

**Utah Substance Use and Mental Health
Advisory Committee (USAAV+)/Policy Review Committee**

**Tuesday, February 3, 2026, 11:00 - 1:00 p.m.
State Capitol Complex, East Senate Building
Commission on Criminal and Juvenile Justice large conference room, third floor**

Video call link: <https://meet.google.com/yii-hukf-dwg>
Or dial: (US) +1 442-600-4789 PIN: 166 961 261#

	Time/Presenter	Discussion Topics
1	11:00 - 11:05 pm: Patrick Fleming	Welcome: <ul style="list-style-type: none">• Introductions• Attendance and approval of January 27, 2026 meeting minutes<ul style="list-style-type: none">○ Minutes were approved during a roll call with 23 yes, 3 abstain (Rozanna-Benally-Sagg, Janae Duncan, Jace Jordan), and no oppose• Members present: Javier Alegre, Shane Bahr, Rozanna Benally-Sagg, Eric Tadehara, Susannah Burt, Jeremy Christensen, Jeannie Edens (proxy for Santiago Cortez), Jeremy Cottell, Janae Duncan, Rebecca Dutton, Patrick Fleming, Judge Dianna Gibson, Jessie Higgins (designee for April Graham), Marcie Gray, Robin Holcomb, Elizabeth Klc, Commissioner Patty Kubeja, VaRonica Little (designee for Shanel Long), Alyn Mitchell, Jennifer Mitchell, Kyla Clark (designee for Tonya Myrup), Dr. Gray Otis, Andrew Riggle, Lacey Singleton, Clarissa Stebbing, Kim Myers (designee for Dr. Mason Turner), Ross VanVranken, Senator Carlene Walker, Carla Wiese, Sgt. Chad Wilkins, Jace Jordan (designee for Erin Wynn)
2	11:05 - 12:50 pm: Patrick Fleming; Mia Nafziger	Review of 2026 legislative session bills: <ul style="list-style-type: none">• Kim Gibb, Clarissa Stebbing, and Judge Dianna Gibson will be abstaining from voting on all bills reviewed during the meeting. <p>HB 387 Kratom Modifications - This bill amends existing regulations for kratom, including increasing the minimum age for purchase to 21, and stipulates that the 2019 Kratom Consumer Protection Act becomes inoperative if all kratom alkaloids are</p>

considered controlled substances (SB 48). Effective

May 6, 2026. USAAV+ will continue to support in concept.

SB 118 Mental Health Services in Higher Education - S1 renames the program to "Coaching and Mental Health Counseling Grant." USAAV+ will continue to support in concept.

HB 100 Electroconvulsive Therapy Prohibition Amendments - Bill substitution prohibits ECT to minors under the age of 18, with an exception for catatonia. Committee members expressed concern that other exceptions weren't included. Physicians from the State Hospital and Intermountain Health have met with the sponsor. No changes to the bill came from these discussions.

Ross VanVranken will ask Dr. Jeremy Kendrick to call the sponsor.

Position statement: Electroconvulsive therapy is the gold standard treatment for very specific cases of serious mental illness, Youth under age 18 with these conditions should have access to this treatment within an appropriate informed consent process. Committee members ask that additional exceptions be added to the prohibition list to ensure youth with certain serious mental illnesses have access to this critical evidence-based treatment.

- Marcie Gray motions to request revisions
- Ross VanVranken seconds the motion
- No opposition

HB 337 Nicotine Product Tax Amendments - UPAC supports this bill. It will increase the tax by \$2.00/pack and on all cigarette products. "Moist products" (nicotine products) will move to a % based tax at 87% of manufacturer price. Modified risk products (FDA deems less harmful) are not included and will remain taxed at 56% of manufacturer price.

- Susannah motions to support
- Sgt. Wilkins seconds the motion
- No opposition

SSA Cuts -The Behavioral Health Commission has recommended that the Social Services Appropriation Subcommittee remove six proposed budget cuts: Lines 7, 25, 32, 110, 122, and 123. These cuts would effectively shut down Utah's county behavioral health system, close more than 60 beds at the State Hospital, and reduce access to behavioral health care by reducing provider compensation. The PRC voted to support the Commission's

position on these budget cuts. Eric Tadehara and other department officials formally stated that such a reduction would be detrimental to the state's behavioral health system, a sentiment echoed by Nathan Strait of the Utah Association of Counties. Numerous advocacy groups are now actively working to prevent these cuts from being enacted.

