

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:

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3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

9 ▶ defines terms;

10 ▶ requires the Division of Integrated Healthcare within the Department of Health and
11 Human Services to create training and educational materials regarding the subjects of
12 recognizing an opioid-related drug overdose and administering an opioid antagonist;

13 ▶ requires an alcohol training and education seminar to include, for certain trainees, the
14 opioid-related training and educational materials created by the Division of Integrated
15 Healthcare;

16 ▶ provides that the receipt of the opioid-related training and educational materials does not
17 create or increase liability for the individual who receives them; and

18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **26B-5-101**, as last amended by Laws of Utah 2024, Chapters 240, 420

26 **26B-5-102**, as last amended by Laws of Utah 2024, Chapters 250, 420

27 **26B-5-205**, as last amended by Laws of Utah 2023, Chapter 371 and renumbered and
28 amended by Laws of Utah 2023, Chapter 308

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

Section 1. Section **26B-5-101** is amended to read:

26B-5-101 . Chapter definitions.

As used in this chapter:

- (1) "Criminal risk factors" means a person's characteristics and behaviors that:
 - (a) affect the person's risk of engaging in criminal behavior; and
 - (b) are diminished when addressed by effective treatment, supervision, and other support resources, resulting in reduced risk of criminal behavior.
- (2) "Director" means the director appointed under Section 26B-5-103.
- (3) "Division" means the Division of Integrated Healthcare created in Section 26B-1-1202.
- (4) "Local mental health authority" means a county legislative body.
- (5) "Local substance abuse authority" means a county legislative body.
- (6) "Mental health crisis" means:
 - (a) a mental health condition that manifests in an individual by symptoms of sufficient severity that a prudent layperson who possesses an average knowledge of mental health issues could reasonably expect the absence of immediate attention or intervention to result in:
 - (i) serious danger to the individual's health or well-being; or
 - (ii) a danger to the health or well-being of others; or
 - (b) a mental health condition that, in the opinion of a mental health therapist or the therapist's designee, requires direct professional observation or intervention.
- (7) "Mental health crisis response training" means community-based training that educates laypersons and professionals on the warning signs of a mental health crisis and how to respond.
- (8) "Mental health crisis services" means an array of services provided to an individual who experiences a mental health crisis, which may include:
 - (a) direct mental health services;
 - (b) on-site intervention provided by a mobile crisis outreach team;
 - (c) the provision of safety and care plans;
 - (d) prolonged mental health services for up to 90 days after the day on which an individual experiences a mental health crisis;
 - (e) referrals to other community resources;
 - (f) local mental health crisis lines; and

- 63 (g) the statewide mental health crisis line.
- 64 (9) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
- 65 (10) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and mental
66 health professionals that, in coordination with local law enforcement and emergency
67 medical service personnel, provides mental health crisis services.
- 68 (11) "Office" means the Office of Substance Use and Mental Health created in Section
69 26B-5-102.
- 70 (12) "Opioid antagonist" means naloxone hydrochloride or any similarly acting drug that is
71 not a controlled substance and that is approved by the federal Food and Drug
72 Administration for the diagnosis or treatment of an opioid-related drug overdose event.
- 73 (13) "Opioid-related drug overdose event" means an acute condition, including a decreased
74 level of consciousness or respiratory depression resulting from the consumption or use
75 of a controlled substance, or another substance with which a controlled substance was
76 combined, and that a person would reasonably believe to require medical assistance.
- 77 [~~12~~] (14)(a) "Public funds" means federal money received from the department, and
78 state money appropriated by the Legislature to the department, a county governing
79 body, or a local substance abuse authority, or a local mental health authority for the
80 purposes of providing substance abuse or mental health programs or services.
- 81 (b) "Public funds" include federal and state money that has been transferred by a local
82 substance abuse authority or a local mental health authority to a private provider
83 under an annual or otherwise ongoing contract to provide comprehensive substance
84 abuse or mental health programs or services for the local substance abuse authority or
85 local mental health authority. The money maintains the nature of "public funds"
86 while in the possession of the private entity that has an annual or otherwise ongoing
87 contract with a local substance abuse authority or a local mental health authority to
88 provide comprehensive substance use or mental health programs or services for the
89 local substance abuse authority or local mental health authority.
- 90 (c) Public funds received for the provision of services under substance use or mental
91 health service plans may not be used for any other purpose except those authorized in
92 the contract between the local mental health or substance abuse authority and
93 provider for the provision of plan services.
- 94 [~~13~~] (15) "Severe mental disorder" means schizophrenia, major depression, bipolar
95 disorders, delusional disorders, psychotic disorders, and other mental disorders as
96 defined by the division.

