

Jason E. Thompson proposes the following substitute bill:

Opioid Overdose Training Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jason E. Thompson

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses training and education concerning opioid overdose events and related treatment.

Highlighted Provisions:

This bill:

- defines terms;
- requires an alcohol training and education seminar to include, for certain trainees, the subjects of recognizing an opioid-related drug overdose and administering an opioid antagonist; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-5-205, as last amended by Laws of Utah 2023, Chapter 371 and renumbered and amended by Laws of Utah 2023, Chapter 308

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

Section 1. Section **26B-5-205** is amended to read:

26B-5-205 . Alcohol training and education seminar.

(1) As used in this section:

- (a) "Instructor" means a person that directly provides the instruction during an alcohol training and education seminar for a seminar provider.
- (b) "Licensee" means a person who is:

- 30 (i)(A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control
 31 Act; and
- 32 (B) engaged in the retail sale of an alcoholic product for consumption on the
 33 premises of the licensee; or
- 34 (ii) a business that is:
- 35 (A) a new or renewing licensee licensed by a city, town, or county; and
 36 (B) engaged in the retail sale of beer for consumption off the premises of the
 37 licensee.
- 38 (c) "Licensee staff" means a retail manager, retail staff, an off-premise retail manager, or
 39 off-premise retail staff.
- 40 (d) "Off-premise beer retailer" is as defined in Section 32B-1-102.
- 41 (e) "Off-premise retail manager" means the same as that term is defined in Section
 42 32B-1-701.
- 43 (f) "Off-premise retail staff" means the same as that term is defined in Section 32B-1-701.
- 44 (g) "Opioid antagonist" means naloxone hydrochloride or any similarly acting drug that
 45 is not a controlled substance and that is approved by the federal Food and Drug
 46 Administration for the diagnosis or treatment of an opioid-related drug overdose
 47 event.
- 48 (h) "Opioid-related drug overdose event" means an acute condition, including a
 49 decreased level of consciousness or respiratory depression resulting from the
 50 consumption or use of a controlled substance, or another substance with which a
 51 controlled substance was combined, and that a person would reasonably believe to
 52 require medical assistance.
- 53 [~~(g)~~] (i) "Retail manager" means the same as that term is defined in Section 32B-1-701.
- 54 [~~(h)~~] (j) "Retail staff" means the same as that term is defined in Section 32B-1-701.
- 55 [~~(i)~~] (k) "Seminar provider" means a person other than the division who provides an
 56 alcohol training and education seminar meeting the requirements of this section.
- 57 (2)(a) This section applies to licensee staff.
- 58 (b) An individual who does not have a valid record that the individual has completed an
 59 alcohol training and education seminar shall:
- 60 (i) complete an alcohol training and education seminar before the day on which the
 61 individual begins work as licensee staff of a licensee; and
- 62 (ii) pay a fee [-]to the seminar provider that is equal to or greater than the amount
 63 established under Subsection (4)(h).

- 64 (c) An individual shall have a valid record that the individual completed an alcohol
65 training and education seminar within the time period provided in this Subsection (2)
66 to act as licensee staff.
- 67 (d) A record that licensee staff has completed an alcohol training and education seminar
68 is valid for three years after the day on which the record is issued.
- 69 (e) To be considered as having completed an alcohol training and education seminar, an
70 individual shall:
- 71 (i) attend the alcohol training and education seminar and take any test required to
72 demonstrate completion of the alcohol training and education seminar in the
73 physical presence of an instructor of the seminar provider; or
- 74 (ii) complete the alcohol training and education seminar and take any test required to
75 demonstrate completion of the alcohol training and education seminar through an
76 online course or testing program that meets the requirements described in
77 Subsection (2)(f).
- 78 (f)(i) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
79 Administrative Rulemaking Act, establish one or more requirements for an online
80 course or testing program described in Subsection (2)(e) that are designed to
81 inhibit fraud in the use of the online course or testing program.
- 82 (ii) In developing the requirements by rule the division shall consider whether to
83 require:
- 84 (A) authentication that the an individual accurately identifies the individual as
85 taking the online course or test;
- 86 (B) measures to ensure that an individual taking the online course or test is
87 focused on training material throughout the entire training period;
- 88 (C) measures to track the actual time an individual taking the online course or test
89 is actively engaged online;
- 90 (D) a seminar provider to provide technical support, such as requiring a telephone
91 number, email, or other method of communication that allows an individual
92 taking the online course or test to receive assistance if the individual is unable
93 to participate online because of technical difficulties;
- 94 (E) a test to meet quality standards, including randomization of test questions and
95 maximum time limits to take a test;
- 96 (F) a seminar provider to have a system to reduce fraud as to who completes an
97 online course or test, such as requiring a distinct online certificate with

98 information printed on the certificate that identifies the person taking the online
99 course or test, or requiring measures to inhibit duplication of a certificate;
100 (G) measures for the division to audit online courses or tests;
101 (H) measures to allow an individual taking an online course or test to provide an
102 evaluation of the online course or test;
103 (I) a seminar provider to track the Internet protocol address or similar electronic
104 location of an individual who takes an online course or test;
105 (J) an individual who takes an online course or test to use an e-signature; or
106 (K) a seminar provider to invalidate a certificate if the seminar provider learns that
107 the certificate does not accurately reflect the individual who took the online
108 course or test.

