

HB0496S01 compared with HB0496

~~{Omitted text}~~ shows text that was in HB0496 but was omitted in HB0496S01

inserted text shows text that was not in HB0496 but was inserted into HB0496S01

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1 Revisor's Technical Corrections to Utah Code

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson Moss

Senate Sponsor: Kirk A. Cullimore

3 LONG TITLE

4 General Description:

5 This bill makes technical corrections to the Utah Code.

6 Highlighted Provisions:

7 This bill:

8 ▶ modifies parts of the Utah Code to make technical corrections, including:

9 • eliminating or correcting references involving repealed provisions;

10 • eliminating redundant or obsolete language;

11 • making minor wording changes;

12 • updating cross-references; and

13 • correcting numbering and other errors; ~~{and}~~

14 ▶ amends the Sunset Act and the Repeal Dates by Title Act to ~~{:}~~ repeal sunset and repeal dates

that have passed and taken effect; and

15 • ~~{remove duplicated sections regarding the School Security Task Force; and}~~

16 • ~~{repeals sunset and repeal dates that have passed and taken effect.}~~

16 ▶

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adds a coordination clause to subordinate changes in this bill that are in conflict with other legislation during the 2025 General Session.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill provides a coordination clause.

23 **AMENDS:**

24 **4-41a-1001** , as last amended by Laws of Utah 2024, Chapters 217, 238 and 240 , as last amended
by Laws of Utah 2024, Chapters 217, 238 and 240

25 **9-9-104.6** , as last amended by Laws of Utah 2022, Chapter 245 , as last amended by Laws of
Utah 2022, Chapter 245

26 **15A-1-304** , as last amended by Laws of Utah 2024, Chapter 431 , as last amended by Laws of Utah
2024, Chapter 431

27 **17-27a-1204** , as enacted by Laws of Utah 2024, Chapter 431 , as enacted by Laws of Utah 2024,
Chapter 431

28 **17B-2a-602** , as last amended by Laws of Utah 2023, Chapter 15 , as last amended by Laws of Utah
2023, Chapter 15

29 **17B-2a-1003** , as last amended by Laws of Utah 2023, Chapter 15 , as last amended by Laws of
Utah 2023, Chapter 15

30 **26B-1-213** , as renumbered and amended by Laws of Utah 2022, Chapter 255 , as renumbered and
amended by Laws of Utah 2022, Chapter 255

31 **26B-1-410** , as renumbered and amended by Laws of Utah 2023, Chapter 305 , as renumbered and
amended by Laws of Utah 2023, Chapter 305

32 **26B-2-101** , as last amended by Laws of Utah 2024, Chapters 240, 267, 307, and 438 , as last
amended by Laws of Utah 2024, Chapters 240, 267, 307, and 438

33 **26B-2-120** , as last amended by Laws of Utah 2024, Chapter 234 , as last amended by Laws of Utah
2024, Chapter 234

34 **26B-2-309** , as renumbered and amended by Laws of Utah 2023, Chapter 305 , as renumbered and
amended by Laws of Utah 2023, Chapter 305

35 **26B-4-245** , as last amended by Laws of Utah 2024, Chapters 217, 240 , as last amended by Laws of
Utah 2024, Chapters 217, 240