97 [(14)] (16) "Stabilization services" means in-home services provided to a child with, or who
98 is at risk for, complex emotional and behavioral needs, including teaching the child's
99 parent or guardian skills to improve family functioning.

100 [(15)] (17) "Statewide mental health crisis line" means the same as that term is defined in
101 Section 26B-5-610.

102 [(16)] (18) "System of care" means a broad, flexible array of services and supports that:

103 (a) serve a child with or who is at risk for complex emotional and behavioral needs;

104 (b) are community based;

105 (c) are informed about trauma;

106 (d) build meaningful partnerships with families and children;

107 (e) integrate service planning, service coordination, and management across state and
108 local entities;

109 (f) include individualized case planning;

110 (g) provide management and policy infrastructure that supports a coordinated network of
111 interdepartmental service providers, contractors, and service providers who are
112 outside of the department; and

113 (h) are guided by the type and variety of services needed by a child with or who is at risk
114 for complex emotional and behavioral needs and by the child's family.

115 [(17)] (19) "Targeted case management" means a service that assists Medicaid recipients in
116 a target group to gain access to needed medical, social, educational, and other services.

117 Section 2. Section **26B-5-102** is amended to read:

118 **26B-5-102 . Division of Integrated Healthcare -- Office of Substance Use and**
119 **Mental Health -- Creation -- Responsibilities.**

120 (1)(a) The Division of Integrated Healthcare shall exercise responsibility over the
121 policymaking functions, regulatory and enforcement powers, rights, duties, and
122 responsibilities outlined in state law that were previously vested in the Division of
123 Substance Abuse and Mental Health within the department, under the administration
124 and general supervision of the executive director.

125 (b) The division is the substance abuse authority and the mental health authority for this
126 state.

127 (c) There is created the Office of Substance Use and Mental Health within the division.

128 (d) The office shall exercise the responsibilities, powers, rights, duties, and
129 responsibilities assigned to the office by the executive director.

130 (2) The division shall:

- 131 (a)(i) educate the general public regarding the nature and consequences of substance
132 use by promoting school and community-based prevention programs;
- 133 (ii) render support and assistance to public schools through approved school-based
134 substance abuse education programs aimed at prevention of substance use;
- 135 (iii) promote or establish programs for the prevention of substance use within the
136 community setting through community-based prevention programs;
- 137 (iv) cooperate with and assist treatment centers, recovery residences, and other
138 organizations that provide services to individuals recovering from a substance use
139 disorder, by identifying and disseminating information about effective practices
140 and programs;
- 141 (v) promote integrated programs that address an individual's substance use, mental
142 health, and physical health;
- 143 (vi) establish and promote an evidence-based continuum of screening, assessment,
144 prevention, treatment, and recovery support services in the community for
145 individuals with a substance use disorder or mental illness;
- 146 (vii) evaluate the effectiveness of programs described in this Subsection (2);
- 147 (viii) consider the impact of the programs described in this Subsection (2) on:
- 148 (A) emergency department utilization;
- 149 (B) jail and prison populations;
- 150 (C) the homeless population; and
- 151 (D) the child welfare system; and
- 152 (ix) promote or establish programs for education and certification of instructors to
153 educate individuals convicted of driving under the influence of alcohol or drugs or
154 driving with any measurable controlled substance in the body;
- 155 (b)(i) collect and disseminate information pertaining to mental health;
- 156 (ii) provide direction over the state hospital including approval of the state hospital's
157 budget, administrative policy, and coordination of services with local service
158 plans;
- 159 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
160 Rulemaking Act, to educate families concerning mental illness and promote
161 family involvement, when appropriate, and with patient consent, in the treatment
162 program of a family member;
- 163 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
164 Rulemaking Act, to direct that an individual receiving services through a local