109 (3)(a) A licensee may not permit an individual who is not in compliance with Subsection
110 (2) to:

111 (i) serve or supervise the serving of an alcoholic product to a customer for
112 consumption on the premises of the licensee;
113 (ii) engage in any activity that would constitute managing operations at the premises
114 of a licensee that engages in the retail sale of an alcoholic product for
115 consumption on the premises of the licensee;
116 (iii) directly supervise the sale of beer to a customer for consumption off the premises
117 of an off-premise beer retailer; or
118 (iv) sell beer to a customer for consumption off the premises of an off-premise beer
119 retailer.

120 (b) A licensee that violates Subsection (3)(a) is subject to Section 32B-1-702.

121 (4) The division shall:

122 (a)(i) provide alcohol training and education seminars; or
123 (ii) certify one or more seminar providers;
124 (b) establish the curriculum for an alcohol training and education seminar that includes
125 the following subjects:
126 (i)(A) alcohol as a drug; and
127 (B) alcohol's effect on the body and behavior;
128 (ii) recognizing the problem drinker or signs of intoxication;
129 (iii) an overview of state alcohol laws related to responsible beverage sale or service,
130 as determined in consultation with the Department of Alcoholic Beverage
131 Services;

- 132 (iv) dealing with the problem customer, including ways to terminate sale or service;
133 and
- 134 (v) for those supervising or engaging in the retail sale of an alcoholic product for
135 consumption on the premises of a licensee[;] :
- 136 (A) alternative means of transportation to get the customer safely home;
137 (B) recognizing an opioid-related drug overdose event; and
138 (C) the proper administration of an opioid antagonist in response to an
139 opioid-related drug overdose event;
- 140 (c) recertify each seminar provider every three years;
- 141 (d) monitor compliance with the curriculum described in Subsection (4)(b);
- 142 (e) maintain for at least five years a record of every person who has completed an
143 alcohol training and education seminar;
- 144 (f) provide the information described in Subsection (4)(e) on request to:
- 145 (i) the Department of Alcoholic Beverage Services;
- 146 (ii) law enforcement; or
- 147 (iii) a person licensed by the state or a local government to sell an alcoholic product;
- 148 (g) provide the Department of Alcoholic Beverage Services on request a list of any
149 seminar provider certified by the division; and
- 150 (h) establish a fee amount for each person attending an alcohol training and education
151 seminar that is sufficient to offset the division's cost of administering this section.
- 152 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
153 Administrative Rulemaking Act:
- 154 (a) establish criteria for certifying and recertifying a seminar provider; and
- 155 (b) establish guidelines for the manner in which an instructor provides an alcohol
156 education and training seminar.
- 157 (6) A seminar provider shall:
- 158 (a) obtain recertification by the division every three years;
- 159 (b) ensure that an instructor used by the seminar provider:
- 160 (i) follows the curriculum established under this section; and
- 161 (ii) conducts an alcohol training and education seminar in accordance with the
162 guidelines established by rule;
- 163 (c) ensure that any information provided by the seminar provider or instructor of a
164 seminar provider is consistent with:
- 165 (i) the curriculum established under this section; and

- 166 (ii) this section;
- 167 (d) provide the division with the names of all persons who complete an alcohol training
168 and education seminar provided by the seminar provider;
- 169 (e)(i) collect a fee for each person attending an alcohol training and education
170 seminar in accordance with Subsection (2); and
- 171 (ii) forward to the division the portion of the fee that is equal to the amount described
172 in Subsection (4)(h); and
- 173 (f) issue a record to an individual that completes an alcohol training and education
174 seminar provided by the seminar provider.
- 175 (7)(a) If after a hearing conducted in accordance with Title 63G, Chapter 4,
176 Administrative Procedures Act, the division finds that a seminar provider violates
177 this section or that an instructor of the seminar provider violates this section, the
178 division may:
- 179 (i) suspend the certification of the seminar provider for a period not to exceed 90
180 days after the day on which the suspension begins;
- 181 (ii) revoke the certification of the seminar provider;
- 182 (iii) require the seminar provider to take corrective action regarding an instructor; or
- 183 (iv) prohibit the seminar provider from using an instructor until such time that the
184 seminar provider establishes to the satisfaction of the division that the instructor is
185 in compliance with Subsection (6)(b).
- 186 (b) The division may certify a seminar provider whose certification is revoked:
- 187 (i) no sooner than 90 days after the day on which the certification is revoked; and
- 188 (ii) if the seminar provider establishes to the satisfaction of the division that the
189 seminar provider will comply with this section.

190 **Section 2. Effective Date.**

191 This bill takes effect on May 7, 2025.