

1 **FIREARM VIOLENCE AND SUICIDE PREVENTION**

2 **AMENDMENTS**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Steve Eliason**

6 Senate Sponsor: Curtis S. Bramble

8 **LONG TITLE**

9 **General Description:**

10 This bill reenacts and modifies previously sunsetted provisions relating to a voluntary
11 firearm safety program and a suicide prevention education course.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ requires the Division of Substance Abuse and Mental Health, in consultation with
15 the Bureau of Criminal Identification, to implement and manage a firearm safety
16 program and a suicide prevention education course by:

- 17 • producing a firearm safety brochure and firearm safety packet;
- 18 • procuring cable-style gun locks;
- 19 • distributing firearm safety packets;
- 20 • administering a program in which a Utah resident who has filed an application
21 for a concealed firearm permit receives a redeemable coupon toward the
22 purchase of a firearm safe and receives a firearm safety brochure; and

- 23 • creating a suicide prevention education course;

24 ▶ modifies the administration of a grant program to provide suicide prevention
25 education opportunities for firearm dealers;

26 ▶ requires a federal firearm dealer to provide a cable-style gun lock supplied by the
27 Division of Substance Abuse and Mental Health to an individual purchasing a
28 certain firearm;

- 29 ▶ requires the Bureau of Criminal Identification, in conjunction with the Division of
30 Substance Abuse and Mental Health, to:
- 31 • create a firearm safety and suicide prevention web-accessible video; and
 - 32 • require an applicant seeking renewal of a concealed firearm permit to view the
33 video before renewal; and
- 34 ▶ makes technical changes.

35 **Money Appropriated in this Bill:**

36 This bill appropriates in fiscal year 2020:

- 37 ▶ to Department of Human Services - Division of Substance Abuse and Mental
38 Health, as an ongoing appropriation:
- 39 • from General Fund, \$10,000.
- 40 ▶ to Department of Human Services - Division of Substance Abuse and Mental
41 Health, as a one-time appropriation:
- 42 • from General Fund Restricted, One-time - Concealed Weapons Account,
43 \$500,000.

44 **Other Special Clauses:**

45 This bill provides a coordination clause.

46 **Utah Code Sections Affected:**

47 AMENDS:

- 48 **53-5-707**, as last amended by Laws of Utah 2018, Chapter 417
49 **62A-15-103**, as last amended by Laws of Utah 2018, Chapter 322
50 **62A-15-1101**, as last amended by Laws of Utah 2018, Chapters 38, 414, and 415
51 **63I-1-262**, as last amended by Laws of Utah 2018, Chapters 74, 220, 281, and 347
52 **63I-1-276**, as enacted by Laws of Utah 2014, Chapter 226
53 **63I-2-262**, as last amended by Laws of Utah 2018, Chapter 38
54 **76-10-526**, as last amended by Laws of Utah 2018, Chapter 417

55 ENACTS:

56 **53-5-707.6**, Utah Code Annotated 1953

57 **62A-15-103.1**, Utah Code Annotated 1953

58 REPEALS:

59 **53-10-202.3**, as enacted by Laws of Utah 2017, Chapter 296

60 **Utah Code Sections Affected by Coordination Clause:**

61 **62A-15-1101, as last amended by Laws of Utah 2018, Chapters 38, 414, and 415**

62

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

64 Section 1. Section **53-5-707** is amended to read:

65 **53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.**

66 (1) (a) An applicant for a concealed firearm permit shall pay a fee of \$25 at the time of
67 filing an application.

68 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of
69 processing a nonresident application.

70 (c) The bureau shall waive the initial fee for an applicant who is a law enforcement
71 officer under Section **53-13-103**.

72 (d) Concealed firearm permit renewal fees for active duty service members and the
73 spouse of an active duty service member shall be waived.

74 (2) The renewal fee for the permit is \$20. A nonresident shall pay an additional \$5 for
75 the additional cost of processing a nonresidential renewal.

76 (3) The replacement fee for the permit is \$10.

77 (4) (a) The late fee for the renewal permit is \$7.50.

78 (b) As used in this section, "late fee" means the fee charged by the bureau for a renewal
79 submitted on a permit that has been expired for more than 30 days but less than one year.

80 (5) (a) There is created a restricted account within the General Fund known as the
81 "Concealed Weapons Account."

