

Jennifer Dailey-Provost proposes the following substitute bill:

**Youth Electronic Cigarette, Marijuana, and Other
Drug Prevention Program Sunset Extension**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Jennifer Dailey-Provost

LONG TITLE

General Description:

This bill addresses the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program, the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee, and the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account.

Highlighted Provisions:

This bill:

- addresses the scope of the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program;
- requires the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee to meet at least quarterly;
- establishes an order of priority for the various program funding distributions from the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account;
- extends the sunset dates for the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee and Program;
- addresses the ability of the state board to reduce distributions to local education authorities for positive behavior specialists or positive behavior plans, if funding is insufficient to cover the costs of the distributions; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

28 **26B-1-428**, as last amended by Laws of Utah 2024, Chapter 245

29 **53G-10-407**, as last amended by Laws of Utah 2023, Chapter 98

30 **59-14-807**, as last amended by Laws of Utah 2024, Chapter 470

31 **63I-1-226**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

32 **63I-2-259**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

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

35 Section 1. Section **26B-1-428** is amended to read:

36 **26B-1-428 . Youth Electronic Cigarette, Marijuana, and Other Drug Prevention**
37 **Committee and Program -- Creation -- Membership -- Duties.**

38 (1) As used in this section:

39 (a) "Committee" means the Youth Electronic Cigarette, Marijuana, and Other Drug
40 Prevention Committee created in Section 26B-1-204.

41 (b) "Program" means the Youth Electronic Cigarette, Marijuana, and Other Drug
42 Prevention Program created in this section.

43 (2)(a) There is created within the department the Youth Electronic Cigarette, Marijuana,
44 and Other Drug Prevention Program.

45 (b) In consultation with the committee, the department shall:

46 (i) establish guidelines for the use of funds appropriated to the program under
47 Subsection 59-14-807(3)(a)(vi);

48 (ii) ensure that guidelines developed under Subsection (2)(b)(i) are evidence-based
49 and appropriate for the population targeted by the program; and

50 (iii) subject to appropriations from the Legislature under Subsection
51 59-14-807(3)(a)(vi), fund statewide initiatives to prevent use of electronic
52 cigarettes, nicotine products, marijuana, and other drugs by youth.

53 (3)(a) The committee shall[-] :

54 (i) advise the department on:

55 [(i)] (A) preventing use of electronic cigarettes, marijuana, and other drugs by
56 youth in the state;

57 [(ii)] (B) developing the guidelines described in Subsection (2)(b)(i); and

58 [(iii)] (C) implementing the provisions of the program[-] ; and

59 (ii) meet quarterly or more frequently as determined necessary by the department's
60 designee under Subsection (3)(c)(ii).

61 (b) The executive director shall:

- 62 (i) appoint members of the committee; and
- 63 (ii) consult with the Utah Substance Use and Mental Health Advisory Committee
- 64 created in Section 26B-5-801 when making the appointments under Subsection
- 65 (3)(b)(i).
- 66 (c) The committee shall include, at a minimum:
- 67 (i) the executive director of a local health department as defined in Section 26A-1-102,
- 68 or the local health department executive director's designee;
- 69 (ii) one designee from the department;
- 70 (iii) one representative from the Department of Public Safety;
- 71 (iv) one representative from the behavioral health community; and
- 72 (v) one representative from the education community.
- 73 (d) A member of the committee may not receive compensation or benefits for the
- 74 member's service on the committee, but may receive per diem and travel expenses in
- 75 accordance with:
- 76 (i) Section 63A-3-106;
- 77 (ii) Section 63A-3-107; and
- 78 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 79 (e) The department shall provide staff support to the committee.
- 80 (4) On or before October 31 of each year, the department shall report to:
- 81 (a) the Health and Human Services Interim Committee regarding:
- 82 (i) the use of funds appropriated to the program;
- 83 (ii) the impact and results of the program, including the effectiveness of each
- 84 program funded under Subsection (2)(b)(iii), during the previous fiscal year;
- 85 (iii) a summary of the impacts and results on reducing youth use of electronic
- 86 cigarettes and nicotine products by entities represented by members of the
- 87 committee, including those entities who receive funding through the Electronic
- 88 Cigarette Substance and Nicotine Product Proceeds Restricted Account created in
- 89 Section 59-14-807; and
- 90 (iv) any recommendations for legislation; and
- 91 (b) the Utah Substance Use and Mental Health Advisory Committee created in Section
- 92 26B-5-801, regarding:
- 93 (i) the effectiveness of each program funded under Subsection (2)(b)(iii) in
- 94 preventing youth use of electronic cigarettes, nicotine products, marijuana, and
- 95 other drugs; and

- (ii) any collaborative efforts and partnerships established by the program with public and private entities to prevent youth use of electronic cigarettes, marijuana, and other drugs.