- Kim Myers motions to support the Commission recommendations on the budget cuts
- Susannah Burt seconds the motion
- No opposition

HB 301 Drug Recodification - The representative is expanding on a bill from last year. No major changes in the bill, it generally recodifies statute without changing actual policy. Santiago Cortez was concerned about a provision that could impact providers, but Elizabeth Klc clarified that this provision was already in statute and not an actual change. . Mia will follow up with Santiago Cortez. No position taken on the bill at this time.

HB 229 Restricted Account Modifications - UPAC is at a hold position and is following up with the sponsor. UPAC will share more information during the meeting next week on 2/10/26 to help USAAV+ determine a position.

HB 114 Controlled Substances Amendments and SB 83 Controlled Substance Scheduling Amendments -

Dr. Ben Lewis (psychiatrist at HMHI) and Gretchen Shaub joined the meeting to speak to the distinctions between HB 114 and SB 83.

The significant difference between SB 83 and SB 114 is specificity in scheduled drugs currently moving through FDA trials and approval. Both bills address the rescheduling of schedule I compounds, but SB 114 is specific to crystalline polymorph psilocybin, one pharmaceutical formulation.

SB 83 would allow any schedule I compounds that move through phase III trials, are FDA-approved, and are federally rescheduled to be automatically rescheduled to align with federal scheduling. The speakers preferred SB 83.

SB 83 Controlled Substance Scheduling Amendments -

- Dr. Gray Otis motions to support in concept
- Substitute motion from Ross VanVranken to support
- Patrick Fleming seconds motion to support

- No opposition

SB 114 Controlled Substances Amendments -

- Susannah Burt motions to hold
- Marcie Gray seconds the motion
- No opposition

Senator Carlene Walker recommends discussing with the sponsor. Mia and Megan will reach out to the sponsor and include Dr. Lewis to discuss if the bill is scheduled to be heard.

HB 221 Coercion Amendments -

Committee members would like to create a more specific definition of aiding and encouraging suicide. Committee members were concerned about the ongoing cognitive and social development of youth, and recognized that verbal lapses or impulsive remarks may not reflect a young person's long-term character. The committee is also interested in adding a provision that would spread awareness of the statutory change to deter these behaviors. CCJJ is in support of this bill.

- Susannah Burt motions to support in concept
- Lacey Singleton seconds the motion to support
- No opposition

Lacey Singleton, Jeremy Cottle, Kim Myers, and Dennis Cecchini would like to discuss the technical recommendations with the sponsor.

HB 230 Offender Amendments -

Requires helping individuals obtain an ID/driver's license, post incarceration housing, portal for attorney/client communication, drug test reporting with consent. CCJJ is in support of the bill.

USA AV+ is not going to take a position on the bill.

HB 254 Plea in Abeyance Amendments -

Modifies fees for plea in abeyance. The bill has large annual fiscal notes. The bill is not moving forward and has strong law enforcement opposition. The bill will be studied in the interim.

USA AV+ is not going to take a position on the bill.

HB 281 Worker's Compensation Cannabis Amendments -

Amends provisions on testing for cannabinoids from urine to a

blood test. Adds intoxication as THC or THC analog levels in blood in excess of 20 nanograms/ml. The bill includes a list of excluded substances.

USA AV+ will not take a position on the bill.

HB 295 Overdose Amendments -

Amends affirmative defense based on an overdose in cooperation with the Good Samaritan law. The sponsor had a working group with CCJJ and other experts to develop the bill. Would allow the charge to be dismissed if it were an individual's first offense and the person agrees to treatment. Prosecution and law enforcement have some concerns on "engagement" and what that means. No position taken by CCJJ at this time.

- Ross motions to support in concept
- Robin Holcomb seconds the motion
- No opposition

HB 308 Homeless Services Amendments - Amends the duties of the Office of Homeless Services and homeless services coordinator. Kim Myers shared that Fourth Street has been working with the sponsor on a substitute for the bill. USA AV+ will not take a position on the bill at this time.

HB 385 Nicotine Sale Amendments -

USA AV+ will wait to take a position. UPAC is reaching out to the sponsor for clarification. The committee will discuss it during the 2/10/2026 meeting.

