpose of a criminal history background check for the purchase of a firearm and establishing good character for issuance of a concealed firearm permit as provided in Section [53-5-704](#);

(d) the Division of Child and Family Services for the purpose of Child Protective Services Investigations in accordance with Sections [62A-4a-403](#) and [62A-4a-409](#) and administrative hearings in accordance with Section [62A-4a-1009](#);

(e) the Office of Licensing for the purpose of conducting a background check in accordance with Section [62A-2-120](#);

(f) for information related to a juvenile offender who has committed a sexual offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the Department of Health for the purpose of evaluating under the provisions of Subsection [26-39-404\(3\)](#) whether a licensee should be permitted to obtain or retain a license to provide child care, with the understanding that the department must provide the individual who committed the offense with

an opportunity to respond to any information gathered from its inspection of records before it makes a decision concerning licensure;

(g) for information related to a juvenile offender who has committed a sexual offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the Department of Health to determine whether an individual meets the background screening requirements of Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access, with the understanding that the department must provide the individual who committed the offense an opportunity to respond to any information gathered from its inspection of records before it makes a decision under that part; and

(h) for information related to a juvenile offender who has committed a sexual offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the Department of ~~Health~~ Public Safety to determine whether to grant, deny, or revoke background clearance under Section ~~[26-8a-310]~~ 53-19-410 for an individual who is seeking or who has obtained an emergency medical service personnel license under Section ~~[26-8a-302]~~ 53-19-402, with the understanding that the department must provide the individual who committed the offense an opportunity to respond to any information gathered from the department's inspection of records before it makes a determination.

(3) With the consent of the judge, court records may be inspected by the child, by persons having a legitimate interest in the proceedings, and by persons conducting pertinent research studies.

(4) If a petition is filed charging a minor 14 years of age or older with an offense that would be a felony if committed by an adult, the court shall make available to any person upon request the petition, any adjudication or disposition orders, and the delinquency history summary of the minor charged unless the records are closed by the court upon findings on the record for good cause.

(5) Probation officers' records and reports of social and clinical studies are not open to inspection, except by consent of the court, given under rules adopted by the board.

(6) (a) Any juvenile delinquency adjudication or disposition orders and the delinquency history summary of any person charged as an adult with a felony offense shall be made available to any person upon request.

(b) This provision does not apply to records that have been destroyed or expunged in

4864 accordance with court rules.

4865 (c) The court may charge a reasonable fee to cover the costs associated with retrieving
4866 a requested record that has been archived.

4867 Section 101. Section **78A-6-323** is amended to read:

4868 **78A-6-323. Additional finding at adjudication hearing -- Petition -- Court**
4869 **records.**

4870 (1) Upon the filing with the court of a petition under Section **78A-6-304** by the
4871 Division of Child and Family Services or any interested person informing the court, among
4872 other things, that the division has made a supported finding that a person committed a severe
4873 type of child abuse or neglect as defined in Section **62A-4a-1002**, the court shall:

- 4874 (a) make a finding of substantiated, unsubstantiated, or without merit;
4875 (b) include the finding described in Subsection (1)(a) in a written order; and
4876 (c) deliver a certified copy of the order described in Subsection (1)(b) to the division.

4877 (2) The judicial finding under Subsection (1) shall be made:

- 4878 (a) as part of the adjudication hearing;
4879 (b) at the conclusion of the adjudication hearing; or
4880 (c) as part of a court order entered pursuant to a written stipulation of the parties.

4881 (3) (a) Any person described in Subsection **62A-4a-1010**(1) may at any time file with
4882 the court a petition for removal of the person's name from the Licensing Information System.

- 4883 (b) At the conclusion of the hearing on the petition, the court shall:
4884 (i) make a finding of substantiated, unsubstantiated, or without merit;
4885 (ii) include the finding described in Subsection (1)(a) in a written order; and
4886 (iii) deliver a certified copy of the order described in Subsection (1)(b) to the division.

4887 (4) A proceeding for adjudication of a supported finding under this section of a type of
4888 abuse or neglect that does not constitute a severe type of child abuse or neglect may be joined
4889 in the juvenile court with an adjudication of a severe type of child abuse or neglect.