Section 2. Section 53G-10-407 is amended to read:

53G-10-407 . Positive behaviors plan -- Positive behaviors specialist stipend --

Reports.

(1) As used in this section:

(a) "Positive behaviors plan" means a plan to address the causes of student use of tobacco, alcohol, electronic cigarette products, and other controlled substances through promoting positive behaviors.

(b) "Positive behaviors specialist" means an individual designated to administer a positive behaviors plan.

(2)(a) A school principal shall:

(i) create a positive behaviors plan based on the input of students, parents, and staff; and

(ii) submit the positive behaviors plan to the LEA governing board for approval.

(b) A positive behaviors plan shall address issues including peer pressure, mental health, and creating meaningful relationships.

(c) A positive behaviors plan may include programs, clubs, service opportunities, and pro-social activities.

(3) Each LEA shall designate one or more employees as a positive behaviors specialist for each school to administer the positive behaviors plan.

(4)(a) ~~[Except as provided in -]~~ Subject to Subsection (4)(b) and Section 53F-2-525, the state board shall distribute annually to each school:

(i) \$3,000 as a stipend for the positive behaviors specialists; and

(ii) \$1,000 to administer the positive behaviors plan.

(b) Notwithstanding Subsection (4)(a), if funding is insufficient to cover the costs associated with ~~[stipends]~~ the distributions, the state board may reduce the amount ~~[of the stipend]~~ distributed.

(5)(a) A positive behaviors specialist shall annually submit a written report to the LEA governing board detailing how the positive behaviors plan was implemented in the prior year.

(b) Except as provided in Subsection 53F-2-525(5), an LEA governing board shall submit an annual report to the state board confirming that each school under the

governing board's jurisdiction has an approved positive behaviors plan.

Section 3. Section 59-14-807 is amended to read:

59-14-807 . Electronic Cigarette Substance and Nicotine Product Proceeds

Restricted Account.

(1) There is created within the General Fund a restricted account known as the "Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account."

(2) The Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account consists of:

(a) revenue collected from the tax imposed by Section 59-14-804;

(b) fees and penalties collected under Section 59-14-810;

(c) all money received by the attorney general or the Department of Commerce as a result of any judgment, settlement, or compromise of claims pertaining to alleged violations of law related to the manufacture, marketing, distribution, or sale of electronic cigarette products, as defined in Section 76-10-101:

(i) if the total amount of the judgment, settlement, or compromise received by the state exceeds \$1,000,000; and

(ii) after reimbursement to the attorney general and the Department of Commerce for expenses related to the matters described in this Subsection (2)(c); and

(d) amounts appropriated by the Legislature.

(3)(a) ~~[Før]~~ Subject to Subsections (3)(b) and (c), for each fiscal year and subject to appropriation by the Legislature, the Division of Finance shall distribute from the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account:

(i) \$2,000,000 to the Department of Health and Human Services for enforcement services aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette products, nicotine products, or other illegal controlled substances to minors, which the Department of Health and Human Services shall allocate to the local health departments using the formula created in accordance with Section 26A-1-116;

(ii) \$1,180,000 to the Department of Public Safety for law enforcement officers aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette products, nicotine products, and other illegal controlled substances to minors;

(iii) \$1,000,000 to the Department of Health and Human Services for enforcement services aimed at disrupting organizations and networks that provide tobacco