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- 36 **26B-5-331** , as last amended by Laws of Utah 2024, Chapter 299 , as last amended by Laws of Utah
2024, Chapter 299
- 37 **26B-6-201** , as last amended by Laws of Utah 2024, Chapter 364 , as last amended by Laws of Utah
2024, Chapter 364
- 38 **35A-8-302** , as last amended by Laws of Utah 2021, Chapter 339 , as last amended by Laws of Utah
2021, Chapter 339
- 39 **40-11-16** , as last amended by Laws of Utah 2024, Chapter 79 , as last amended by Laws of Utah
2024, Chapter 79
- 40 **53-2a-1102** , as last amended by Laws of Utah 2023, Chapters 34, 471 , as last amended by Laws of
Utah 2023, Chapters 34, 471
- 41 **53-2d-101** , as last amended by Laws of Utah 2024, Chapters 147, 438 and 506 , as last amended by
Laws of Utah 2024, Chapters 147, 438 and 506
- 42 **53E-3-301** , as last amended by Laws of Utah 2019, Chapters 186, 324 , as last amended by Laws of
Utah 2019, Chapters 186, 324
- 43 **53G-6-1004** , as last amended by Laws of Utah 2024, Chapter 524 , as last amended by Laws of
Utah 2024, Chapter 524
- 44 **58-11a-102** , as last amended by Laws of Utah 2024, Chapter 479 , as last amended by Laws of
Utah 2024, Chapter 479
- 45 **59-2-1804** , as last amended by Laws of Utah 2023, Chapter 354 , as last amended by Laws of Utah
2023, Chapter 354
- 46 **59-2-1901** , as last amended by Laws of Utah 2023, Chapters 329, 461 , as last amended by Laws of
Utah 2023, Chapters 329, 461
- 47 **59-12-102** , as last amended by Laws of Utah 2024, Chapter 274 , as last amended by Laws of Utah
2024, Chapter 274
- 48 **59-12-702** , as last amended by Laws of Utah 2024, Chapter 270 , as last amended by Laws of Utah
2024, Chapter 270
- 49 **63C-18-203** , as last amended by Laws of Utah 2024, Chapters 245, 250 , as last amended by Laws
of Utah 2024, Chapters 245, 250
- 50 **63G-3-503** , as enacted by Laws of Utah 2024, Chapter 178 , as enacted by Laws of Utah 2024,
Chapter 178

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- 63I-1-226 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 52 63I-1-241 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 53 63I-1-253 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 54 63I-1-263 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 4 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 4
- 55 63I-1-267 , as last amended by Laws of Utah 2024, Chapter 385 , as last amended by Laws of Utah 2024, Chapter 385
- 56 63I-2-204 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 57 63I-2-207 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 58 63I-2-209 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 59 63I-2-213 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 60 63I-2-219 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 61 63I-2-223 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 62 63I-2-226 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 63 63I-2-232 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 64 63I-2-235 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 65 63I-2-236 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
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- 63I-2-253 , as last amended by Laws of Utah 2024, Third Special Session, Chapters 5, 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapters 5, 5
- 67 63I-2-258 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 68 63I-2-259 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 69 63I-2-263 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 70 63I-2-272 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 71 63I-2-278 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 72 63I-2-279 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 73 63O-1-101 , as enacted by Laws of Utah 2024, Chapter 425 , as enacted by Laws of Utah 2024, Chapter 425
- 74 65A-5-1 , as last amended by Laws of Utah 2024, Chapter 25 , as last amended by Laws of Utah 2024, Chapter 25
- 75 67-22-2 , as last amended by Laws of Utah 2024, Chapter 522 , as last amended by Laws of Utah 2024, Chapter 522
- 76 73-2-1.6 , as last amended by Laws of Utah 2024, Chapter 154 , as last amended by Laws of Utah 2024, Chapter 154
- 77 73-10-18 , as last amended by Laws of Utah 2024, Chapter 522 , as last amended by Laws of Utah 2024, Chapter 522
- 78 76-5-404.3 , as last amended by Laws of Utah 2024, Chapter 97 , as last amended by Laws of Utah 2024, Chapter 97
- 79 77-11b-104 , as enacted by Laws of Utah 2023, Chapter 448 , as enacted by Laws of Utah 2023, Chapter 448
- 80 77-11c-402 , as renumbered and amended by Laws of Utah 2023, Chapter 448 , as renumbered and amended by Laws of Utah 2023, Chapter 448
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77-36-1 , as last amended by Laws of Utah 2024, Chapter 366 , as last amended by Laws of Utah 2024, Chapter 366

82 77-40a-303 , as last amended by Laws of Utah 2024, Chapter 180 , as last amended by Laws of Utah 2024, Chapter 180

83 78A-6-103 , as last amended by Laws of Utah 2024, Chapter 366 , as last amended by Laws of Utah 2024, Chapter 366

84 78B-5-618 , as last amended by Laws of Utah 2024, Chapter 306 , as last amended by Laws of Utah 2024, Chapter 306

85 78B-6-501 , as last amended by Laws of Utah 2024, Chapters 25, 350 , as last amended by Laws of Utah 2024, Chapters 25, 350