4890 (5) If a person whose name appears on the Licensing Information system prior to May
4891 6, 2002 files a petition during the time that an alleged perpetrator's application for clearance to
4892 work with children or vulnerable adults is pending, the court shall hear the matter and enter a
4893 final decision no later than 60 days after the filing of the petition.

4894 (6) For the purposes of licensing under Sections **26-39-402**, **62A-1-118**, and

4895 [62A-2-120](#), and for the purposes described in Sections [~~26-8a-310~~] [53-19-410](#) and [62A-2-121](#)
4896 and Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access:

4897 (a) the court shall make available records of its findings under Subsections (1) and (2):

4898 (i) for those purposes; and

4899 (ii) only to those with statutory authority to access also the Licensing Information
4900 System created under Section [62A-4a-1006](#); and

4901 (b) any appellate court shall make available court records of appeals from juvenile
4902 court decisions under Subsections (1), (2), (3), and (4):

4903 (i) for those purposes; and

4904 (ii) only to those with statutory authority to access also the Licensing Information
4905 System.

4906 Section 102. Section ~~78B-4-501~~ is amended to read:

4907 **78B-4-501. Good Samaritan Law.**

4908 (1) As used in this section:

4909 (a) "Child" means an individual of such an age that a reasonable person would perceive
4910 the individual as unable to open the door of a locked motor vehicle, but in any case younger
4911 than 18 years of age.

4912 (b) "Emergency" means an unexpected occurrence involving injury, threat of injury, or
4913 illness to a person or the public, including motor vehicle accidents, disasters, actual or
4914 threatened discharges, removal or disposal of hazardous materials, and other accidents or
4915 events of a similar nature.

4916 (c) "Emergency care" includes actual assistance or advice offered to avoid, mitigate, or
4917 attempt to mitigate the effects of an emergency.

4918 (d) "First responder" means a state or local:

4919 (i) law enforcement officer, as defined in Section [53-13-103](#);

4920 (ii) firefighter, as defined in Section [34A-3-113](#); or

4921 (iii) emergency medical service provider, as defined in Section [~~26-8a-102~~] [53-19-102](#).

4922 (e) "Motor vehicle" means the same as that term is defined in Section [41-1a-102](#).

4923 (2) A person who renders emergency care at or near the scene of, or during, an
4924 emergency, gratuitously and in good faith, is not liable for any civil damages or penalties as a
4925 result of any act or omission by the person rendering the emergency care, unless the person is

4926 grossly negligent or caused the emergency.

4927 (3) (a) A person who gratuitously, and in good faith, assists a governmental agency or
4928 political subdivision in an activity described in Subsections (3)(a)(i) through (iii) is not liable
4929 for any civil damages or penalties as a result of any act or omission, unless the person
4930 rendering assistance is grossly negligent in:

4931 (i) implementing measures to control the causes of epidemic and communicable
4932 diseases and other conditions significantly affecting the public health, or necessary to protect
4933 the public health as set out in Title 26A, Chapter 1, Local Health Departments;

4934 (ii) investigating and controlling suspected bioterrorism and disease as set out in Title
4935 26, Chapter 23b, Detection of Public Health Emergencies Act; and

4936 (iii) responding to a national, state, or local emergency, a public health emergency as
4937 defined in Section [26-23b-102](#), or a declaration by the president of the United States or other
4938 federal official requesting public health-related activities.

4939 (b) The immunity in this Subsection (3) is in addition to any immunity or protection in
4940 state or federal law that may apply.

4941 (4) (a) A person who uses reasonable force to enter a locked and unattended motor
4942 vehicle to remove a confined child is not liable for damages in a civil action if all of the
4943 following apply:

4944 (i) the person has a good faith belief that the confined child is in imminent danger of
4945 suffering physical injury or death unless the confined child is removed from the motor vehicle;

4946 (ii) the person determines that the motor vehicle is locked and there is no reasonable
4947 manner in which the person can remove the confined child from the motor vehicle;

4948 (iii) before entering the motor vehicle, the person notifies a first responder of the
4949 confined child;

4950 (iv) the person does not use more force than is necessary under the circumstances to
4951 enter the motor vehicle and remove the confined child from the vehicle; and

4952 (v) the person remains with the child until a first responder arrives at the motor vehicle.

