REPORT ON THE 2017 UTAH LEGISLATIVE SESSION

Thanks to President Pershing’s leadership and the tireless efforts of our university advocates, it was another banner legislative session for the U. We are pleased to announce the Legislature approved a two-percent performance-based compensation increase for employees, which includes the additional cost of benefits.

We are also thrilled to report the university will receive $5M in funding for the Medical Education and Discovery Complex/Rehabilitation Hospital in FY18. This $50M project received commitments from the Legislature to complete the funding in the next two years—$25M in FY19 and $20M in FY20. This initial funding and commitment in future years enables the university to commence with construction of this major redevelopment of the University Hospital campus.

SUCCESES FOR THE UNIVERSITY OF UTAH

- 2% performance-based compensation increase plus the increased cost in benefits.
- $5M in funding for the Medical Education and Discovery Complex/Rehabilitation Hospital, along with commitments to complete the $50M in funding by FY20.
- Approval to proceed with the renovations to the University Guest House, a nonstate-funded project.
- $8M in ongoing funding for the Regents Scholarship program
- $6.5M in ongoing funding for Performance-Based Funding, which will be distributed by formula to all institutions of higher education.
- $4M in ongoing and $1.5M in one-time funding for the Huntsman Cancer Institute (part of the backfill decline in earmarked tobacco settlement funds).
- $4M in ongoing funding for the Engineering Initiative.
- $2M in ongoing monies for Strategic Workforce Investment funding, which will be distributed by formula to all institutions of higher education.
- $1.4M for Medicaid dental funding for adults with disabilities.
- $1.2M in ongoing funding for the Family Medicine Residency Expansion. This will fund four residencies statewide, likely including one at the U.
- $1,194,900 in ongoing funding for enrollment growth at the U.
- $1M in one-time funding for the Utah Advanced Materials and Manufacturing Initiative.
- $467,000 in funding for demographic data and decision support, which is provided by the Kem C. Gardner Policy Institute at the University of Utah.
- $200,000 in ongoing funding for the Natural History Museum of Utah.
- $10,000 in one-time money for the Department of Family Medicine.
- $550,000 for the SAFE Utah app for the state school board to work with UNI on suicide prevention.
Legislators filed a record number of bills during the legislative session. Of the 1,272 bill files opened, 535 were passed. The University of Utah Government Relations Office closely monitored several hundred of these bills that had the potential to impact the university and its operations. We are grateful to the many experts from the U and our community advocates who consulted on legislation and lent their expertise to the lawmaking process. The following pages include some of the significant legislation that was monitored.

**HB20 Political Activities of Public Entities Amendments**  
Rep. Jeremy Peterson  
This bill creates a method for corporations to make donations to assist qualifying low-income students save for college through the Utah Educational Savings Plan (UESP). **Passed**

**HB31 Utah Health Care Workforce Financial Assistance Program Reauthorization**  
Rep. Ed Redd  
This bill reauthorized the Utah Health Care Workforce Financial Assistance Program and repeals outdated provisions. **Passed**

**HB50 (2nd Sub.) Opioid Prescribing Regulations**  
Rep. Ray Ward  
This bill limits the number of days for which an opiate may be prescribed for certain individuals and makes adjustments to current provisions. **Passed**

**HB54 Campus Free Speech Amendments**  
Rep. Kim Coleman  
This bill creates requirements for USHE institutions related to free speech activity. The legislation replicates policies related to regarding free-speech already in place. **Passed**

**HB55 Governmental Nonprofit Entity Compliance**  
Rep. Kim Coleman  
This bill establishes requirements for governmental nonprofit entities, subjecting them to regulations such as the Open and Public Meetings Act, the Government Records Access and Management Act (GRAMA) and Fiscal Procedures for Interlocal Entities. This impacts certain nonprofit entities affiliated with the U in which the institutions have a controlling interest. **Passed**