86 78B-7-805 , as last amended by Laws of Utah 2024, Chapter 240 , as last amended by Laws of Utah 2024, Chapter 240

87 80-6-601 , as renumbered and amended by Laws of Utah 2021, Chapter 261 , as renumbered and amended by Laws of Utah 2021, Chapter 261

88 80-7-105 , as renumbered and amended by Laws of Utah 2021, Chapter 261 , as renumbered and amended by Laws of Utah 2021, Chapter 261

89 REPEALS:

90 26-29-2 , as last amended by Laws of Utah 2001, Chapter 73 , as last amended by Laws of Utah 2001, Chapter 73

91 26-29-3 , as last amended by Laws of Utah 2022, Chapter 421 , as last amended by Laws of Utah 2022, Chapter 421

92 26-29-4 , as last amended by Laws of Utah 2023, Chapter 369 , as last amended by Laws of Utah 2023, Chapter 369

93 **26B-1-305 , as enacted by Laws of Utah 2022, Chapter 255 , as enacted by Laws of Utah 2022, Chapter 255**

94 **Utah Code Sections affected by Coordination Clause:**

95

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

97 Section 1. Section **4-41a-1001** is amended to read:

98 **4-41a-1001. Medical cannabis pharmacy -- License -- Eligibility.**

95 (1) A person may not:

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- 96 (a) operate as a medical cannabis pharmacy without a license that the department issues under this part;
- 98 (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the person to exceed the pharmacy ownership limit;
- 100 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the partial ownership share would cause the person to exceed the pharmacy ownership limit; or
- 103 (d) enter into any contract or agreement that allows the person to directly or indirectly control the operations of a medical cannabis pharmacy if the person's control of the medical cannabis pharmacy would cause the person to effectively exceed the pharmacy ownership limit.
- 107 (2)
- (a)
- (i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the department shall issue a license to operate a medical cannabis pharmacy through the licensing board created under Section 4-41a-201.1.
- 110 (ii) The department may not issue a license to operate a medical cannabis pharmacy to an applicant who is not eligible for a license under this section.
- 112 (b) An applicant is eligible for a license under this section if the applicant submits to the department:
- 114 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will operate the medical cannabis pharmacy;
- 116 (ii) the name and address of an individual who:
- 117 (A) for a publicly traded company, has a financial or voting interest of 10% or greater in the proposed medical cannabis pharmacy;
- 119 (B) for a privately held company, a financial or voting interest in the proposed medical cannabis pharmacy; or
- 121 (C) has the power to direct or cause the management or control of a proposed medical cannabis pharmacy;
- 123 (iii) for each application that the applicant submits to the department, a statement from the applicant that the applicant will obtain and maintain:
- 125 (A) a performance bond in the amount of \$100,000 issued by a surety authorized to transact surety business in the state; or
- 127 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
- 128 (iv) an operating plan that:

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- 129 (A) complies with Section 4-41a-1004;
- 130 (B) includes operating procedures to comply with the operating requirements for a medical cannabis
pharmacy described in this part and with a relevant municipal or county law that is consistent with
Section 4-41a-1106; and
- 133 (C) the department approves;
- 134 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in
accordance with Section 63J-1-504; and
- 136 (vi) a description of any investigation or adverse action taken by any licensing jurisdiction, government
agency, law enforcement agency, or court in any state for any violation or detrimental conduct in
relation to any of the applicant's cannabis-related operations or businesses.
- 140 (c)
- (i) A person may not locate a medical cannabis pharmacy:
- 141 (A) within 200 feet of a community location; or
- 142 (B) in or within 600 feet of a district that the relevant municipality or county has zoned as primarily
residential.
- 144 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured from the nearest
entrance to the medical cannabis pharmacy establishment by following the shortest route of ordinary
pedestrian travel to the property boundary of the community location or residential area.
- 148 (iii) The department may grant a waiver to reduce the proximity requirements in Subsection (2)(c)
(i) by up to 20% if the department determines that it is not reasonably feasible for the applicant to
[eite] site the proposed medical cannabis pharmacy without the waiver.
- 152 (iv) An applicant for a license under this section shall provide evidence of compliance with the
proximity requirements described in Subsection (2)(c)(i).
- 154 (d) The department may not issue a license to an eligible applicant that the department has selected
to receive a license until the selected eligible applicant complies with the bond or liquid cash
requirement described in Subsection (2)(b)(iii).
- 157 (e) If the department receives more than one application for a medical cannabis pharmacy within the
same city or town, the department shall consult with the local land use authority before approving
any of the applications pertaining to that city or town.