- 164 products, electronic cigarette products, nicotine products, and other illegal
165 controlled substances to minors;
- 166 (iv) \$3,000,000 to the Department of Health and Human Services for community
167 partner prevention programs, which the Department of Health and Human
168 Services shall allocate to the local health departments using the formula created in
169 accordance with Section 26A-1-116;
- 170 (v) \$1,000,000 to the Department of Health and Human Services for statewide
171 cessation programs and prevention education;
- 172 (vi) \$2,000,000 to the Department of Health and Human Services for alcohol,
173 tobacco, and other drug prevention, reduction, cessation, and control programs
174 that promote unified messages and make use of media outlets, including radio,
175 newspaper, billboards, and television; and
- 176 (vii) \$5,084,200 to the State Board of Education for school-based prevention
177 programs.
- 178 [(i) ~~\$2,000,000, which shall be allocated to the local health departments by the~~
179 ~~Department of Health and Human Services using the formula created in~~
180 ~~accordance with Section 26A-1-116;]~~
- 181 [(ii) ~~\$2,000,000 to the Department of Health and Human Services for statewide~~
182 ~~cessation programs and prevention education;]~~
- 183 [(iii) ~~\$1,180,000 to the Department of Public Safety for law enforcement officers~~
184 ~~aimed at disrupting organizations and networks that provide tobacco products,~~
185 ~~electronic cigarette products, nicotine products, and other illegal controlled~~
186 ~~substances to minors;]~~
- 187 [(iv) ~~\$3,000,000, which shall be allocated to the local health departments by the~~
188 ~~Department of Health and Human Services using the formula created in~~
189 ~~accordance with Section 26A-1-116;]~~
- 190 [(v) ~~\$5,084,200 to the State Board of Education for school-based prevention~~
191 ~~programs;]~~
- 192 [(vi) ~~\$2,000,000 to the Department of Health and Human Services for alcohol,~~
193 ~~tobacco, and other drug prevention, reduction, cessation, and control programs~~
194 ~~that promote unified messages and make use of media outlets, including radio,~~
195 ~~newspaper, billboards, and television; and]~~
- 196 [(vii)] (b) If the amount in the Electronic Cigarette Substance and Nicotine Product
197 Proceeds Restricted Account is insufficient to cover the distributions described in

Subsection (3)(a), the Division of Finance shall make the distributions under
Subsection (3)(a):

- (i) sequentially in the order of priority the distributions are listed under Subsection (3)(a);
- (ii) in full or, if insufficient funds are available to satisfy the next distribution in the sequence, in part; and
- (iii) until the available funds in the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account are exhausted.

(c) ~~[of the money deposited]~~ For each fiscal year and subject to appropriation by the Legislature, the Division of Finance shall distribute from the funds deposited under Section 59-14-810 into the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account:

- ~~[(A)]~~ (i) to the commission, in an amount equal to the amount necessary to create and maintain the registry described in Section 59-14-810;
- ~~[(B)]~~ (ii) to the Department of Health and Human Services, in an amount necessary for completing duties described in Section 59-14-810; and
- ~~[(C)]~~ (iii) to the Department of Health and Human Services, the remainder to be divided among the local health departments for inspection and enforcement described in Sections 26A-1-131 and 59-14-810.

~~[(b) If the amount in the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account is insufficient to cover the distributions described in Subsection (3)(a), the distribution amounts shall be adjusted proportionately.]~~

(4)(a) The local health departments shall use the money received in accordance with Subsection (3)(a) for enforcing:

- (i) the regulation provisions described in Section 26B-7-505;
- (ii) the labeling requirement described in Section 26B-7-505; and
- (iii) the penalty provisions described in Section 26B-7-518.

(b) The Department of Health and Human Services shall use the money received in accordance with ~~[Subsection (3)(a)(ii)]~~ Subsection (3)(a)(v) for the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program created in Section 26B-1-428.

(c) The local health departments shall use the money received in accordance with Subsection (3)(a)(iv) to issue grants under the Electronic Cigarette, Marijuana, and Other Drug Prevention Grant Program created in Section 26A-1-129.

- (d) The State Board of Education shall use the money received in accordance with Subsection ~~[(3)(a)(v)]~~ (3)(a)(vii) to distribute to local education agencies to pay for:
- (i)(A) stipends for positive behaviors specialists as described in Subsection 53G-10-407(4)(a)(i);
- (B) the cost of administering the positive behaviors plan as described in Subsection 53G-10-407(4)(a)(ii); and
- (C) the cost of implementing an Underage Drinking and Substance Abuse Prevention Program in grade 4 or 5, as described in Subsection 53G-10-406(3)(b); or
- (ii) a comprehensive prevention plan, as that term is defined in Section 53F-2-525.

(5)(a) The fund shall earn interest.

(b) All interest earned on fund money shall be deposited into the fund.

(6) Subject to legislative appropriations, funds remaining in the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account after the distribution described in Subsection (3) may only be used for:

(a) funding commission personnel to enforce compliance with the tax collection requirements of this part; and

(b) programs and activities related to the prevention and cessation of electronic cigarette, nicotine products, marijuana, and other drug use.

Section 4. Section **63I-1-226** is amended to read:

63I-1-226 . Repeal dates: Titles 26 through 26B.