82 (b) The account shall be funded from fees collected under this section and Section

83 53-5-707.5.

84 (c) Funds in the account [~~shall~~] may only be used to cover costs relating to:

85 (i) the issuance of concealed firearm permits under this part [~~and may not be used for~~
86 ~~any other purpose.]; or~~

87 (ii) the programs described in Subsections 62A-15-103(3) and 76-10-526(15) and
88 Section 62A-15-1101.

89 (6) (a) The bureau may collect any fees charged by an outside agency for additional
90 services required by statute as a prerequisite for issuance of a permit.

91 (b) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the
92 appropriate agency.

93 (7) The bureau shall make an annual report in writing to the Legislature's Law
94 Enforcement and Criminal Justice Interim Committee on the amount and use of the fees
95 collected under this section and Section 53-5-707.5.

96 Section 2. Section 53-5-707.6 is enacted to read:

97 **53-5-707.6. Concealed firearm permit renewal -- Firearm safety and suicide**
98 **prevention video.**

99 (1) The bureau, in conjunction with the Division of Substance Abuse and Mental
100 Health created in Section 62A-15-103, shall create a firearm safety and suicide prevention
101 video that:

102 (a) is web-accessible;

103 (b) is no longer than 10 minutes in length; and

104 (c) includes information about:

105 (i) safe handling, storage, and use of firearms in a home environment;

106 (ii) at-risk individuals and individuals who are legally prohibited from possessing
107 firearms; and

108 (iii) suicide prevention awareness.

109 (2) Before renewing a firearm permit, an individual shall view the firearm safety and

110 suicide prevention video and submit proof in the form required by the bureau.

111 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
112 bureau shall make rules that establish procedures for:

113 (a) producing and distributing the firearm safety and suicide prevention video; and

114 (b) providing access to the video to an applicant seeking renewal of a firearm permit.

115 Section 3. Section **62A-15-103** is amended to read:

116 **62A-15-103. Division -- Creation -- Responsibilities.**

117 (1) (a) There is created the Division of Substance Abuse and Mental Health within the
118 department, under the administration and general supervision of the executive director.

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

121 (2) The division shall:

122 (a) (i) educate the general public regarding the nature and consequences of substance
123 abuse by promoting school and community-based prevention programs;

124 (ii) render support and assistance to public schools through approved school-based
125 substance abuse education programs aimed at prevention of substance abuse;

126 (iii) promote or establish programs for the prevention of substance abuse within the
127 community setting through community-based prevention programs;

128 (iv) cooperate with and assist treatment centers, recovery residences, and other
129 organizations that provide services to individuals recovering from a substance abuse disorder,
130 by identifying and disseminating information about effective practices and programs;

131 (v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
132 Rulemaking Act, to develop, in collaboration with public and private programs, minimum
133 standards for public and private providers of substance abuse and mental health programs
134 licensed by the department under Title 62A, Chapter 2, Licensure of Programs and Facilities;

135 (vi) promote integrated programs that address an individual's substance abuse, mental
136 health, physical health, and criminal risk factors;

- 137 (vii) establish and promote an evidence-based continuum of screening, assessment,
138 prevention, treatment, and recovery support services in the community for individuals with
139 substance use disorder and mental illness that addresses criminal risk factors;
- 140 (viii) evaluate the effectiveness of programs described in this Subsection (2);
- 141 (ix) consider the impact of the programs described in this Subsection (2) on:
- 142 (A) emergency department utilization;
- 143 (B) jail and prison populations;
- 144 (C) the homeless population; and
- 145 (D) the child welfare system; and
- 146 (x) promote or establish programs for education and certification of instructors to
147 educate persons convicted of driving under the influence of alcohol or drugs or driving with
148 any measurable controlled substance in the body;
- 149 (b) (i) collect and disseminate information pertaining to mental health;
- 150 (ii) provide direction over the state hospital including approval of its budget,
151 administrative policy, and coordination of services with local service plans;
- 152 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
153 Rulemaking Act, to educate families concerning mental illness and promote family
154 involvement, when appropriate, and with patient consent, in the treatment program of a family
155 member; and
- 156 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
157 Rulemaking Act, to direct that an individual receiving services through a local mental health
158 authority or the Utah State Hospital be informed about and, if desired by the individual,
159 provided assistance in the completion of a declaration for mental health treatment in
160 accordance with Section [62A-15-1002](#);
- 161 (c) (i) consult and coordinate with local substance abuse authorities and local mental
162 health authorities regarding programs and services;
- 163 (ii) provide consultation and other assistance to public and private agencies and groups