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- (f) In considering the issuance of a medical cannabis pharmacy license under this section, the department may consider the extent to which the pharmacy can increase efficiency and reduce cost to patients of medical cannabis.
- 164 (3) If the department selects an applicant for a medical cannabis pharmacy license under this section, the department shall:
- 166 (a) charge the applicant an initial license fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
- 168 (b) notify the Department of Public Safety of the license approval and the names of each individual described in Subsection (2)(b)(ii); and
- 170 (c) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504, for any change in location, ownership, or company structure.
- 173 (4) The department may not issue a license to operate a medical cannabis pharmacy to an applicant if an individual described in Subsection (2)(b)(ii):
- 175 (a) has been convicted under state or federal law of:
- 176 (i) a felony in the preceding 10 years; or
- 177 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 178 (b) is younger than 21 years old; or
- 179 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 180 (5)
- (a) If an applicant for a medical cannabis pharmacy license under this section holds another license under this chapter, the department may not give preference to the applicant based on the applicant's status as a holder of the license.
- 183 (b) If an applicant for a medical cannabis pharmacy license under this section holds a license to operate a cannabis cultivation facility under this section, the department may give consideration to the applicant's status as a holder of the license if:
- 186 (i) the applicant demonstrates that a decrease in costs to patients is more likely to result from the applicant's vertical integration than from a more competitive marketplace; and
- 189 (ii) the department finds multiple other factors, in addition to the existing license, that support granting the new license.
- 191 (6) The licensing board may revoke a license under this part:
- 192

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- (a) if the medical cannabis pharmacy does not begin operations within one year after the day on which the department issues an announcement of the department's intent to award a license to the medical cannabis pharmacy;
- 195 (b) after the third the same violation of this chapter in any of the licensee's licensed cannabis production establishments or medical cannabis pharmacies;
- 197 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is active, under state or federal law of:
- 199 (i) a felony; or
- 200 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 201 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at the time of application, or fails to supplement the information described in Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the application within 14 calendar days after the licensee receives notice of the investigation or adverse action;
- 206 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the requirements of this chapter or the rules the department makes in accordance with this chapter;
- 209 (f) if, after a change of ownership described in Subsection (11)(c), the department determines that the medical cannabis pharmacy no longer meets the minimum standards for licensure and operation of the medical cannabis pharmacy described in this chapter; or
- 213 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in accordance with Title 63G, Chapter 4, Administrative Procedures Act, the board finds that the licensee has participated in anticompetitive business practices.
- 216 (7)
- (a) A person who receives a medical cannabis pharmacy license under this chapter, if the municipality or county where the licensed medical cannabis pharmacy will be located requires a local land use permit, shall submit to the department a copy of the licensee's approved application for the land use permit within 120 days after the day on which the department issues the license.
- 221 (b) If a licensee fails to submit to the department a copy the licensee's approved land use permit application in accordance with Subsection (7)(a), the department may revoke the licensee's license.
- 224 (8) The department shall deposit the proceeds of a fee imposed by this section into the Qualified Production Enterprise Fund.
- 226 (9) The department shall begin accepting applications under this part on or before March 1, 2020.

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- 228 (10)
- (a) The department's authority to issue a license under this section is plenary and is not subject to review.
- 230 (b) Notwithstanding Subsection (2), the decision of the department to award a license to an applicant is not subject to:
- 232 (i) Title 63G, Chapter 6a, Part 16, Protests; or
- 233 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 234 (11)
- (a) A medical cannabis pharmacy license is not transferrable or assignable.
- 235 (b) A medical cannabis pharmacy shall report in writing to the department no later than 10 business days before the date of any change of ownership of the medical cannabis pharmacy.
- 238 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
- 239 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection (2)(c);
- 242 (ii) within 30 days of the submission of the application, the department shall:
- 243 (A) conduct an application review; and
- 244 (B) award a license to the medical cannabis pharmacy for the remainder of the term of the medical cannabis pharmacy's license before the ownership change if the medical cannabis pharmacy meets the minimum standards for licensure and operation of the medical cannabis pharmacy described in this chapter; and
- 248 (iii) if the department approves the license application, notwithstanding Subsection (3), the medical cannabis pharmacy shall pay a license fee that the department sets in accordance with Section 63J-1-504 in an amount that covers the department's cost of conducting the application review.

