

**Representative Steve Eliason** proposes the following substitute bill:

**FIREARM VIOLENCE AND SUICIDE PREVENTION**

**AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

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

- creating a suicide prevention education course;
- creates a restricted account known as the Firearm Safety Account;
- modifies the administration of a grant program to provide suicide prevention



26 education opportunities for firearm dealers;

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

30       ▶ requires the Bureau of Criminal Identification, in conjunction with the Division of  
31 Substance Abuse and Mental Health, to:

- 32           • create a firearm safety and suicide prevention web-accessible video; and
- 33           • require an applicant seeking renewal of a concealed firearm permit to view the  
34 video before renewal; and
- 35       ▶ makes technical changes.

36 **Money Appropriated in this Bill:**

37 This bill appropriates in fiscal year 2020:

38       ▶ to General Fund Restricted - Firearm Safety Account, as an ongoing appropriation:  
39           • from General Fund, \$100,000.

40       ▶ to Department of Human Services - Division of Substance Abuse and Mental  
41 Health, as an ongoing appropriation:

- 42           • from General Fund - Firearm Safety Account, \$100,000.

43       ▶ to General Fund Restricted - Firearm Safety Account, as a one-time appropriation:  
44           • from General Fund, One-time, \$500,000.

45       ▶ to Department of Human Services - Division of Substance Abuse and Mental  
46 Health, as a one-time appropriation:

- 47           • from General Fund, One-time - Firearm Safety Account, \$500,000.

48 **Other Special Clauses:**

49 This bill provides a coordination clause.

50 **Utah Code Sections Affected:**

51 AMENDS:

52 [62A-15-103](#), as last amended by Laws of Utah 2018, Chapter 322

53 [62A-15-1101](#), as last amended by Laws of Utah 2018, Chapters 38, 414, and 415

54 [63I-1-262](#), as last amended by Laws of Utah 2018, Chapters 74, 220, 281, and 347

55 [63I-1-276](#), as enacted by Laws of Utah 2014, Chapter 226

56 [63I-2-262](#), as last amended by Laws of Utah 2018, Chapter 38

57 [76-10-526](#), as last amended by Laws of Utah 2018, Chapter 417

58 ENACTS:

59 [53-5-707.6](#), Utah Code Annotated 1953

60 [62A-15-103.1](#), Utah Code Annotated 1953

61 [62A-15-103.2](#), Utah Code Annotated 1953

62 REPEALS:

63 [53-10-202.3](#), as enacted by Laws of Utah 2017, Chapter 296

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

65 [62A-15-1101](#), as last amended by Laws of Utah 2018, Chapters 38, 414, and 415



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

68 Section 1. Section [53-5-707.6](#) is enacted to read:

69 **[53-5-707.6](#). Concealed firearm permit renewal -- Firearm safety and suicide**  
70 **prevention video.**

71 (1) The bureau, in conjunction with the Division of Substance Abuse and Mental  
72 Health created in Section [62A-15-103](#), shall create a firearm safety and suicide prevention  
73 video that:

74 (a) is web-accessible;

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

76 (c) includes information about:

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

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

80 (iii) suicide prevention awareness.

81 (2) Before renewing a firearm permit, an individual shall view the firearm safety and  
82 suicide prevention video and submit proof in the form required by the bureau.

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

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

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

87 Section 2. Section [62A-15-103](#) is amended to read:

88 **62A-15-103. Division -- Creation -- Responsibilities.**

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

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

93 (2) The division shall:

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

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

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

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

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

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

109 (vii) establish and promote an evidence-based continuum of screening, assessment,  
110 prevention, treatment, and recovery support services in the community for individuals with  
111 substance use disorder and mental illness that addresses criminal risk factors;

112 (viii) evaluate the effectiveness of programs described in this Subsection (2);

113 (ix) consider the impact of the programs described in this Subsection (2) on:

114 (A) emergency department utilization;

115 (B) jail and prison populations;

116 (C) the homeless population; and

117 (D) the child welfare system; and

118 (x) promote or establish programs for education and certification of instructors to

119 educate persons convicted of driving under the influence of alcohol or drugs or driving with  
120 any measurable controlled substance in the body;