**HB61 Pharmacy Service for Discharged Hospital Patients**  
Rep. Ed Redd  
This bill allows a hospital pharmacy to dispense a limited supply of a prescription drug to a discharged patient, under certain circumstances, when the patient's regular retail pharmacy is not available; and requires the Division of Occupational and Professional Licensing to make rules. **Passed**

**HB66 Opiate Overdose Response Act Amendments**  
Rep. Carol Spackman Moss  
This bill identifies the persons who are not civilly liable when administering an opiate antagonist under certain circumstances; permits an overdose outreach provider to furnish an opiate antagonist to another overdose outreach provider; and makes technical changes. **Passed**
HB76 End of Life Options Act
Rep. Rebecca Chavez-Houck
This bill would have made provisions to allow for physician assisted suicide for individuals suffering from a terminal illness. Failed

HB81 (1st Sub.) Post-employment Restrictive Covenant Amendments
Rep. Brian Green
This bill would have modified non-compete clauses in employment contracts. Failed

HB87 Student Access to Online Courses
Rep. Kim Coleman
This bill would have amended provisions authorizing an eligible student to enroll in an online course; removes a limitation on the number of online credits they may enroll in and would have required a primary LEA of enrollment to provide space and technology for an eligible student to access the course under certain circumstances. Failed

HB90 (2nd Sub.) Insurance Opioid Regulation
Rep. Ray Ward
This bill authorizes commercial insurers, the state Medicaid program, workers' compensation insurers, and public employee insurers to implement policies to minimize the risk of prescribing certain controlled substances. Passed

HB100 Institutions of Higher Education Disclosure Requirements
Rep. Kim Coleman
This bill requires institutions of higher education to disclose information including job placement, wage earnings, average student debt and the amount of tax subsidy for programs at USHE institutions. Passed

HB112 Firearms Amendments
Rep. Lee Perry
provides that a business owner who allows a person with a concealed carry permit to carry a firearm onto the owner's property is not civilly or criminally liable under certain circumstances; and provides an exemption for a person, 21 years of age or older who may lawfully possess a firearm, from certain criminal provisions related to the carrying of a concealed firearm. Failed

HB120 University Student Housing Construction Oversight
Rep. John Westwood
This bill exempts higher education institutions projects for the construction of student housing from the supervision of the Division of Facilities Construction and Management. Failed

HB128 (8th Sub.) Health Care Debt Collection Amendments
Rep. Curt Webb
This bill modifies the circumstances under which a health care provider may make a report to a credit bureau or use the services of a collection agency against an insured; addresses administrative penalties for a health care provider who fails to comply with the provisions of this bill; and makes technical and conforming changes. Passed
HB130 (2nd Sub.) Cannabinoid Research
Rep. Brad Daw
This bill allows a person to possess cannabis, a cannabinoid product, and an expanded cannabinoid product and to distribute the cannabis, a cannabinoid product, or an expanded cannabinoid product to a patient pursuant to an institutional review board-approved study; allows a person conducting an institutional review board-approved study to import and distribute cannabis, a cannabinoid product, and an expanded cannabinoid product under certain circumstances; and creates the Cannabinoid Product Board within the Department of Health. **Passed**

HB142 (4th Sub.) Administration of Anesthesia Amendments
Rep. Michael Kennedy
This bill amends professional licensing acts in the Division of Occupational and Professional Licensing Act to require informed consent and certain patient monitoring of patients who are sedated and establishes a database for adverse events. **Passed**

HB146 S01 Partial Filling of a Schedule II Controlled Substance Prescription
Rep. Stewart Barlow
This bill requires that the partial filling of a Schedule II controlled substance prescription for certain patients must be made in accordance with federal law and rules made by the Division of Occupational and Professional Licensing; and requires rulemaking. **Passed**

HB147 Living Wage Amendments
Rep. Lynn Hemingway
This bill modifies the minimum wage for a private or public employee within the state; modifies the cash wage obligation for a tipped employee within the state; and provides for future increases of the minimum wage and cash wage obligation. **Failed**