256 Section 2. Section 9-9-104.6 is amended to read:

257 **9-9-104.6. Participation of state agencies in meetings with tribal leaders -- Contact information.**

- 259 (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the division shall coordinate with representatives of tribal governments and the entities listed in Subsection (2) to provide for the broadest participation possible in the joint meetings.
- 263 (2) The following may participate in all meetings described in Subsection (1):
- 264 (a) the chairs of the Native American Legislative Liaison Committee created in Section 36-22-1;

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- 266 (b) the governor or the governor's designee;
- 267 [~~(e)~~ the American Indian-Alaska Native Health Liaison appointed in accordance with Section
26B-1-305;]
- 269 [~~(d)~~ (c) the American Indian-Alaska Native Public Education Liaison appointed in accordance with
Section 53F-5-604; and
- 271 [~~(e)~~ (d) a representative appointed by the chief administrative officer of the following:
- 272 (i) the Department of Health and Human Services;
- 273 (ii) the Department of Natural Resources;
- 274 (iii) the Department of Workforce Services;
- 275 (iv) the Governor's Office of Economic Opportunity;
- 276 (v) the State Board of Education; and
- 277 (vi) the Utah Board of Higher Education.
- 278 (3)
- (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:
- 279 (i) designate the name of a contact person for that agency that can assist in coordinating the efforts
of state and tribal governments in meeting the needs of the Native Americans residing in the
state; and
- 282 (ii) notify the division:
- 283 (A) who is the designated contact person described in Subsection (3)(a)(i); and
- 284 (B) of any change in who is the designated contact person described in Subsection (3)(a)(i).
- 286 (b) This Subsection (3) applies to:
- 287 (i) the Department of Agriculture and Food;
- 288 (ii) the Department of Cultural and Community Engagement;
- 289 (iii) the Department of Corrections;
- 290 (iv) the Department of Environmental Quality;
- 291 (v) the Department of Public Safety;
- 292 (vi) the Department of Transportation;
- 293 (vii) the Office of the Attorney General;
- 294 (viii) the State Tax Commission; and
- 295 (ix) any agency described in Subsections (2)(c) through [~~(e)~~] (d).
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(c) At the request of the division, a contact person listed in Subsection [~~(3)(b)~~] (3)(a)(i) may participate in a meeting described in Subsection (1).

298 (4)

(a) A participant under this section who is not a legislator may not receive compensation or benefits for the participant's service, but may receive per diem and travel expenses as allowed in:

301 (i) Section 63A-3-106;

302 (ii) Section 63A-3-107; and

303 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

305 (b) Compensation and expenses of a participant who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

308 Section 3. Section **15A-1-304** is amended to read:

309 **15A-1-304. Modular units.**

Modular unit construction, installation, issuance of permits for construction or installation, and setup shall be in accordance with the following:

256 (1) Construction, installation, and setup of a modular unit, module, or panelized system shall be in accordance with the State Construction Code.

258 (2) A local regulator has the responsibility and exclusive authority to:

259 (a) review and approve the elements of construction documents related to onsite construction;

261 (b) issue a permit for construction of a modular building unit or a modular building unit site modification;

263 (c) perform an inspection of onsite construction of a modular building unit or modular building unit site modification;

265 (d) verify that a module or panelized system is installed in accordance with:

266 (i) the modular unit's construction documents;

267 (ii) the State Construction Code; and

268 (iii) applicable state and local requirements;

269 (e) verify that a decal has been permanently affixed to a modular building unit;

270 (f) subject to Subsection (3), establish and assess fees related to the construction and installation of modular units;