121 (b) (i) collect and disseminate information pertaining to mental health;

122 (ii) provide direction over the state hospital including approval of its budget,  
123 administrative policy, and coordination of services with local service plans;

124 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
125 Rulemaking Act, to educate families concerning mental illness and promote family  
126 involvement, when appropriate, and with patient consent, in the treatment program of a family  
127 member; and

128 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
129 Rulemaking Act, to direct that an individual receiving services through a local mental health  
130 authority or the Utah State Hospital be informed about and, if desired by the individual,  
131 provided assistance in the completion of a declaration for mental health treatment in  
132 accordance with Section [62A-15-1002](#);

133 (c) (i) consult and coordinate with local substance abuse authorities and local mental  
134 health authorities regarding programs and services;

135 (ii) provide consultation and other assistance to public and private agencies and groups  
136 working on substance abuse and mental health issues;

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

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

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

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

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

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

149 (A) local substance abuse authorities;

- 150 (B) local mental health authorities; and
- 151 (C) in counties where they exist, a private contract provider that has an annual or
- 152 otherwise ongoing contract to provide comprehensive substance abuse or mental health
- 153 programs or services for the local substance abuse authority or local mental health authority;
- 154 (ix) contract with local substance abuse authorities and local mental health authorities
- 155 to provide a comprehensive continuum of services that include community-based services for
- 156 individuals involved in the criminal justice system, in accordance with division policy, contract
- 157 provisions, and the local plan;
- 158 (x) contract with private and public entities for special statewide or nonclinical
- 159 services, or services for individuals involved in the criminal justice system, according to
- 160 division rules;
- 161 (xi) review and approve each local substance abuse authority's plan and each local
- 162 mental health authority's plan in order to ensure:
  - 163 (A) a statewide comprehensive continuum of substance abuse services;
  - 164 (B) a statewide comprehensive continuum of mental health services;
  - 165 (C) services result in improved overall health and functioning;
  - 166 (D) a statewide comprehensive continuum of community-based services designed to
  - 167 reduce criminal risk factors for individuals who are determined to have substance abuse or
  - 168 mental illness conditions or both, and who are involved in the criminal justice system;
  - 169 (E) compliance, where appropriate, with the certification requirements in Subsection
  - 170 (2)(j); and
  - 171 (F) appropriate expenditure of public funds;
- 172 (xii) review and make recommendations regarding each local substance abuse
- 173 authority's contract with the local substance abuse authority's provider of substance abuse
- 174 programs and services and each local mental health authority's contract with the local mental
- 175 health authority's provider of mental health programs and services to ensure compliance with
- 176 state and federal law and policy;
- 177 (xiii) monitor and ensure compliance with division rules and contract requirements;
- 178 and
- 179 (xiv) withhold funds from local substance abuse authorities, local mental health
- 180 authorities, and public and private providers for contract noncompliance, failure to comply

181 with division directives regarding the use of public funds, or for misuse of public funds or  
182 money;

183 (d) ensure that the requirements of this part are met and applied uniformly by local  
184 substance abuse authorities and local mental health authorities across the state;

185 (e) require each local substance abuse authority and each local mental health authority,  
186 in accordance with Subsections 17-43-201(5)(b) and 17-43-301[(5)](6)(a)(ii), to submit a plan  
187 to the division on or before May 15 of each year;

188 (f) conduct an annual program audit and review of each local substance abuse authority  
189 and each local substance abuse authority's contract provider, and each local mental health  
190 authority and each local mental health authority's contract provider, including:

191 (i) a review and determination regarding whether:

192 (A) public funds allocated to the local substance abuse authority or the local mental  
193 health authorities are consistent with services rendered by the authority or the authority's  
194 contract provider, and with outcomes reported by the authority's contract provider; and

195 (B) each local substance abuse authority and each local mental health authority is  
196 exercising sufficient oversight and control over public funds allocated for substance use  
197 disorder and mental health programs and services; and

198 (ii) items determined by the division to be necessary and appropriate; and

199 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,  
200 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

201 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer  
202 supports services to an individual with:

203 (A) a substance use disorder;