- 165 mental health authority or the Utah State Hospital be informed about and, if
166 desired by the individual, provided assistance in the completion of a declaration
167 for mental health treatment in accordance with Section 26B-5-313; and
- 168 (v) to the extent authorized and in accordance with statute, make rules in accordance
169 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
- 170 (A) create a certification for targeted case management;
171 (B) establish training and certification requirements;
172 (C) specify the types of services each certificate holder is qualified to provide;
173 (D) specify the type of supervision under which a certificate holder is required to
174 operate; and
175 (E) specify continuing education and other requirements for maintaining or
176 renewing certification;
- 177 (c)(i) consult and coordinate with local substance abuse authorities and local mental
178 health authorities regarding programs and services;
- 179 (ii) provide consultation and other assistance to public and private agencies and
180 groups working on substance use and mental health issues;
- 181 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
182 medical and social agencies, public health authorities, law enforcement agencies,
183 education and research organizations, and other related groups;
- 184 (iv) promote or conduct research on substance use and mental health issues, and
185 submit to the governor and the Legislature recommendations for changes in policy
186 and legislation;
- 187 (v) receive, distribute, and provide direction over public funds for substance use and
188 mental health services;
- 189 (vi) monitor and evaluate programs provided by local substance abuse authorities and
190 local mental health authorities;
- 191 (vii) examine expenditures of local, state, and federal funds;
- 192 (viii) monitor the expenditure of public funds by:
- 193 (A) local substance abuse authorities;
194 (B) local mental health authorities; and
195 (C) in counties where they exist, a private contract provider that has an annual or
196 otherwise ongoing contract to provide comprehensive substance abuse or
197 mental health programs or services for the local substance abuse authority or
198 local mental health authority;

- 199 (ix) contract with local substance abuse authorities and local mental health authorities
200 to provide a comprehensive continuum of services that include community-based
201 services for individuals involved in the criminal justice system, in accordance with
202 division policy, contract provisions, and the local plan;
- 203 (x) contract with private and public entities for special statewide or nonclinical
204 services, or services for individuals involved in the criminal justice system,
205 according to division rules;
- 206 (xi) review and approve each local substance abuse authority's plan and each local
207 mental health authority's plan in order to ensure:
- 208 (A) a statewide comprehensive continuum of substance use services;
209 (B) a statewide comprehensive continuum of mental health services;
210 (C) services result in improved overall health and functioning;
211 (D) a statewide comprehensive continuum of community-based services designed
212 to reduce criminal risk factors for individuals who are determined to have
213 substance use or mental illness conditions or both, and who are involved in the
214 criminal justice system;
- 215 (E) compliance, where appropriate, with the certification requirements in
216 Subsection (2)(h); and
- 217 (F) appropriate expenditure of public funds;
- 218 (xii) review and make recommendations regarding each local substance abuse
219 authority's contract with the local substance abuse authority's provider of
220 substance use programs and services and each local mental health authority's
221 contract with the local mental health authority's provider of mental health
222 programs and services to ensure compliance with state and federal law and policy;
- 223 (xiii) monitor and ensure compliance with division rules and contract requirements;
224 and
- 225 (xiv) withhold funds from local substance abuse authorities, local mental health
226 authorities, and public and private providers for contract noncompliance, failure to
227 comply with division directives regarding the use of public funds, or for misuse of
228 public funds or money;
- 229 (d) ensure that the requirements of this part are met and applied uniformly by local
230 substance abuse authorities and local mental health authorities across the state;
- 231 (e) require each local substance abuse authority and each local mental health authority,
232 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a

- 233 plan to the division on or before May 15 of each year;
- 234 (f) conduct an annual program audit and review of each local substance abuse authority
235 and each local substance abuse authority's contract provider, and each local mental
236 health authority and each local mental health authority's contract provider, including:
- 237 (i) a review and determination regarding whether:
- 238 (A) public funds allocated to the local substance abuse authority or the local
239 mental health authorities are consistent with services rendered by the authority
240 or the authority's contract provider, and with outcomes reported by the
241 authority's contract provider; and
- 242 (B) each local substance abuse authority and each local mental health authority is
243 exercising sufficient oversight and control over public funds allocated for
244 substance use disorder and mental health programs and services; and
- 245 (ii) items determined by the division to be necessary and appropriate;
- 246 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4, Alcoholic
247 Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;
- 248 (h)(i) train and certify an adult as a peer support specialist, qualified to provide peer
249 supports services to an individual with:
- 250 (A) a substance use disorder;
- 251 (B) a mental health disorder; or
- 252 (C) a substance use disorder and a mental health disorder;
- 253 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
254 adult as a peer support specialist;
- 255 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
256 Rulemaking Act, that:
- 257 (A) establish training and certification requirements for a peer support specialist;
- 258 (B) specify the types of services a peer support specialist is qualified to provide;
- 259 (C) specify the type of supervision under which a peer support specialist is
260 required to operate; and
- 261 (D) specify continuing education and other requirements for maintaining or
262 renewing certification as a peer support specialist; and
- 263 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
264 Rulemaking Act, that:
- 265 (A) establish the requirements for a person to be certified to carry out, as needed,
266 the division's duty to train and certify an adult as a peer support specialist; and