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- (g) upon discovery of visible damage to a module or panelized system, or discovery of evidence that would cause a reasonable inspector to believe that a modular building unit may not be in compliance with the State Construction Code or construction documents:
- 276 (i) inform the Division of Facilities Construction and Management; and
- 277 (ii) proceed in accordance with the guidance in Modular Building Institute Standards 1200 and 1205;
- 279 (h) approve any proposed alteration or change to a set of construction documents so long as the alteration or change complies with the requirements of this chapter;
- 281 (i) inspect any alteration to a modular unit or panelized system that occurred after installation;
- 283 (j) notwithstanding any other provision of state law, the construction code and standards, agency rule, or local ordinance:
- 285 (i) prevent the use or occupancy of a modular building unit that, in the opinion of the local regulator, contains a serious defect or presents an imminent safety hazard; and
- 288 (ii) report the prevention of use or occupancy of a modular building unit to the Division of Facilities Construction and Management and the division; and
- 290 (k) perform all other duties and responsibilities set forth in the Modular Building Institute Standards 1200 and 1205 not otherwise listed in this section.
- 292 (3) Fees related to the construction and installation of modular building units may include building permit fees, inspection fees, impact fees, and administrative fees.
- 294 (4)
- (a) In addition to any immunity and protections set forth in the Utah Governmental Immunity Act, a municipality [~~shall not be~~] is not liable for a claim arising solely from the offsite construction of a module, panelized system, or modular building unit.
- 297 (b) A local regulator may provide written notice with the certificate of occupancy that explains the municipality's limitations of liability pursuant to this section and the Utah Governmental Immunity Act.
- 300 (5) An inspection of the construction, modification of, or setup of a modular unit shall conform with this chapter.
- 302 (6) A local regulator has the responsibility to issue an approval for the political subdivision in which a modular unit is to be setup or is setup.
- 304 (7) Nothing in this section precludes:
- 305

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- (a) a local regulator from contracting with a qualified third party to act as its designee for the inspection or plan review provided in this section; or
- (b) the state from entering into an interstate compact for third party inspection of the construction of a modular unit.

Section 4. Section **17-27a-1204** is amended to read:

17-27a-1204. Notification prior to creation of a home ownership promotion zone.

- (1)
 - (a) As used in this section, "hearing" means a public meeting in which the legislative body of a county:
 - (i) considers a resolution creating a home ownership promotion zone; and
 - (ii) takes public comment on a proposed home ownership promotion zone.
 - (b) A hearing under this section may be combined with any other public meeting of a legislative body of a county.
- (2) Before a county creates a home ownership promotion zone as described in Section ~~[17-27a-1002]~~ 17-27a-1202, it shall provide notice of a hearing as described in this section.
- (3) The notice required by Subsection (2) shall be given by:
 - (a) publishing notice for the county, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the legislative body of the county intends to have a hearing;
 - (b) at least 30 days before the hearing, mailing notice to:
 - (i) each record owner of property located within the proposed home ownership promotion zone;
 - (ii) the State Tax Commission; and
 - (iii)
 - (A) if the proposed home ownership promotion zone is subject to a taxing entity committee, each member of the taxing entity committee and the State Board of Education; or
 - (B) if the proposed home ownership promotion zone is not subject to a taxing entity committee, the legislative body or governing board of each taxing entity within the boundaries of the proposed home ownership promotion zone.
- (4) The mailing of the notice to record property owners required under Subsection (3)(b) shall be conclusively considered to have been properly completed if:
 - (a) the county mails the notice to the property owners as shown in the records, including an electronic database, of the county recorder's office and at the addresses shown in those records; and