204 (B) a mental health disorder; or

205 (C) a substance use disorder and a mental health disorder;

206 (ii) certify a person to carry out, as needed, the division's duty to train and certify an  
207 adult as a peer support specialist;

208 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
209 Rulemaking Act, that:

210 (A) establish training and certification requirements for a peer support specialist;

211 (B) specify the types of services a peer support specialist is qualified to provide;

212 (C) specify the type of supervision under which a peer support specialist is required to  
213 operate; and

214 (D) specify continuing education and other requirements for maintaining or renewing  
215 certification as a peer support specialist; and

216 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
217 Rulemaking Act, that:

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

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

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

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

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

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

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

241 (i) collaboration with the Department of Corrections, the Utah Substance Use and  
242 Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,

243 and implement the certification process;

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

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

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

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

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

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

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

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

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

269 (n) annually, on or before August 31, submit the data collected under Subsection (2)(k)  
270 to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings  
271 based on the data and provide the report to the Judiciary Interim Committee, the Health and  
272 Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim  
273 Committee, and the related appropriations subcommittees.

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

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

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

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

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

288 (C) information about suicide prevention awareness; and

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

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

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

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

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

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

297 (C) provides information regarding crisis intervention resources;

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

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

301 (ii) mobile crisis outreach teams;

302 (iii) mental health practitioners;

303 (iv) other public health suicide prevention organizations;

304 (v) entities that teach firearm safety courses;

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

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

308 (c) creating and administering a redeemable coupon program described in this

309 Subsection (3) and Section 76-10-526 that includes:

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

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

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

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

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

321 (iii) administering the redeemable coupon program; and

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

325 [~~3~~] (4) (a) The division may refuse to contract with and may pursue legal remedies  
326 against any local substance abuse authority or local mental health authority that fails, or has  
327 failed, to expend public funds in accordance with state law, division policy, contract  
328 provisions, or directives issued in accordance with state law.

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

332 [~~4~~] (5) (a) Before reissuing or renewing a contract with any local substance abuse  
333 authority or local mental health authority, the division shall review and determine whether the  
334 local substance abuse authority or local mental health authority is complying with the oversight  
335 and management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and

336 17-43-309.

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

340 [~~(5)~~] (6) In carrying out the division's duties and responsibilities, the division may not  
341 duplicate treatment or educational facilities that exist in other divisions or departments of the  
342 state, but shall work in conjunction with those divisions and departments in rendering the  
343 treatment or educational services that those divisions and departments are competent and able  
344 to provide.

345 [~~(6)~~] (7) The division may accept in the name of and on behalf of the state donations,  
346 gifts, devises, or bequests of real or personal property or services to be used as specified by the  
347 donor.

348 [~~(7)~~] (8) The division shall annually review with each local substance abuse authority  
349 and each local mental health authority the authority's statutory and contract responsibilities  
350 regarding:

- 351 (a) use of public funds;  
352 (b) oversight of public funds; and  
353 (c) governance of substance use disorder and mental health programs and services.

354 [~~(8)~~] (9) The Legislature may refuse to appropriate funds to the division upon the  
355 division's failure to comply with the provisions of this part.

356 [~~(9)~~] (10) If a local substance abuse authority contacts the division under Subsection  
357 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant  
358 minor, the division shall:

- 359 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the  
360 capacity to provide the treatment services; or  
361 (b) otherwise ensure that treatment services are made available to the pregnant woman  
362 or pregnant minor.

363 Section 3. Section 62A-15-103.1 is enacted to read:

364 **62A-15-103.1. Firearm Safety Account.**

365 (1) There is created a restricted account within the General Fund known as the  
366 "Firearm Safety Account."

367 (2) The account shall be funded by appropriations from the Legislature.

368 (3) Upon appropriation, funds in the account may only be used for the programs  
369 described in Subsection 62A-15-103(3) or Section 62A-15-1101.

370 Section 4. Section **62A-15-103.2** is enacted to read:

371 **62A-15-103.2. Suicide Prevention Education Program -- Definitions -- Grant**  
372 **requirements.**

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

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

378 (3) The division, in conjunction with the bureau, shall provide a grant to an employer  
379 described in Subsection (2) in accordance with the criteria provided in Subsection  
380 62A-15-1101(7)(b).