164 working on substance abuse and mental health issues;

165 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
166 medical and social agencies, public health authorities, law enforcement agencies, education and
167 research organizations, and other related groups;

168 (iv) promote or conduct research on substance abuse and mental health issues, and
169 submit to the governor and the Legislature recommendations for changes in policy and
170 legislation;

171 (v) receive, distribute, and provide direction over public funds for substance abuse and
172 mental health services;

173 (vi) monitor and evaluate programs provided by local substance abuse authorities and
174 local mental health authorities;

175 (vii) examine expenditures of local, state, and federal funds;

176 (viii) monitor the expenditure of public funds by:

177 (A) local substance abuse authorities;

178 (B) local mental health authorities; and

179 (C) in counties where they exist, a private contract provider that has an annual or
180 otherwise ongoing contract to provide comprehensive substance abuse or mental health
181 programs or services for the local substance abuse authority or local mental health authority;

182 (ix) contract with local substance abuse authorities and local mental health authorities
183 to provide a comprehensive continuum of services that include community-based services for
184 individuals involved in the criminal justice system, in accordance with division policy, contract
185 provisions, and the local plan;

186 (x) contract with private and public entities for special statewide or nonclinical
187 services, or services for individuals involved in the criminal justice system, according to
188 division rules;

189 (xi) review and approve each local substance abuse authority's plan and each local
190 mental health authority's plan in order to ensure:

- 191 (A) a statewide comprehensive continuum of substance abuse services;
- 192 (B) a statewide comprehensive continuum of mental health services;
- 193 (C) services result in improved overall health and functioning;
- 194 (D) a statewide comprehensive continuum of community-based services designed to
- 195 reduce criminal risk factors for individuals who are determined to have substance abuse or
- 196 mental illness conditions or both, and who are involved in the criminal justice system;
- 197 (E) compliance, where appropriate, with the certification requirements in Subsection
- 198 (2)(j); and
- 199 (F) appropriate expenditure of public funds;
- 200 (xii) review and make recommendations regarding each local substance abuse
- 201 authority's contract with the local substance abuse authority's provider of substance abuse
- 202 programs and services and each local mental health authority's contract with the local mental
- 203 health authority's provider of mental health programs and services to ensure compliance with
- 204 state and federal law and policy;
- 205 (xiii) monitor and ensure compliance with division rules and contract requirements;
- 206 and
- 207 (xiv) withhold funds from local substance abuse authorities, local mental health
- 208 authorities, and public and private providers for contract noncompliance, failure to comply
- 209 with division directives regarding the use of public funds, or for misuse of public funds or
- 210 money;
- 211 (d) ensure that the requirements of this part are met and applied uniformly by local
- 212 substance abuse authorities and local mental health authorities across the state;
- 213 (e) require each local substance abuse authority and each local mental health authority,
- 214 in accordance with Subsections 17-43-201(5)(b) and 17-43-301[(5)](6)(a)(ii), to submit a plan
- 215 to the division on or before May 15 of each year;
- 216 (f) conduct an annual program audit and review of each local substance abuse authority
- 217 and each local substance abuse authority's contract provider, and each local mental health

218 authority and each local mental health authority's contract provider, including:
219 (i) a review and determination regarding whether:
220 (A) public funds allocated to the local substance abuse authority or the local mental
221 health authorities are consistent with services rendered by the authority or the authority's
222 contract provider, and with outcomes reported by the authority's contract provider; and
223 (B) each local substance abuse authority and each local mental health authority is
224 exercising sufficient oversight and control over public funds allocated for substance use
225 disorder and mental health programs and services; and
226 (ii) items determined by the division to be necessary and appropriate; and
227 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
228 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;
229 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer
230 supports services to an individual with:
231 (A) a substance use disorder;
232 (B) a mental health disorder; or
233 (C) a substance use disorder and a mental health disorder;
234 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
235 adult as a peer support specialist;
236 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
237 Rulemaking Act, that:
238 (A) establish training and certification requirements for a peer support specialist;
239 (B) specify the types of services a peer support specialist is qualified to provide;
240 (C) specify the type of supervision under which a peer support specialist is required to
241 operate; and
242 (D) specify continuing education and other requirements for maintaining or renewing
243 certification as a peer support specialist; and
244 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