(1) Subsection 26B-1-204(2)(g), regarding the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee, is repealed July 1, 2030.

~~[(1)]~~ (2) Subsection 26B-1-204(2)(h), regarding the Primary Care Grant Committee, is repealed July 1, 2025.

~~[(2)]~~ (3) Section 26B-1-315, Medicaid ACA Fund, is repealed July 1, 2034.

~~[(3)]~~ (4) Section 26B-1-318, Brain and Spinal Cord Injury Fund, is repealed July 1, 2029.

~~[(4)]~~ (5) Section 26B-1-402, Rare Disease Advisory Council Grant Program -- Creation -- Reporting, is repealed July 1, 2026.

~~[(5)]~~ (6) Section 26B-1-409, Utah Digital Health Service Commission -- Creation -- Membership -- Duties, is repealed July 1, 2025.

~~[(6)]~~ (7) Section 26B-1-410, Primary Care Grant Committee, is repealed July 1, 2025.

~~[(7)]~~ (8) Section 26B-1-416, Utah Children's Health Insurance Program Advisory Council, is repealed July 1, 2025.

266 ~~[(8)]~~ (9) Section 26B-1-417, Brain and Spinal Cord Injury Advisory Committee --
 267 Membership -- Duties, is repealed July 1, 2029.

268 ~~[(9)]~~ (10) Section 26B-1-422, Early Childhood Utah Advisory Council -- Creation --
 269 Compensation -- Duties, is repealed July 1, 2029.

270 ~~[(10)]~~ (11) Section 26B-1-425, Utah Health Workforce Advisory Council -- Creation and
 271 membership, is repealed July 1, 2027.

272 ~~[(11)]~~ (12) Section 26B-1-428, Youth Electronic Cigarette, Marijuana, and Other Drug
 273 Prevention Committee and Program -- Creation -- Membership -- Duties, is repealed
 274 July 1, ~~[2025]~~ 2030.

275 ~~[(12)]~~ (13) Section 26B-1-430, Coordinating Council for Persons with Disabilities -- Policy
 276 regarding services to individuals with disabilities -- Creation -- Membership --
 277 Expenses, is repealed July 1, 2027.

278 ~~[(13)]~~ (14) Section 26B-1-432, Newborn Hearing Screening Committee, is repealed July 1,
 279 2026.

280 ~~[(14)]~~ (15) Section 26B-2-407, Drinking water quality in child care centers, is repealed July
 281 1, 2027.

282 ~~[(15)]~~ (16) Subsection 26B-3-107(9), regarding reimbursement for dental hygienists, is
 283 repealed July 1, 2028.

284 ~~[(16)]~~ (17) Section 26B-3-136, Children's Health Care Coverage Program, is repealed July
 285 1, 2025.

286 ~~[(17)]~~ (18) Section 26B-3-137, Reimbursement for diabetes prevention program, is repealed
 287 June 30, 2027.

288 ~~[(18)]~~ (19) Subsection 26B-3-213(2)(b), regarding consultation with the Behavioral Health
 289 Crisis Response Committee, is repealed December 31, 2026.

290 ~~[(19)]~~ (20) Section 26B-3-302, DUR Board -- Creation and membership -- Expenses, is
 291 repealed July 1, 2027.

292 ~~[(20)]~~ (21) Section 26B-3-303, DUR Board -- Responsibilities, is repealed July 1, 2027.

293 ~~[(21)]~~ (22) Section 26B-3-304, Confidentiality of records, is repealed July 1, 2027.

294 ~~[(22)]~~ (23) Section 26B-3-305, Drug prior approval program, is repealed July 1, 2027.

295 ~~[(23)]~~ (24) Section 26B-3-306, Advisory committees, is repealed July 1, 2027.

296 ~~[(24)]~~ (25) Section 26B-3-307, Retrospective and prospective DUR, is repealed July 1, 2027.

297 ~~[(25)]~~ (26) Section 26B-3-308, Penalties, is repealed July 1, 2027.

298 ~~[(26)]~~ (27) Section 26B-3-309, Immunity, is repealed July 1, 2027.

299 ~~[(27)]~~ (28) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,

300 2034.

301 ~~[(28)]~~ (29) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is

302 repealed July 1, 2034.

303 ~~[(29)]~~ (30) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,

304 2028.