HB154 Telehealth Amendments
Rep. Ken Ivory
This bill amends the Medical Assistance Act regarding reimbursement for telemedicine services; amends the Insurance Code to require insurer transparency regarding telehealth reimbursement; amends the Public Employees’ Benefit and Insurance Program Act (PEHP) regarding reimbursement for telemedicine services; requires the Department of Health and PEHP to report to a legislative interim committee and a task force regarding telehealth services; requires a legislative study; and describes responsibilities of a provider offering telehealth services. **Passed**

HB 156 (1st Sub.) State Job Application Process
Rep. Sandra Hollins
This bill prohibits a public employer from requiring job applicants to disclose past criminal convictions before an initial interview for employment. Certain exemptions are allowed, including employers whose primary purpose is performing financial or fiduciary functions. **Passed**

HB165 Higher Education Retirement Amendments
Rep. John Westwood
This bill provides definitions; provides that the Board of Directors of each applied technology college, rather than the State Board of Regents, shall designate the public or private retirement systems, organizations, or companies that a regular full-time employee of each applied technology college is eligible to participate in under certain retirement systems or plans; and makes technical and conforming changes. **Passed**
HB175 Opioid Abuse Prevention and Treatment Amendments  
Rep. Steve Eliason  
This bill requires controlled substance prescribers to receive training in a nationally recognizedopioid abuse screening method and requires reimbursement for the screening services. **Passed**

HB189 Pharmacy Compounding Amendments  
Rep. Raymond Ward  
This bill amends certain state prohibitions against the compounding of drugs in the Pharmacy Practice Act. **Failed**

HB194 (1st Sub.) Federal Grants Management Amendments  
Rep. Justin Fawson  
This bill modifies provisions relating to the review and approval procedures for certain federal funds requests under the Federal Funds Procedures Act and requires the review of certain intergovernmental transfers under the Federal Funds Procedures Act. **Passed**

HB 198 Concealed Carry Amendments  
Rep. Karianne Lisonbee  
This bill establishes a provisional permit to carry a concealed firearm for individuals under 21 years of age. **Passed**

HB 249 (1st Sub.) Higher Education Financial Literacy Amendments  
Rep. Robert Spendlove  
This bill requires higher education to annually notify students who have taken out a loan for college directing them to their loan balance as well as a repayment calculator. **Passed**

HB 251 Campus Advocate Confidentiality Amendments  
Rep. Angela Romero  
This bill prohibits the disclosure of confidential communications related to advocacy services at a Utah institution of higher education. **Passed**

HB 275 Utah Administrative Rulemaking Act Amendments  
Rep. Brian Green  
This bill removes the exemption for higher education from Administrative Rulemaking Act for policies related to students. Currently, there are almost 15,000 policies maintained by the Board of Regents and USHE institutions that would need to be reviewed and submitted for administrative rulemaking. **Failed**

HB 284 Student Right to Active Counsel  
Rep. Kim Coleman, introduced similar legislation in the 2016 Session. The Legislature ultimately did not adopt the proposed legislation. In July 2016, the Board of Regents adopted policy that outlines required due process for disciplinary actions and included the role of active counsel in certain proceedings. This bill is unnecessary given the policy already adopted. **Failed**

HB299 (1st Sub.) Substance Abuse and Mental Health Act Amendments  
Rep. Ed Redd  
This bill clarifies the role of a mental health officer; removes references to the Utah State Hospital Board, which no longer exists; removes the exemption of security officers from the public safety retirement system; updates code provisions in accordance with the existing practice of private hospitals providing inpatient mental health treatment; makes changes to procedures and criteria for civil commitments; gives officers authority to not take a mentally ill individual into custody in order to avoid escalating a dangerous situation; and makes technical changes. **Failed**
HB303 State Building Amendments
Rep. Lynn Hemingway
This bill provides that, under certain circumstances, a building owned by a state government entity or by a political subdivision shall provide diaper changing facilities if the building is newly constructed or a bathroom in the building is renovated that bathroom that is being renovated shall provide diaper changing facilities. Passed