245 Rulemaking Act, that:

246 (A) establish the requirements for a person to be certified to carry out, as needed, the
247 division's duty to train and certify an adult as a peer support specialist; and

248 (B) specify how the division shall provide oversight of a person certified to train and
249 certify a peer support specialist;

250 (i) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
251 Rulemaking Act, minimum standards and requirements for the provision of substance use
252 disorder and mental health treatment to an individual who is required to participate in treatment
253 by the court or the Board of Pardons and Parole, or who is incarcerated, including:

254 (i) collaboration with the Department of Corrections and the Utah Substance Use and
255 Mental Health Advisory Council to develop and coordinate the standards, including standards
256 for county and state programs serving individuals convicted of class A and class B
257 misdemeanors;

258 (ii) determining that the standards ensure available treatment, including the most
259 current practices and procedures demonstrated by recognized scientific research to reduce
260 recidivism, including focus on the individual's criminal risk factors; and

261 (iii) requiring that all public and private treatment programs meet the standards
262 established under this Subsection (2)(i) in order to receive public funds allocated to the
263 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
264 for the costs of providing screening, assessment, prevention, treatment, and recovery support;

265 (j) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
266 Rulemaking Act, the requirements and procedures for the certification of licensed public and
267 private providers who provide, as part of their practice, substance use disorder and mental
268 health treatment to an individual involved in the criminal justice system, including:

269 (i) collaboration with the Department of Corrections, the Utah Substance Use and
270 Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,
271 and implement the certification process;

272 (ii) basing the certification process on the standards developed under Subsection (2)(i)
273 for the treatment of an individual involved in the criminal justice system; and

274 (iii) the requirement that a public or private provider of treatment to an individual
275 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and
276 shall renew the certification every two years, in order to qualify for funds allocated to the
277 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
278 on or after July 1, 2016;

279 (k) collaborate with the Commission on Criminal and Juvenile Justice to analyze and
280 provide recommendations to the Legislature regarding:

281 (i) pretrial services and the resources needed to reduce recidivism;

282 (ii) county jail and county behavioral health early-assessment resources needed for an
283 offender convicted of a class A or class B misdemeanor; and

284 (iii) the replacement of federal dollars associated with drug interdiction law
285 enforcement task forces that are reduced;

286 (l) (i) establish performance goals and outcome measurements for all treatment
287 programs for which minimum standards are established under Subsection (2)(i), including
288 recidivism data and data regarding cost savings associated with recidivism reduction and the
289 reduction in the number of inmates, that are obtained in collaboration with the Administrative
290 Office of the Courts and the Department of Corrections; and

291 (ii) collect data to track and determine whether the goals and measurements are being
292 attained and make this information available to the public;

293 (m) in the division's discretion, use the data to make decisions regarding the use of
294 funds allocated to the division, the Administrative Office of the Courts, and the Department of
295 Corrections to provide treatment for which standards are established under Subsection (2)(i);
296 and

297 (n) annually, on or before August 31, submit the data collected under Subsection (2)(k)
298 to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings

299 based on the data and provide the report to the Judiciary Interim Committee, the Health and
300 Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim
301 Committee, and the related appropriations subcommittees.

302 (3) In addition to the responsibilities described in Subsection (2), the division shall,
303 within funds appropriated by the Legislature for this purpose, implement and manage the
304 operation of a firearm safety and suicide prevention program, in consultation with the Bureau
305 of Criminal Identification created in Section 53-10-201, including:

306 (a) coordinating with the Department of Health, local mental health and substance
307 abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a
308 Utah-based nonprofit organization with expertise in the field of firearm use and safety that
309 represents firearm owners, to:

310 (i) produce and periodically review and update a firearm safety brochure and other
311 educational materials with information about the safe handling and use of firearms that
312 includes:

313 (A) information on safe handling, storage, and use of firearms in a home environment;

314 (B) information about at-risk individuals and individuals who are legally prohibited
315 from possessing firearms;