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

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

383 **62A-15-1101. Suicide prevention -- Reporting requirements.**

384 (1) The division shall appoint a state suicide prevention coordinator to administer a  
385 state suicide prevention program composed of suicide prevention, intervention, and postvention  
386 programs, services, and efforts.

387 (2) The coordinator shall:

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

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

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

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

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

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

396 (d) suicide prevention gatekeeper training;

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

- 398 (f) evidence-based intervention training;
- 399 (g) intervention skills training; and
- 400 (h) postvention training.
- 401 (4) The coordinator shall coordinate with the following to gather statistics, among
- 402 other duties:
- 403 (a) local mental health and substance abuse authorities;
- 404 (b) the State Board of Education, including the public education suicide prevention
- 405 coordinator described in Section [53G-9-702](#);
- 406 (c) the Department of Health;
- 407 (d) health care providers, including emergency rooms;
- 408 (e) federal agencies, including the Federal Bureau of Investigation;
- 409 (f) other unbiased sources; and
- 410 (g) other public health suicide prevention efforts.
- 411 (5) The coordinator shall provide a written report to the Health and Human Services
- 412 Interim Committee, at or before the October meeting every year, on:
- 413 (a) implementation of the state suicide prevention program, as described in Subsections
- 414 (1) and (3);
- 415 (b) data measuring the effectiveness of each component of the state suicide prevention
- 416 program;
- 417 (c) funds appropriated for each component of the state suicide prevention program; and
- 418 (d) five-year trends of suicides in Utah, including subgroups of youths and adults and
- 419 other subgroups identified by the state suicide prevention coordinator.
- 420 (6) The coordinator shall, in consultation with the bureau, implement and manage the
- 421 operation of the firearm safety program described in Subsection [62A-15-103\(3\)](#) and Section
- 422 [62A-15-103.1](#).
- 423 [~~6~~] (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 424 Act, the division shall make rules:
- 425 (a) governing the implementation of the state suicide prevention program, consistent
- 426 with this section; and
- 427 (b) in conjunction with the bureau, defining the criteria for employers to apply for
- 428 grants under the Suicide Prevention Education Program described in Section [~~53-10-202.3~~]

429 [62A-15-103.2](#), which shall include:

430 (i) attendance at ~~[a]~~ the suicide prevention education course described in Subsection  
431 [62A-15-103\(3\)](#); and

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

436 ~~[(7)]~~ (8) As funding by the Legislature allows, the coordinator shall award grants, not  
437 to exceed a total of \$100,000 per fiscal year, to suicide prevention programs that focus on the  
438 needs of children who have been served by the Division of Juvenile Justice Services.

439 ~~[(8)]~~ (9) The coordinator and the coalition shall submit to the advisory council, no later  
440 than October 1 each year, a written report detailing the previous fiscal year's activities to fund,  
441 implement, and evaluate suicide prevention activities described in this section.

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

443 **63I-1-262. Repeal dates, Title 62A.**

444 (1) Subsections [62A-1-120\(8\)\(g\)](#), (h), and (i) are repealed July 1, 2023.

445 (2) Section [62A-3-209](#) is repealed July 1, 2023.

446 (3) Section [62A-4a-202.9](#) is repealed December 31, 2019.

447 (4) Section [62A-4a-213](#) is repealed July 1, 2019.

448 (5) Section [62A-15-114](#) is repealed December 31, 2021.

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

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

451 **63I-1-276. Repeal dates, Title 76.**

452 ~~[Subsection [76-10-526\(15\)](#) is repealed July 1, 2018.]~~

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

454 **63I-2-262. Repeal dates -- Title 62A.**

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

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

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

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

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

460           **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**  
461 **Exemption for concealed firearm permit holders and law enforcement officers.**

462           (1) For purposes of this section, "valid permit to carry a concealed firearm" does not  
463 include a temporary permit issued under Section [53-5-705](#).

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

467           (b) A dealer may not accept a driving privilege card issued under Section [53-3-207](#) as  
468 proof of identification for the purpose of establishing personal identification and residence in  
469 this state as required under this Subsection (2).