HB 326 Campus Sexual Violence Protection Act
Rep. Kim Coleman
This bill allows an institution of higher education to report an allegation of sexual violence to a law enforcement agency and enacts other provisions related to the duties of an institution of higher education in circumstances related to sexual violence. Failed

HB 334, Academic Freedom and Protection Act
Rep. Kim Coleman
This bill prohibits a USHE institution from taking adverse action against faculty in retaliation for certain expression. Existing Regents’ policy already requires institutions to protect academic freedom. Failed

HB346 (1st Sub.) Suicide Prevention Programs
Rep. Steve Eliason
This bill establishes reporting requirements; creates a position in the Department of Health; and provides for grant awards for suicide prevention programs. Passed

HB390 (1st Sub.) Suicide Prevention Modifications
Rep. Steve Eliason
This bill creates a Suicide Prevention Education Program to be created by the state suicide prevention coordinator and the Bureau of Criminal Identification; allows the program to provide grants to federal firearms licensees to educate their employees regarding suicide prevention; and makes technical corrections. Passed

HB396 (1st Sub.) Medical School Graduates Associate Physician Licensure
Rep. Stewart Barlow
This bill creates a restricted license enabling a medical school graduate to practice medicine under certain conditions. Passed

HB 431 (3rd Sub.) Government Employees Reimbursement Amendments
Rep. Tim Quinn
This bill prohibits government officers or employees from making personal purchases with public funds, including incurring debt on behalf of or payable by a governmental entity. The bill was amended to allow recourse for unintended purchases. The bill established an administrative penalty for officers or employees who are found to be making a personal expenditure. Passed

HCR4 Concurrent Resolution Recognizing 50 years of Public Television
Rep. Lowry Snow
This resolution recognizes the 50th anniversary of the Public Broadcasting Act and Utah's three public television stations; and recognizes the success and important services provided by KUEN, KUED, and KBYU. Passed

HCR 16, Concurrent Resolution Declaring Mental Health Issues To Be A Public Health Crisis At Utah Higher Education Institutions
Rep. Ed Redd
This resolution declares mental health issues to be a public health crisis at Utah higher education institutions. It strongly urges state agencies, local health authorities, non-profit groups, and higher education entities to seek productive, long-term solutions to address this crisis. Passed
SB 14 (2nd Sub.) Emergency Telephone Service Amendments  
Sen. Wayne Harper  
This bill requires multi-line telephone systems to provide geo-location information for a public safety answering point and requires multi-line phone systems to be capable of accessing 911 services directly. **Passed**

SB 35 Veterans Tuition Gap Program Act Amendments  
Sen. Escamilla  
This bill amends the federal programs to which the Veterans Tuition Gap Program (the program) relates and removes the requirement that a qualifying veteran using the program qualify for a federal program. **Passed**

SB37 Statewide Crisis Line  
Sen. Dan Thatcher  
This bill defines terms; creates the Mental Health Crisis Line Commission; addresses the membership and duties of the Mental Health Crisis Line Commission; requires the Mental Health Crisis Line Commission to report to the Political Subdivisions Interim Committee; and provides a repeal date. **Passed**

SB48 Nurse Licensure Compact  
Sen. Evan Vickers  
This bill establishes findings for the Nurse Licensure Compact; creates general provisions and jurisdiction for the compact; establishes a licensure process for party states; invests authority in party state licensing boards; coordinates licensure information systems and exchange of information; establishes the Interstate Commission of Nurse Licensure Compact Administrators; provides rulemaking to the commission; provides oversight and dispute resolution; and establishes an effective date for the compact. **Passed**