316 (C) information about suicide prevention awareness; and

317 (D) information about the availability of firearm safety packets;

318 (ii) procure cable-style gun locks for distribution pursuant to this section;

319 (iii) produce a firearm safety packet that includes the firearm safety brochure and the
320 cable-style gun lock described in this Subsection (3); and

321 (iv) create a suicide prevention education course that:

322 (A) provides information for distribution regarding firearm safety education;

323 (B) incorporates current information on how to recognize suicidal behaviors and
324 identify individuals who may be suicidal; and

325 (C) provides information regarding crisis intervention resources;

326 (b) distributing, free of charge, the firearm safety packet to the following persons, who
327 shall make the firearm safety packet available free of charge:

328 (i) health care providers, including emergency rooms;

329 (ii) mobile crisis outreach teams;

330 (iii) mental health practitioners;

331 (iv) other public health suicide prevention organizations;

332 (v) entities that teach firearm safety courses;

333 (vi) school districts for use in the seminar, described in Section 53G-9-702, for parents
334 of students in the school district; and

335 (vii) firearm dealers to be distributed in accordance with Section 76-10-526;

336 (c) creating and administering a redeemable coupon program described in this
337 Subsection (3) and Section 76-10-526 that includes:

338 (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase
339 price of a firearm safe from a participating firearms dealer or a person engaged in the business
340 of selling firearm safes in Utah, by a Utah resident who has filed an application for a concealed
341 firearm permit; and

342 (ii) collecting the receipts described in Section 76-10-526 from the participating
343 dealers and persons and reimbursing the dealers and persons;

344 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
345 making rules that establish procedures for:

346 (i) producing and distributing the suicide prevention education course and the firearm
347 safety brochures and packets;

348 (ii) procuring the cable-style gun locks for distribution; and

349 (iii) administering the redeemable coupon program; and

350 (e) reporting to the Health and Human Services Interim Committee regarding
351 implementation and success of the firearm safety program and suicide prevention education
352 course at or before the November meeting each year.

353 ~~[(3)]~~ (4) (a) The division may refuse to contract with and may pursue legal remedies
354 against any local substance abuse authority or local mental health authority that fails, or has
355 failed, to expend public funds in accordance with state law, division policy, contract
356 provisions, or directives issued in accordance with state law.

357 (b) The division may withhold funds from a local substance abuse authority or local
358 mental health authority if the authority's contract provider of substance abuse or mental health
359 programs or services fails to comply with state and federal law or policy.

360 ~~[(4)]~~ (5) (a) Before reissuing or renewing a contract with any local substance abuse
361 authority or local mental health authority, the division shall review and determine whether the
362 local substance abuse authority or local mental health authority is complying with the oversight
363 and management responsibilities described in Sections [17-43-201](#), [17-43-203](#), [17-43-303](#), and
364 [17-43-309](#).

365 (b) Nothing in this Subsection ~~[(4)]~~ (5) may be used as a defense to the responsibility
366 and liability described in Section [17-43-303](#) and to the responsibility and liability described in
367 Section [17-43-203](#).

368 ~~[(5)]~~ (6) In carrying out the division's duties and responsibilities, the division may not
369 duplicate treatment or educational facilities that exist in other divisions or departments of the
370 state, but shall work in conjunction with those divisions and departments in rendering the
371 treatment or educational services that those divisions and departments are competent and able
372 to provide.

373 ~~[(6)]~~ (7) The division may accept in the name of and on behalf of the state donations,
374 gifts, devises, or bequests of real or personal property or services to be used as specified by the
375 donor.

376 ~~[(7)]~~ (8) The division shall annually review with each local substance abuse authority
377 and each local mental health authority the authority's statutory and contract responsibilities
378 regarding:

379 (a) use of public funds;

- 380 (b) oversight of public funds; and
- 381 (c) governance of substance use disorder and mental health programs and services.

382 ~~[(8)]~~ (9) The Legislature may refuse to appropriate funds to the division upon the
383 division's failure to comply with the provisions of this part.

384 ~~[(9)]~~ (10) If a local substance abuse authority contacts the division under Subsection
385 [17-43-201](#)(10) for assistance in providing treatment services to a pregnant woman or pregnant
386 minor, the division shall:

- 387 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
388 capacity to provide the treatment services; or
- 389 (b) otherwise ensure that treatment services are made available to the pregnant woman
390 or pregnant minor.