- 267 (B) specify how the division shall provide oversight of a person certified to train
268 and certify a peer support specialist;
- 269 (i) collaborate with the State Commission on Criminal and Juvenile Justice to analyze
270 and provide recommendations to the Legislature regarding:
- 271 (i) pretrial services and the resources needed to reduce recidivism;
- 272 (ii) county jail and county behavioral health early-assessment resources needed for an
273 individual convicted of a class A or class B misdemeanor; and
- 274 (iii) the replacement of federal dollars associated with drug interdiction law
275 enforcement task forces that are reduced;
- 276 (j) establish performance goals and outcome measurements for a mental health or
277 substance use treatment program that is licensed under Chapter 2, Part 1, Human
278 Services Programs and Facilities, and contracts with the department, including goals
279 and measurements related to employment and reducing recidivism of individuals
280 receiving mental health or substance use treatment who are involved with the
281 criminal justice system;
- 282 (k) annually, on or before November 30, submit a written report to the Judiciary Interim
283 Committee, the Health and Human Services Interim Committee, and the Law
284 Enforcement and Criminal Justice Interim Committee, that includes:
- 285 (i) a description of the performance goals and outcome measurements described in
286 Subsection (2)(j); and
- 287 (ii) information on the effectiveness of the goals and measurements in ensuring
288 appropriate and adequate mental health or substance use treatment is provided in a
289 treatment program described in Subsection (2)(j);
- 290 (l) collaborate with the Administrative Office of the Courts, the Department of
291 Corrections, the Department of Workforce Services, and the Board of Pardons and
292 Parole to collect data on recidivism in accordance with the metrics and requirements
293 described in Section 63M-7-102;
- 294 (m) at the division's discretion, use the data described in Subsection (2)(l) to make
295 decisions regarding the use of funds allocated to the division to provide treatment;
- 296 (n) annually, on or before August 31, submit the data collected under Subsection (2)(l)
297 and any recommendations to improve the data collection to the State Commission on
298 Criminal and Juvenile Justice to be included in the report described in Subsection
299 63M-7-204(1)(x);
- 300 (o) publish the following on the division's website:

- 301 (i) the performance goals and outcome measurements described in Subsection (2)(j);
302 and
- 303 (ii) a description of the services provided and the contact information for the mental
304 health and substance use treatment programs described in Subsection (2)(j) and
305 residential, vocational and life skills programs, as defined in Section 13-53-102;[
306 and]
- 307 (p) consult and coordinate with the Division of Child and Family Services to develop
308 and manage the operation of a program designed to reduce substance use during
309 pregnancy and by parents of a newborn child that includes:
- 310 (i) providing education and resources to health care providers and individuals in the
311 state regarding prevention of substance use during pregnancy;
- 312 (ii) providing training to health care providers in the state regarding screening of a
313 pregnant woman or pregnant minor to identify a substance use disorder; and
- 314 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn
315 child in need of substance use treatment services to a facility that has the capacity
316 to provide the treatment services[-] ; and
- 317 (q) create training and educational materials regarding recognizing an opioid-related
318 drug overdose event and the proper administration of an opioid antagonist in
319 response to an opioid-related drug overdose event.
- 320 (3) In addition to the responsibilities described in Subsection (2), the division shall, within
321 funds appropriated by the Legislature for this purpose, implement and manage the
322 operation of a firearm safety and suicide prevention program, in consultation with the
323 Bureau of Criminal Identification created in Section 53-10-201, including:
- 324 (a) coordinating with local mental health and substance abuse authorities, a nonprofit
325 behavioral health advocacy group, and a representative from a Utah-based nonprofit
326 organization with expertise in the field of firearm use and safety that represents
327 firearm owners, to:
- 328 (i) produce and periodically review and update a firearm safety brochure and other
329 educational materials with information about the safe handling and use of firearms
330 that includes:
- 331 (A) information on safe handling, storage, and use of firearms in a home
332 environment;
- 333 (B) information about at-risk individuals and individuals who are legally
334 prohibited from possessing firearms;