305 ~~[(30)]~~ (31) Section 26B-3-910, Alternative eligibility -- Report -- Alternative Eligibility

306 Expendable Revenue Fund, is repealed July 1, 2028.

307 ~~[(31)]~~ (32) Section 26B-4-710, Rural residency training program, is repealed July 1, 2025.

308 ~~[(32)]~~ (33) Subsection 26B-5-112(1)(b), regarding consultation with the Behavioral Health

309 Crisis Response Committee, is repealed December 31, 2026.

310 ~~[(33)]~~ (34) Subsection 26B-5-112(5)(b), regarding consultation with the Behavioral Health

311 Crisis Response Committee, is repealed December 31, 2026.

312 ~~[(34)]~~ (35) Section 26B-5-112.5, Mobile Crisis Outreach Team Grant Program, is repealed

313 December 31, 2026.

314 ~~[(35)]~~ (36) Section 26B-5-114, Behavioral Health Receiving Center Grant Program, is

315 repealed December 31, 2026.

316 ~~[(36)]~~ (37) Section 26B-5-118, Collaborative care grant program, is repealed December 31,

317 2024.

318 ~~[(37)]~~ (38) Section 26B-5-120, Virtual crisis outreach team grant program, is repealed

319 December 31, 2026.

320 ~~[(38)]~~ (39) Subsection 26B-5-609(1)(a), regarding the Behavioral Health Crisis Response

321 Committee, is repealed December 31, 2026.

322 ~~[(39)]~~ (40) Subsection 26B-5-609(3)(b), regarding the Behavioral Health Crisis Response

323 Committee, is repealed December 31, 2026.

324 ~~[(40)]~~ (41) Subsection 26B-5-610(1)(b), regarding the Behavioral Health Crisis Response

325 Committee, is repealed December 31, 2026.

326 ~~[(41)]~~ (42) Subsection 26B-5-610(2)(b)(ii), regarding the Behavioral Health Crisis Response

327 Committee, is repealed December 31, 2026.

328 ~~[(42)]~~ (43) Section 26B-5-612, Integrated behavioral health care grant programs, is repealed

329 December 31, 2025.

330 ~~[(43)]~~ (44) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed

331 July 1, 2029.

332 ~~[(44)]~~ (45) Subsection 26B-5-704(2)(a), regarding the Behavioral Health Crisis Response

333 Committee, is repealed December 31, 2026.

334 ~~[(45)]~~ (46) Subsection 26B-5-704(2)(b), regarding the Education and Mental Health
335 Coordinating Committee, is repealed December 31, 2024.

336 ~~[(46)]~~ (47) Title 26B, Chapter 5, Part 8, Utah Substance Use and Mental Health Advisory
337 Committee, is repealed January 1, 2033.

338 ~~[(47)]~~ (48) Section 26B-7-119, Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

339 ~~[(48)]~~ (49) Section 26B-7-122, Communication Habits to reduce Adolescent Threats Pilot
340 Program, is repealed July 1, 2029.

341 ~~[(49)]~~ (50) Section 26B-7-123, Report on CHAT campaign, is repealed July 1, 2029.

342 ~~[(50)]~~ (51) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
343 2026.

344 Section 5. Section **63I-2-259** is amended to read:

345 **63I-2-259 . Repeal dates: Title 59.**

346 (1) Subsection 59-7-610(8), regarding claiming a tax credit in the same taxable year as the
347 targeted business income tax credit, is repealed December 31, 2024.

348 (2) Subsection 59-7-614.10(5), regarding claiming a tax credit in the same taxable year as
349 the targeted business income tax credit, is repealed December 31, 2024.

350 (3) Section 59-7-624, Targeted business income tax credit, is repealed December 31, 2024.

351 (4) Subsection 59-10-210(2)(b)(vi), regarding Section 59-10-1112, is repealed December
352 31, 2024.

353 (5) Subsection 59-10-1007(8), regarding claiming a tax credit in the same taxable year as
354 the targeted business income tax credit, is repealed December 31, 2024.

355 (6) Subsection 59-10-1037(5), regarding claiming a tax credit in the same taxable year as
356 the targeted business income tax credit, is repealed December 31, 2024.

357 (7) Section 59-10-1112, Targeted business income tax credit, is repealed December 31,
358 2024.

359 (8) Subsections 59-14-807(3)(a)(iii) and (4)(b), regarding the Youth Electronic Cigarette,
360 Marijuana, and Other Drug Prevention Committee, are repealed July 1, 2030.

361 Section 6. **Effective Date.**

362 This bill takes effect on May 7, 2025.