391 Section 4. Section **62A-15-103.1** is enacted to read:

392 **62A-15-103.1. Suicide Prevention Education Program -- Definitions -- Grant**
393 **requirements.**

394 (1) As used in this section, "bureau" means the Bureau of Criminal Identification
395 created in Section [53-10-201](#) within the Department of Public Safety.

396 (2) There is created a Suicide Prevention Education Program to fund suicide
397 prevention education opportunities for federally licensed firearms dealers who operate a retail
398 establishment open to the public and the dealers' employees.

399 (3) The division, in conjunction with the bureau, shall provide a grant to an employer
400 described in Subsection (2) in accordance with the criteria provided in Subsection
401 [62A-15-1101](#)(7)(b).

402 (4) An employer may apply for a grant of up to \$2,500 under the program.

403 Section 5. Section **62A-15-1101** is amended to read:

404 **62A-15-1101. Suicide prevention -- Reporting requirements.**

405 (1) The division shall appoint a state suicide prevention coordinator to administer a
406 state suicide prevention program composed of suicide prevention, intervention, and postvention

407 programs, services, and efforts.

408 (2) The coordinator shall:

409 (a) establish a Statewide Suicide Prevention Coalition with membership from public
410 and private organizations and Utah citizens; and

411 (b) appoint a chair and co-chair from among the membership of the coalition to lead
412 the coalition.

413 (3) The state suicide prevention program may include the following components:

414 (a) delivery of resources, tools, and training to community-based coalitions;

415 (b) evidence-based suicide risk assessment tools and training;

416 (c) town hall meetings for building community-based suicide prevention strategies;

417 (d) suicide prevention gatekeeper training;

418 (e) training to identify warning signs and to manage an at-risk individual's crisis;

419 (f) evidence-based intervention training;

420 (g) intervention skills training; and

421 (h) postvention training.

422 (4) The coordinator shall coordinate with the following to gather statistics, among
423 other duties:

424 (a) local mental health and substance abuse authorities;

425 (b) the State Board of Education, including the public education suicide prevention
426 coordinator described in Section [53G-9-702](#);

427 (c) the Department of Health;

428 (d) health care providers, including emergency rooms;

429 (e) federal agencies, including the Federal Bureau of Investigation;

430 (f) other unbiased sources; and

431 (g) other public health suicide prevention efforts.

432 (5) The coordinator shall provide a written report to the Health and Human Services
433 Interim Committee, at or before the October meeting every year, on:

434 (a) implementation of the state suicide prevention program, as described in Subsections
435 (1) and (3);

436 (b) data measuring the effectiveness of each component of the state suicide prevention
437 program;

438 (c) funds appropriated for each component of the state suicide prevention program; and

439 (d) five-year trends of suicides in Utah, including subgroups of youths and adults and
440 other subgroups identified by the state suicide prevention coordinator.

441 (6) The coordinator shall, in consultation with the bureau, implement and manage the
442 operation of the firearm safety program described in Subsection 62A-15-103(3).

443 ~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
444 Act, the division shall make rules:

445 (a) governing the implementation of the state suicide prevention program, consistent
446 with this section; and

447 (b) in conjunction with the bureau, defining the criteria for employers to apply for
448 grants under the Suicide Prevention Education Program described in Section ~~[53-10-202.3]~~
449 62A-15-103.1, which shall include:

450 (i) attendance at ~~[a]~~ the suicide prevention education course described in Subsection
451 62A-15-103(3); and

452 (ii) ~~[display of posters and]~~ distribution of the firearm safety brochures or packets
453 created in Subsection ~~[53-10-202(18)(a)(iii)]~~ 62A-15-103(3), but does not require the
454 distribution of a cable-style gun lock with a firearm if the firearm already has a trigger lock or
455 comparable safety mechanism.

456 ~~[(7)]~~ (8) As funding by the Legislature allows, the coordinator shall award grants, not
457 to exceed a total of \$100,000 per fiscal year, to suicide prevention programs that focus on the
458 needs of children who have been served by the Division of Juvenile Justice Services.

459 ~~[(8)]~~ (9) The coordinator and the coalition shall submit to the advisory council, no later
460 than October 1 each year, a written report detailing the previous fiscal year's activities to fund,

461 implement, and evaluate suicide prevention activities described in this section.