- 335 (C) information about suicide prevention awareness; and
336 (D) information about the availability of firearm safety packets;
- 337 (ii) procure cable-style gun locks for distribution under this section;
338 (iii) produce a firearm safety packet that includes the firearm safety brochure and the
339 cable-style gun lock described in this Subsection (3); and
340 (iv) create a suicide prevention education course that:
- 341 (A) provides information for distribution regarding firearm safety education;
342 (B) incorporates current information on how to recognize suicidal behaviors and
343 identify individuals who may be suicidal; and
344 (C) provides information regarding crisis intervention resources;
- 345 (b) distributing, free of charge, the firearm safety packet to the following persons, who
346 shall make the firearm safety packet available free of charge:
- 347 (i) health care providers, including emergency rooms;
348 (ii) mobile crisis outreach teams;
349 (iii) mental health practitioners;
350 (iv) other public health suicide prevention organizations;
351 (v) entities that teach firearm safety courses;
352 (vi) school districts for use in the seminar, described in Section 53G-9-702, for
353 parents of students in the school district; and
354 (vii) firearm dealers to be distributed in accordance with Section 76-10-526;
- 355 (c) creating and administering a rebate program that includes a rebate that offers
356 between \$10 and \$200 off the purchase price of a firearm safe from a participating
357 firearms dealer or a person engaged in the business of selling firearm safes in Utah,
358 by a Utah resident; and
- 359 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
360 making rules that establish procedures for:
- 361 (i) producing and distributing the suicide prevention education course and the firearm
362 safety brochures and packets;
363 (ii) procuring the cable-style gun locks for distribution; and
364 (iii) administering the rebate program.
- 365 (4)(a) The division may refuse to contract with and may pursue legal remedies against
366 any local substance abuse authority or local mental health authority that fails, or has
367 failed, to expend public funds in accordance with state law, division policy, contract
368 provisions, or directives issued in accordance with state law.

- 369 (b) The division may withhold funds from a local substance abuse authority or local
370 mental health authority if the authority's contract provider of substance use or mental
371 health programs or services fails to comply with state and federal law or policy.
- 372 (5)(a) Before reissuing or renewing a contract with any local substance abuse authority
373 or local mental health authority, the division shall review and determine whether the
374 local substance abuse authority or local mental health authority is complying with the
375 oversight and management responsibilities described in Sections 17-43-201,
376 17-43-203, 17-43-303, and 17-43-309.
- 377 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and
378 liability described in Section 17-43-303 and to the responsibility and liability
379 described in Section 17-43-203.
- 380 (6) In carrying out the division's duties and responsibilities, the division may not duplicate
381 treatment or educational facilities that exist in other divisions or departments of the state,
382 but shall work in conjunction with those divisions and departments in rendering the
383 treatment or educational services that those divisions and departments are competent and
384 able to provide.
- 385 (7) The division may accept in the name of and on behalf of the state donations, gifts,
386 devises, or bequests of real or personal property or services to be used as specified by
387 the donor.
- 388 (8) The division shall annually review with each local substance abuse authority and each
389 local mental health authority the authority's statutory and contract responsibilities
390 regarding:
- 391 (a) use of public funds;
392 (b) oversight of public funds; and
393 (c) governance of substance use disorder and mental health programs and services.
- 394 (9) The Legislature may refuse to appropriate funds to the division upon the division's
395 failure to comply with the provisions of this part.
- 396 (10) If a local substance abuse authority contacts the division under Subsection 17-43-201
397 (10) for assistance in providing treatment services to a pregnant woman or pregnant
398 minor, the division shall:
- 399 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
400 capacity to provide the treatment services; or
401 (b) otherwise ensure that treatment services are made available to the pregnant woman
402 or pregnant minor.

403 (11) The division shall employ a school-based mental health specialist to be housed at the
404 State Board of Education who shall work with the State Board of Education to:

- 405 (a) provide coordination between a local education agency and local mental health
406 authority;
- 407 (b) recommend evidence-based and evidence informed mental health screenings and
408 intervention assessments for a local education agency; and
- 409 (c) coordinate with the local community, including local departments of health, to
410 enhance and expand mental health related resources for a local education agency.