HB 399 Primary and Secondary Education Amendments -

Committee members have reviewed HB 399 and are concerned with the far-reaching impacts of this bill on children and families in Utah.

1) HB399 would potentially remove or restrict mental health services, including education and screening, from schools. Suicide is the second leading cause of death for Utah children ages 10-17, and schools serve as a critical access point for mental health services for many Utah children.

2) Many terms within HB399 are not defined clearly (such as items in lines 273-288), which would lead to a wide array of interpretations, both by school employees and administrators, as well as parents, who would then be able to sue school districts should their interpretations differ.

3) The bill seems to conflict with several existing statutory requirements. For example, schools are statutorily required to provide underage drinking prevention programming, which includes items that the bill identifies as character education.

4) The bill would restrict the use of student surveys, which are a crucial tool for understanding youth behavioral health in Utah. Student responses provide schools and communities with valuable insights on their needs, and Utah already has robust protections in place around its surveys to ensure that parental rights are respected.

5) Clauses around private right of action could have significant costs for schools.

- Kim Myers motions to request revisions
- Jeannie Edens motions to second
- No opposition

The committee will reach out to the sponsor to discuss the ramifications and impacts on current programs, reporting, prevention, and educational programs. Must give justifications to not run the bill. Logan Reid from UPAC is going to follow up with the sponsor. Committee members should email Mia with specific service requests by EOD 2/3/26.

HB 402 EMS Controlled Substance Licensing Amendments -

USA AV+ will not take a position on the bill at this time.

SB 13 Statutorily Required Reports and Presentations

Amendments - Removes some requirements on reporting that is required annually for the legislature. CCJJ has around 40 reports they are required to provide annually. The information exists and is available, but won't be required to be provided to the Legislature to review.

- Jeannie Edens motions to support
- Liz Klc seconds the motion
- No opposition

SB 96 Opioid Fatality Review Amendments - Includes

clarifications on records, patient information, and the ability to review deaths under the medical examiner's jurisdiction. OME worked closely with the sponsor.

- Liz Klc motions to support
- Eric Tadehara seconds the motion

- No opposition

HB 106 School Attendance Changes - The bill's intent is to study the causes of chronic absenteeism. This is on hold so the sponsor can work with Sen. Fillmore who has a similar bill in place.

USA AV+ will not take a position on the bill at this time.

HJR 11 Joint Resolution Recognizing Neonatal Abstinence Syndrome - USA AV+ is going to hold the discussion until DHHS reviews the bill.

HB 71 Health Plan Provider Directory Amendments - USA AV+ supported in concept last week (1/27/26). The Behavioral Health Workforce Workgroup (BHWW) discussed the bill the next day and has several concerns about the risks it adds to providers. Around 25% of providers already do not take insurance and this could lead to more providers dropping insurance. Dr. Gray, Jessica Black, Sarah Stroup have spoken with the sponsor, but didn't seem to sway the sponsor. The sponsor would like providers to face some consequence other than being dropped from panels.

Ross VanVranken and Shawn McMillen will meet with the sponsor and USA AV+ will continue to support in concept.

HB 188 Juvenile Justice Amendments - Lacey Singleton checked in with the Juvenile Justice Oversight Committee, members provided studies that show nonjudicial adjustments are associated with lower recidivism rates for youth. Lacey will share the study information with Mia. The committee will discuss the bill again next week. There is an amendment to the bill in the works on the expungement language in the bill.

SB 174 Exercise of Religious Beliefs and Conscience Amendments - Ross VanVranken and Kim Myers met with the sponsor. The bill has a sub coming out and the sponsor thinks the committee will love it. USA AV+ will revisit the bill when the substitute is released.

SB 124 Child Welfare Modifications - This bill authorizes courts to issue an investigative warrant when a parent is being uncooperative. This will be added to the bill watch list. Charri Brummer shared that DCFS is tracking this bill. She noted that this type of warrant is already allowable, but this would codify the request.

3	12:50 - 1:00 pm: Patrick Fleming	<ul style="list-style-type: none">• Public comment• Adjourn
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Next Meeting: Tuesday, February 10, 2026 11 AM - 1 PM
State Capitol Complex, East Senate Building
Commission on Criminal and Juvenile Justice large conference room, third floor