462 Section 6. Section **63I-1-262** is amended to read:

463 **63I-1-262. Repeal dates, Title 62A.**

464 (1) Subsections **62A-1-120**(8)(g), (h), and (i) are repealed July 1, 2023.

465 (2) Section **62A-3-209** is repealed July 1, 2023.

466 (3) Section **62A-4a-202.9** is repealed December 31, 2019.

467 (4) Section **62A-4a-213** is repealed July 1, 2019.

468 (5) Section **62A-15-114** is repealed December 31, 2021.

469 [~~(6) Subsection **62A-15-1101**(7) is repealed July 1, 2018.~~]

470 Section 7. Section **63I-1-276** is amended to read:

471 **63I-1-276. Repeal dates, Title 76.**

472 [~~Subsection **76-10-526**(15) is repealed July 1, 2018.~~]

473 Section 8. Section **63I-2-262** is amended to read:

474 **63I-2-262. Repeal dates -- Title 62A.**

475 [~~(1) Section **62A-1-111.5** is repealed July 1, 2018.~~]

476 [~~(2)~~] Subsection **62A-5-103.1**(6) is repealed January 1, 2023.

477 [~~(3) Subsection **62A-15-1101**(6) is repealed January 1, 2019.~~]

478 [~~(4) Section **62A-15-1102** is repealed January 1, 2019.~~]

479 Section 9. Section **76-10-526** is amended to read:

480 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**

481 **Exemption for concealed firearm permit holders and law enforcement officers.**

482 (1) For purposes of this section, "valid permit to carry a concealed firearm" does not
483 include a temporary permit issued under Section **53-5-705**.

484 (2) (a) To establish personal identification and residence in this state for purposes of
485 this part, a dealer shall require an individual receiving a firearm to present one photo
486 identification on a form issued by a governmental agency of the state.

487 (b) A dealer may not accept a driving privilege card issued under Section **53-3-207** as

488 proof of identification for the purpose of establishing personal identification and residence in
489 this state as required under this Subsection (2).

490 (3) (a) A criminal history background check is required for the sale of a firearm by a
491 licensed firearm dealer in the state.

492 (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms
493 Licensee.

494 (4) (a) An individual purchasing a firearm from a dealer shall consent in writing to a
495 criminal background check, on a form provided by the bureau.

496 (b) The form shall contain the following information:

497 (i) the dealer identification number;

498 (ii) the name and address of the individual receiving the firearm;

499 (iii) the date of birth, height, weight, eye color, and hair color of the individual
500 receiving the firearm; and

501 (iv) the social security number or any other identification number of the individual
502 receiving the firearm.

503 (5) (a) The dealer shall send the information required by Subsection (4) to the bureau
504 immediately upon its receipt by the dealer.

505 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has
506 provided the bureau with the information in Subsection (4) and has received approval from the
507 bureau under Subsection (7).

508 (6) The dealer shall make a request for criminal history background information by
509 telephone or other electronic means to the bureau and shall receive approval or denial of the
510 inquiry by telephone or other electronic means.

511 (7) When the dealer calls for or requests a criminal history background check, the
512 bureau shall:

513 (a) review the criminal history files, including juvenile court records, to determine if
514 the individual is prohibited from purchasing, possessing, or transferring a firearm by state or

515 federal law;

516 (b) inform the dealer that:

517 (i) the records indicate the individual is prohibited; or

518 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;

519 (c) provide the dealer with a unique transaction number for that inquiry; and

520 (d) provide a response to the requesting dealer during the call for a criminal

521 background check, or by return call, or other electronic means, without delay, except in case of

522 electronic failure or other circumstances beyond the control of the bureau, the bureau shall

523 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the

524 delay.

525 (8) (a) The bureau may not maintain any records of the criminal history background

526 check longer than 20 days from the date of the dealer's request, if the bureau determines that

527 the individual receiving the firearm is not prohibited from purchasing, possessing, or

528 transferring the firearm under state or federal law.

529 (b) However, the bureau shall maintain a log of requests containing the dealer's federal

530 firearms number, the transaction number, and the transaction date for a period of 12 months.