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

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

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

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

477           (i) the dealer identification number;

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

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

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

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

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

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

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

493 (a) review the criminal history files, including juvenile court records, to determine if  
494 the individual is prohibited from purchasing, possessing, or transferring a firearm by state or  
495 federal law;

496 (b) inform the dealer that:

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

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

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

500 (d) provide a response to the requesting dealer during the call for a criminal  
501 background check, or by return call, or other electronic means, without delay, except in case of  
502 electronic failure or other circumstances beyond the control of the bureau, the bureau shall  
503 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the  
504 delay.

505 (8) (a) The bureau may not maintain any records of the criminal history background  
506 check longer than 20 days from the date of the dealer's request, if the bureau determines that  
507 the individual receiving the firearm is not prohibited from purchasing, possessing, or  
508 transferring the firearm under state or federal law.

509 (b) However, the bureau shall maintain a log of requests containing the dealer's federal  
510 firearms number, the transaction number, and the transaction date for a period of 12 months.

511 (9) If the criminal history background check discloses information indicating that the  
512 individual attempting to purchase the firearm is prohibited from purchasing, possessing, or  
513 transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction  
514 where the individual resides.

515 (10) If an individual is denied the right to purchase a firearm under this section, the  
516 individual may review the individual's criminal history information and may challenge or  
517 amend the information as provided in Section [53-10-108](#).

518 (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah  
519 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all  
520 records provided by the bureau under this part are in conformance with the requirements of the  
521 Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

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

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

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

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

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

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

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

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

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

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

548 (b) A participating dealer or person shall:

549 (i) apply the coupon only toward the purchase of a gun safe;

550 (ii) collect the receipts from the purchase of a firearm safe using the redeemable  
551 coupons and send the receipts to the Division of Substance Abuse and Mental Health for  
552 redemption; and

553 (iii) make the firearm safety brochure described in Subsection 62A-15-103(3) available  
554 to a customer free of charge.

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

557 (a) make the firearm safety brochure described in Subsection 62A-15-103(3) available  
558 to a customer free of charge; and

559 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer  
560 under Subsection 62A-15-103(3) to a customer purchasing a shotgun, short barreled shotgun,  
561 short barreled rifle, rifle, or another firearm that federal law does not require be accompanied  
562 by a gun lock at the time of purchase.

563 **Section 10. Repealer.**

564 This bill repeals:

565 Section **53-10-202.3, Suicide Prevention Education Program -- Definitions -- Grant**  
566 **requirements.**

567 **Section 11. Appropriation.**

568 The following sums of money are appropriated for the fiscal year beginning July 1,  
569 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for  
570 fiscal year 2020.

571 Subsection (7)(a). **Restricted Fund and Account Transfers.** The Legislature  
572 authorizes the State Division of Finance to transfer the following amounts between the  
573 following funds or accounts as indicated. Expenditures and outlays from the funds to which the  
574 money is transferred must be authorized by an appropriation.

575 ITEM 1

576 To General Fund Restricted - Firearm Safety Account

577 From General Fund \$100,000

578 From General Fund, One-time \$500,000

579 Schedule of Programs:

580 General Fund Restricted - Firearm Safety Account \$600,000

581 Subsection (7)(b). **Operating and Capital Budgets.** Under the terms and conditions of  
582 Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following  
583 sums of money from the funds or accounts indicated for the use and support of the government

584 of the state of Utah.

585 ITEM 2

586 To Department of Human Services - Division of Substance Abuse and  
587 Mental Health

588 From General Fund Restricted - Firearm Safety Account \$100,000

589 From General Fund Restricted - Firearm Safety Account,

590 One-time \$500,000

591 Schedule of Programs:

592 Community Mental Health Services \$600,000

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

594 If this H.B. 17 and H.B. 249, Revisor's Technical Corrections to Utah Code, both pass

595 and become law, it is the intent of the Legislature that the amendments to Section [62A-15-1101](#)

596 in this bill supersede the amendments to Section [62A-15-1101](#) in H.B. 249 when the Office of

597 Legislative Research and General Counsel prepares the Utah Code database for publication.