411 Section 3. Section **26B-5-205** is amended to read:

412 **26B-5-205 . Alcohol training and education seminar.**

413 (1) As used in this section:

- 414 (a) "Instructor" means a person that directly provides the instruction during an alcohol
415 training and education seminar for a seminar provider.
- 416 (b) "Licensee" means a person who is:
- 417 (i)(A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control
418 Act; and
- 419 (B) engaged in the retail sale of an alcoholic product for consumption on the
420 premises of the licensee; or
- 421 (ii) a business that is:
- 422 (A) a new or renewing licensee licensed by a city, town, or county; and
- 423 (B) engaged in the retail sale of beer for consumption off the premises of the
424 licensee.
- 425 (c) "Licensee staff" means a retail manager, retail staff, an off-premise retail manager, or
426 off-premise retail staff.
- 427 (d) "Off-premise beer retailer" is as defined in Section 32B-1-102.
- 428 (e) "Off-premise retail manager" means the same as that term is defined in Section
429 32B-1-701.
- 430 (f) "Off-premise retail staff" means the same as that term is defined in Section 32B-1-701.
- 431 (g) "Retail manager" means the same as that term is defined in Section 32B-1-701.
- 432 (h) "Retail staff" means the same as that term is defined in Section 32B-1-701.
- 433 (i) "Seminar provider" means a person other than the division who provides an alcohol
434 training and education seminar meeting the requirements of this section.

435 (2)(a) This section applies to licensee staff.

- 436 (b) An individual who does not have a valid record that the individual has completed an

- 437 alcohol training and education seminar shall:
- 438 (i) complete an alcohol training and education seminar before the day on which the
439 individual begins work as licensee staff of a licensee; and
- 440 (ii) pay a fee [-]to the seminar provider that is equal to or greater than the amount
441 established under Subsection (4)(h).
- 442 (c) An individual shall have a valid record that the individual completed an alcohol
443 training and education seminar within the time period provided in this Subsection (2)
444 to act as licensee staff.
- 445 (d) A record that licensee staff has completed an alcohol training and education seminar
446 is valid for three years after the day on which the record is issued.
- 447 (e) To be considered as having completed an alcohol training and education seminar, an
448 individual shall:
- 449 (i) attend the alcohol training and education seminar and take any test required to
450 demonstrate completion of the alcohol training and education seminar in the
451 physical presence of an instructor of the seminar provider; or
- 452 (ii) complete the alcohol training and education seminar and take any test required to
453 demonstrate completion of the alcohol training and education seminar through an
454 online course or testing program that meets the requirements described in
455 Subsection (2)(f).
- 456 (f)(i) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
457 Administrative Rulemaking Act, establish one or more requirements for an online
458 course or testing program described in Subsection (2)(e) that are designed to
459 inhibit fraud in the use of the online course or testing program.
- 460 (ii) In developing the requirements by rule the division shall consider whether to
461 require:
- 462 (A) authentication that the an individual accurately identifies the individual as
463 taking the online course or test;
- 464 (B) measures to ensure that an individual taking the online course or test is
465 focused on training material throughout the entire training period;
- 466 (C) measures to track the actual time an individual taking the online course or test
467 is actively engaged online;
- 468 (D) a seminar provider to provide technical support, such as requiring a telephone
469 number, email, or other method of communication that allows an individual
470 taking the online course or test to receive assistance if the individual is unable

- 471 to participate online because of technical difficulties;
- 472 (E) a test to meet quality standards, including randomization of test questions and
473 maximum time limits to take a test;
- 474 (F) a seminar provider to have a system to reduce fraud as to who completes an
475 online course or test, such as requiring a distinct online certificate with
476 information printed on the certificate that identifies the person taking the online
477 course or test, or requiring measures to inhibit duplication of a certificate;
- 478 (G) measures for the division to audit online courses or tests;
- 479 (H) measures to allow an individual taking an online course or test to provide an
480 evaluation of the online course or test;
- 481 (I) a seminar provider to track the Internet protocol address or similar electronic
482 location of an individual who takes an online course or test;
- 483 (J) an individual who takes an online course or test to use an e-signature; or
- 484 (K) a seminar provider to invalidate a certificate if the seminar provider learns that
485 the certificate does not accurately reflect the individual who took the online
486 course or test.

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

- 489 (i) serve or supervise the serving of an alcoholic product to a customer for
490 consumption on the premises of the licensee;
- 491 (ii) engage in any activity that would constitute managing operations at the premises
492 of a licensee that engages in the retail sale of an alcoholic product for
493 consumption on the premises of the licensee;
- 494 (iii) directly supervise the sale of beer to a customer for consumption off the premises
495 of an off-premise beer retailer; or
- 496 (iv) sell beer to a customer for consumption off the premises of an off-premise beer
497 retailer.