4953 (b) A person is not immune from civil liability under this Subsection (4) if the person
4954 fails to abide by any of the provisions of Subsection (4)(a) or commits any unnecessary or
4955 malicious damage to the motor vehicle.

4956 Section 103. Section **78B-5-902** is amended to read:

4957 **78B-5-902. Definitions.**

4958 As used in this part:

4959 (1) "Communication" means an oral statement, written statement, note, record, report,
4960 or document made during, or arising out of, a meeting between a law enforcement officer,
4961 firefighter, emergency medical service provider, or rescue provider and a peer support team
4962 member.

4963 (2) "Emergency medical service provider or rescue unit peer support team member"
4964 means a person who is:

4965 (a) an emergency medical service provider as defined in Section ~~[26-8a-102]~~
4966 53-19-102, a regular or volunteer member of a rescue unit acting as an emergency responder as
4967 defined in Section 53-2a-502, or another person who has been trained in peer support skills;
4968 and

4969 (b) designated by the chief executive of an emergency medical service agency or the
4970 chief of a rescue unit as a member of an emergency medical service provider's peer support
4971 team or as a member of a rescue unit's peer support team.

4972 (3) "Law enforcement or firefighter peer support team member" means a person who
4973 is:

4974 (a) a peace officer, law enforcement dispatcher, civilian employee, or volunteer
4975 member of a law enforcement agency, a regular or volunteer member of a fire department, or
4976 another person who has been trained in peer support skills; and

4977 (b) designated by the commissioner of the Department of Public Safety, the executive
4978 director of the Department of Corrections, a sheriff, a police chief, or a fire chief as a member
4979 of a law enforcement agency's peer support team or a fire department's peer support team.

4980 (4) "Trained" means a person who has successfully completed a peer support training
4981 program approved by the Peace Officer Standards and Training Division, the State Fire
4982 Marshal's Office, or the Health Department, as applicable.

4983 Section 104. Section **78B-8-401** is amended to read:

4984 **78B-8-401. Definitions.**

4985 For purposes of this part:

4986 (1) "Blood or contaminated body fluids" includes blood, saliva, amniotic fluid,
4987 pericardial fluid, peritoneal fluid, pleural fluid, synovial fluid, cerebrospinal fluid, semen, and

4988 vaginal secretions, and any body fluid visibly contaminated with blood.

4989 (2) "Disease" means Human Immunodeficiency Virus infection, acute or chronic
4990 Hepatitis B infection, Hepatitis C infection, and any other infectious disease specifically
4991 designated by the Labor Commission, in consultation with the Department of Health, for the
4992 purposes of this part.

4993 (3) "Emergency services provider" means:

4994 (a) an individual licensed under Section [~~26-8a-302~~] 53-19-402, a peace officer, local
4995 fire department personnel, or personnel employed by the Department of Corrections or by a
4996 county jail, who provide prehospital emergency care for an emergency services provider either
4997 as an employee or as a volunteer; or

4998 (b) an individual who provides for the care, control, support, or transport of a prisoner.

4999 (4) "First aid volunteer" means a person who provides voluntary emergency assistance
5000 or first aid medical care to an injured person prior to the arrival of an emergency medical
5001 services provider or peace officer.

5002 (5) "Health care provider" means the same as that term is defined in Section
5003 78B-3-403.

5004 (6) "Peace officer" means the same as that term is defined in Section 53-1-102.

5005 (7) "Prisoner" means the same as that term is defined in Section 76-5-101.

5006 (8) "Significant exposure" and "significantly exposed" mean:

5007 (a) exposure of the body of one person to the blood or body fluids of another person
5008 by:

5009 (i) percutaneous injury, including a needle stick, cut with a sharp object or instrument,
5010 or a wound resulting from a human bite, scratch, or similar force; or

5011 (ii) contact with an open wound, mucous membrane, or nonintact skin because of a cut,
5012 abrasion, dermatitis, or other damage; or

5013 (b) exposure that occurs by any other method of transmission defined by the Labor
5014 Commission, in consultation with the Department of Health, as a significant exposure.

5015 Section 105. **Repealer.**

5016 This bill repeals:

5017 Section 26-8a-416, **Transition to eliminate inconsistent licenses.**

5018 Section 26-8c-101, **Title.**