531 (9) If the criminal history background check discloses information indicating that the

532 individual attempting to purchase the firearm is prohibited from purchasing, possessing, or

533 transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction

534 where the individual resides.

535 (10) If an individual is denied the right to purchase a firearm under this section, the

536 individual may review the individual's criminal history information and may challenge or

537 amend the information as provided in Section [53-10-108](#).

538 (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah

539 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all

540 records provided by the bureau under this part are in conformance with the requirements of the

541 Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

542 (12) (a) A dealer shall collect a criminal history background check fee for the sale of a
543 firearm under this section. [~~This~~]

544 (b) The fee described under Subsection (12)(a) remains in effect until changed by the
545 bureau through the process [~~in accordance with~~] described in Section 63J-1-504.

546 [~~(b)~~] (c) (i) The dealer shall forward at one time all fees collected for criminal history
547 background checks performed during the month to the bureau by the last day of the month
548 following the sale of a firearm.

549 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover
550 the cost of administering and conducting the criminal history background check program.

551 (13) An individual with a concealed firearm permit issued under Title 53, Chapter 5,
552 Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee
553 required in this section for the purchase of a firearm if:

554 (a) the individual presents the individual's concealed firearm permit to the dealer prior
555 to purchase of the firearm; and

556 (b) the dealer verifies with the bureau that the individual's concealed firearm permit is
557 valid.

558 (14) (a) A law enforcement officer, as defined in Section 53-13-103, is exempt from
559 the background check fee required in this section for the purchase of a personal firearm to be
560 carried while off-duty if the law enforcement officer verifies current employment by providing
561 a letter of good standing from the officer's commanding officer and current law enforcement
562 photo identification.

563 (b) [~~This section~~] Subsection (14)(a) may only be used by a law enforcement officer to
564 purchase a personal firearm once in a 24-month period.

565 (15) (a) A dealer or a person engaged in the business of selling firearm safes in Utah
566 may participate in the redeemable coupon program described in this Subsection (15) and
567 Subsection 62A-15-103(3).

568 (b) A participating dealer or person shall:

- 569 (i) apply the coupon only toward the purchase of a gun safe;
- 570 (ii) collect the receipts from the purchase of a firearm safe using the redeemable
- 571 coupons and send the receipts to the Division of Substance Abuse and Mental Health for
- 572 redemption; and
- 573 (iii) make the firearm safety brochure described in Subsection 62A-15-103(3) available
- 574 to a customer free of charge.

575 (16) A dealer engaged in the business of selling, leasing, or otherwise transferring any
576 firearm shall:

- 577 (a) make the firearm safety brochure described in Subsection 62A-15-103(3) available
- 578 to a customer free of charge; and
- 579 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer
- 580 under Subsection 62A-15-103(3) to a customer purchasing a shotgun, short barreled shotgun,
- 581 short barreled rifle, rifle, or another firearm that federal law does not require be accompanied
- 582 by a gun lock at the time of purchase.

583 **Section 10. Repealer.**

584 This bill repeals:

585 Section **53-10-202.3, Suicide Prevention Education Program -- Definitions -- Grant**
586 **requirements.**

587 **Section 11. Appropriation.**

588 The following sums of money are appropriated for the fiscal year beginning July 1,
589 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
590 fiscal year 2020.

591 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
592 Legislature appropriates the following sums of money from the funds or accounts indicated for
593 the use and support of the government of the state of Utah.

594 ITEM 1

595 To Department of Human Services - Division of Substance Abuse and

596	<u>Mental Health</u>	
597	<u>From General Fund</u>	<u>\$10,000</u>
598	<u>From General Fund Restricted - Concealed Weapons Account,</u>	
599	<u>One-time</u>	<u>\$500,000</u>
600	<u>Schedule of Programs:</u>	
601	<u>Community Mental Health Services</u>	<u>\$510,000</u>

602 Section 12. **Coordinating H.B. 17 with H.B. 249 -- Technical amendments.**

603 If this H.B. 17 and H.B. 249, Revisor's Technical Corrections to Utah Code, both pass
604 and become law, it is the intent of the Legislature that the amendments to Section [62A-15-1101](#)
605 in this bill supersede the amendments to Section [62A-15-1101](#) in H.B. 249 when the Office of
606 Legislative Research and General Counsel prepares the Utah Code database for publication.