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

499 (4) The division shall:

- 500 (a)(i) provide alcohol training and education seminars; or
501 (ii) certify one or more seminar providers;
- 502 (b) establish the curriculum for an alcohol training and education seminar that includes
503 the following subjects:
504 (i)(A) alcohol as a drug; and

- 505 (B) alcohol's effect on the body and behavior;
- 506 (ii) recognizing the problem drinker or signs of intoxication;
- 507 (iii) an overview of state alcohol laws related to responsible beverage sale or service,
- 508 as determined in consultation with the Department of Alcoholic Beverage
- 509 Services;
- 510 (iv) dealing with the problem customer, including ways to terminate sale or service;
- 511 and
- 512 (v) for those supervising or engaging in the retail sale of an alcoholic product for
- 513 consumption on the premises of a licensee[;] :
- 514 (A) alternative means of transportation to get the customer safely home; and
- 515 (B) the opioid-related training and educational materials created pursuant to
- 516 Subsection 26B-5-102(2)(q):
- 517 (c) recertify each seminar provider every three years;
- 518 (d) monitor compliance with the curriculum described in Subsection (4)(b);
- 519 (e) maintain for at least five years a record of every person who has completed an
- 520 alcohol training and education seminar;
- 521 (f) provide the information described in Subsection (4)(e) on request to:
- 522 (i) the Department of Alcoholic Beverage Services;
- 523 (ii) law enforcement; or
- 524 (iii) a person licensed by the state or a local government to sell an alcoholic product;
- 525 (g) provide the Department of Alcoholic Beverage Services on request a list of any
- 526 seminar provider certified by the division; and
- 527 (h) establish a fee amount for each person attending an alcohol training and education
- 528 seminar that is sufficient to offset the division's cost of administering this section.
- 529 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
- 530 Administrative Rulemaking Act:
- 531 (a) establish criteria for certifying and recertifying a seminar provider; and
- 532 (b) establish guidelines for the manner in which an instructor provides an alcohol
- 533 education and training seminar.
- 534 (6) A seminar provider shall:
- 535 (a) obtain recertification by the division every three years;
- 536 (b) ensure that an instructor used by the seminar provider:
- 537 (i) follows the curriculum established under this section; and
- 538 (ii) conducts an alcohol training and education seminar in accordance with the

- 539 guidelines established by rule;
- 540 (c) ensure that any information provided by the seminar provider or instructor of a
541 seminar provider is consistent with:
- 542 (i) the curriculum established under this section; and
543 (ii) this section;
- 544 (d) provide the division with the names of all persons who complete an alcohol training
545 and education seminar provided by the seminar provider;
- 546 (e)(i) collect a fee for each person attending an alcohol training and education
547 seminar in accordance with Subsection (2); and
548 (ii) forward to the division the portion of the fee that is equal to the amount described
549 in Subsection (4)(h); and
- 550 (f) issue a record to an individual that completes an alcohol training and education
551 seminar provided by the seminar provider.
- 552 (7)(a) If after a hearing conducted in accordance with Title 63G, Chapter 4,
553 Administrative Procedures Act, the division finds that a seminar provider violates
554 this section or that an instructor of the seminar provider violates this section, the
555 division may:
- 556 (i) suspend the certification of the seminar provider for a period not to exceed 90
557 days after the day on which the suspension begins;
- 558 (ii) revoke the certification of the seminar provider;
- 559 (iii) require the seminar provider to take corrective action regarding an instructor; or
560 (iv) prohibit the seminar provider from using an instructor until such time that the
561 seminar provider establishes to the satisfaction of the division that the instructor is
562 in compliance with Subsection (6)(b).
- 563 (b) The division may certify a seminar provider whose certification is revoked:
- 564 (i) no sooner than 90 days after the day on which the certification is revoked; and
565 (ii) if the seminar provider establishes to the satisfaction of the division that the
566 seminar provider will comply with this section.
- 567 (8) An individual's receipt of the training and educational materials described in Subsection
568 (4)(b)(v)(B) does not place any additional responsibility or liability on the individual,
569 and shall not be construed to increase or create liability or responsibility for the
570 individual.

571 Section 4. **Effective Date.**

572 This bill takes effect on May 7, 2025.