SB95 (1st Sub.) Air Ambulance Amendments  
Sen. Wayne Harper  
This bill requires the Department of Health to establish an Air Ambulance Committee; establishes the membership of the Air Ambulance Committee; establishes the duties of the Air Ambulance Committee; sunsets the Air Ambulance Committee on July 1, 2019; authorizes the State Emergency Medical Services Committee to coordinate with the Health Data Committee to report air ambulance charges in the state; specifies the data that should be reported; requires the publication of certain data regarding air ambulance charges; and amends the duties of the Health Data Committee to assist the State Emergency Medical Services Committee with the reporting of the air ambulance charge data. **Passed**

SB111 (3rd Sub.) Unmanned Aircraft Amendments  
Sen. Wayne Harper  
This bill reorganizes existing code related to unmanned aircraft; preempts local laws related to unmanned aircraft; exempts unmanned aircraft from registration with the state of Utah; enacts provisions related to operation of unmanned aircraft by law enforcement, including: data collection, reporting, retention, and use; use of an unmanned aircraft for law enforcement operations; and use of data obtained by an unmanned aircraft operated by a civilian; establishes certain safety requirements and limitations for the operation of an unmanned aircraft; prohibits use of an unmanned aircraft equipped with a weapon; prohibits a person from: committing trespass with an unmanned aircraft; committing a privacy violation with an unmanned aircraft; or committing voyeurism with an unmanned aircraft; establishes criminal penalties; and makes technical changes **Passed**

SB 117 (4th Sub.) Performance Funding Revisions  
Sen. Ann Millner  
This bill provides ongoing funding dedicated the performance outcomes proposed by the Board of Regents and adopted by the Legislature in 2015. **Passed**
SB 238 Higher Education Governance Revisions,  
Sen. Ann Millner  
This bill changes the name of UCAT (to Utah System of Technical Colleges and of individual campuses to technical colleges) and makes several significant changes to the governance of public higher education in Utah. The legislation clarifies the roles and mission of the Board of Regents and Boards of Trustees and changes how Regents are appointed by the Governor. The legislation also changes how new academic programs are approved, codifies how presidential searches are to be conducted, and defines the primary missions of USHE institutions. The Commissioner and the Board’s Executive committee worked closely with the bill sponsor on clarifying amendments.  
Passed

SB 243 Revised Uniform Athlete Agents Act  
Sen. Lyle Hillyard  
This bill updates existing state statute related to the recruitment and contracting of collegiate athletes. The legislation clarifies definitions, expands notification requirements and provides for reciprocal registration of athletes between states.  
Passed

SB 256 Regents Scholarship Amendments  
Sen. Lyle Hillyard  
This bill makes major administrative changes to the scholarship program to improve the student application experience as well as enhance coordination with institutions the award recipients attend. This will ensure better use of state aid resources as well as create an overall better experience for students. This legislation does not alter or weaken the existing academic requirements for the scholarship. It also removes extensive outdated language in the statute.  
Passed

SB 255 Funding for Education Systems Amendments  
Sen. Howard Stephenson  
This bill would cap, until 2022, any additional revenues from the Education Fund (income tax) to the state higher education system. The mix of funds higher ed has been budgeted over the years varies between the Education Fund and the General Fund (Sales Tax) – the two primary funding sources of the state’s budget. In effect, higher education has been a balancing wheel between the two funds to help the legislature in balancing the budget. This restricts the legislature’s flexibility and would likely make it more difficult for the state to fund critical higher education needs over the next five years. This could also result in greater reliance on tuition. The bill was ultimately substituted, then never adopted.  
Failed

SJR 1 Joint Rules Resolution on Funding Mix Determinations  
Sen. Jerry Stevenson  
This bill adjusts the funding ratio of state funds vs. tuition funds that have funded compensation costs to higher education. For over twenty years, the Legislature and public higher education have held constant the ratio funding compensation costs at 75% from state funds and 25% of tuition funds. This resolution defaults this ratio for compensation to follow the present overall mix of state dollars and tuition dollars currently funding higher education – which has been about 50% state funds and 50% tuition for the past few years. Intent language was adopted in this year’s budget bills to hold the historical 75/25 ratio for the next two fiscal years.  
Passed