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- (b) the county recorder's office records used by the agency in identifying owners to whom the notice is mailed and their addresses were obtained or accessed from the county recorder's office no earlier than 30 days before the mailing.
- 342 (5) The county shall include in each notice required under this section:
- 343 (a)
- (i) a boundary description of the proposed home ownership promotion zone; or
- 344 (ii)
- (A) a mailing address or telephone number where a person may request that a copy of the boundary description of the proposed home ownership promotion zone be sent at no cost to the person by mail, email, or facsimile transmission; and
- 348 (B) if the agency or community has an Internet website, an Internet address where a person may gain access to an electronic, printable copy of the boundary description of the proposed home ownership promotion zone;
- 351 (b) a map of the boundaries of the proposed home ownership promotion zone;
- 352 (c) an explanation of the purpose of the hearing; and
- 353 (d) a statement of the date, time, and location of the hearing.
- 354 (6) The county shall include in each notice under Subsection (3)(b):
- 355 (a) a statement that property tax revenue resulting from an increase in valuation of property within the proposed home ownership promotion zone will be paid to the county for proposed home ownership promotion zone development rather than to the taxing entity to which the tax revenue would otherwise have been paid; and
- 359 (b) an invitation to the recipient of the notice to submit to the county comments concerning the subject matter of the hearing before the date of the hearing.
- 361 (7) A county may include in a notice under Subsection (2) any other information the county considers necessary or advisable, including the public purpose achieved by the proposed home ownership promotion zone.

420 Section 5. Section **17B-2a-602** is amended to read:

421 **17B-2a-602. Provisions applicable to metropolitan water districts.**

- 366 (1) Each metropolitan water district is governed by and has the powers stated in:
- 367 (a) this part; and
- 368 (b) Chapter 1, Provisions Applicable to All Special Districts.

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- 369 (2) This part applies only to metropolitan water districts.
- 370 (3) A metropolitan water district is not subject to the provisions of any other part of this chapter.
- 372 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All Special Districts,
and a provision in this part, the provision in this part governs.
- 374 [~~(5) Before September 30, 2019, a metropolitan water district shall submit a written report to the
Revenue and Taxation Interim Committee that describes, for the metropolitan water district's fiscal
year that ended in 2018, the percentage and amount of revenue in the metropolitan water district
from:~~]
- 378 [~~(a) property taxes;~~]
- 379 [~~(b) water rates; and~~]
- 380 [~~(c) all other sources.~~]
- 437 Section 6. Section **17B-2a-1003** is amended to read:
- 438 **17B-2a-1003. Provisions applicable to water conservancy districts.**
- 383 (1) Each water conservancy district is governed by and has the powers stated in:
- 384 (a) this part; and
- 385 (b) Chapter 1, Provisions Applicable to All Special Districts.
- 386 (2) This part applies only to water conservancy districts.
- 387 (3) A water conservancy district is not subject to the provisions of any other part of this chapter.
- 389 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All Special Districts,
and a provision in this part, the provision in this part governs.
- 391 [~~(5) Before September 30, 2019, a water conservancy district shall submit a written report to the
Revenue and Taxation Interim Committee that describes, for the water conservancy district's fiscal
year that ended in 2018, the percentage and amount of revenue in the water conservancy district
from:~~]
- 395 [~~(a) property taxes;~~]
- 396 [~~(b) water rates; and~~]
- 397 [~~(c) all other sources.~~]
- 454 Section 7. Section **26B-1-213** is amended to read:
- 455 **26B-1-213. Department and committee rules and proceedings.**
- 400 (1)

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- (a) Except in areas [-]subject to concurrence between the department and a committee created under this title[, Title 26, Utah Health Code, or Title 62A, Utah Human Services Code], the department shall have the power to adopt, amend, or rescind rules necessary to carry out the provisions of this title.
- 404 (b) If the adoption of rules under a provision of this title is subject to concurrence between the department and a committee created under this title and no concurrence can be reached, the department has final authority to adopt, amend, or rescind rules necessary to carry out the provisions of this title.
- 408 (c) When the provisions of this title require concurrence between the department and a committee created under this title:
- 410 (i) the department shall report to and update the committee on a regular basis related to matters requiring concurrence; and
- 412 (ii) the committee shall review the report submitted by the department under this Subsection (1)(c) and shall:
- 414 (A) concur with the report; or
- 415 (B) provide a reason for not concurring with the report and provide an alternative recommendation to the department.
- 417 (2) Rules shall have the force and effect of law and may deal with matters which materially affect the security of health or the preservation and improvement of public health in the state, and any matters as to which jurisdiction is conferred upon the department by this title.
- 421 (3) Every rule adopted by the department, or [-]by the concurrence of the department and a committee established under Section 26B-1-204, is subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and is effective at the time and in the manner provided in that act.
- 425 (4) If, at the next general session of the Legislature following the filing of a rule with the legislative research director, the Legislature passes a bill disapproving such rule, the rule shall be null and void.
- 428 (5) The department, or the department in concurrence with a committee created under Section 26B-1-204, may not adopt a rule identical to a rule disapproved under Subsection (4) of this section before the beginning of the next general session of the Legislature following the general session at which the rule was disapproved.
- 432 (6) The department and all committees, boards, divisions, and offices created under this title[, Title 26, Utah Health Code, or Title 62A, Utah Human Services Code,] shall comply with the procedures

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and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in any adjudicative proceedings.

436 (7)

(a) The department may hold hearings, administer oaths, subpoena witnesses, and take testimony in matters relating to the exercise and performance of the powers and duties vested in or imposed upon the department.

439 (b) The department may, at the department's sole discretion, contract with any other agency or department of the state to conduct hearings in the name of the department.

497 Section 8. Section **26B-1-410** is amended to read:

498 **26B-1-410. Primary Care Grant Committee.**

443 (1) As used in this section:

444 (a) "Committee" means the Primary Care Grant Committee created in Subsection (2).

445 (b) "Program" means the Primary Care Grant Program described in Sections 26B-4-310 and 26B-4-313.

447 (2) There is created the Primary Care Grant Committee.

448 (3) The committee shall:

449 (a) review grant applications forwarded to the committee by the department under Subsection 26B-4-312(1);

451 (b) recommend, to the executive director, grant applications to award under Subsection 26B-4-310(1);

453 (c) evaluate:

454 (i) the need for primary health care as defined in Section [~~26B-4-325~~] 26B-4-301 in different areas of the state;

456 (ii) how the program is addressing those needs; and

457 (iii) the overall effectiveness and efficiency of the program;

458 (d) review annual reports from primary care grant recipients;

459 (e) meet as necessary to carry out its duties, or upon a call by the committee chair or by a majority of committee members; and

461 (f) make rules, with the concurrence of the department, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that govern the committee, including the committee's grant selection criteria.

464 (4) The committee shall consist of:

465 (a) as chair, the executive director or an individual designated by the executive director; and

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- 467 (b) six members appointed by the governor to serve up to two consecutive, two-year terms of office,
including:
- 469 (i) four licensed health care professionals; and
- 470 (ii) two community advocates who are familiar with a medically underserved population as defined in
Section [~~26B-4-325~~] 26B-4-301 and with health care systems, where at least one is familiar with a
rural medically underserved population.
- 474 (5) The executive director may remove a committee member:
- 475 (a) if the member is unable or unwilling to carry out the member's assigned responsibilities; or
- 477 (b) for a rational reason.
- 478 (6) A committee member may not receive compensation or benefits for the member's service, except
a committee member who is not an employee of the department may receive per diem and travel
expenses in accordance with:
- 481 (a) Section 63A-3-106;
- 482 (b) Section 63A-3-107; and
- 483 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- 541 Section 9. Section **26B-2-101** is amended to read:
- 542 **26B-2-101. Definitions.**
- As used in this part:
- 488 (1) "Adoption services" means the same as that term is defined in Section 80-2-801.
- 489 (2) "Adult day care" means nonresidential care and supervision:
- 490 (a) for three or more adults for at least four but less than 24 hours a day; and
- 491 (b) that meets the needs of functionally impaired adults through a comprehensive program that provides
a variety of health, social, recreational, and related support services in a protective setting.
- 494 (3) "Applicant" means a person that applies for an initial license or a license renewal under this part.
- 496 (4)
- (a) "Associated with the licensee" means that an individual is:
- 497 (i) affiliated with a licensee as an owner, director, member of the governing body, employee, agent,
provider of care, department contractor, or volunteer; or
- 499 (ii) applying to become affiliated with a licensee in a capacity described in Subsection (4)(a)(i).
- 501 (b) "Associated with the licensee" does not include:
- 502

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- (i) service on the following bodies, unless that service includes direct access to a child or a vulnerable adult:
 - 504 (A) a local mental health authority described in Section 17-43-301;
 - 505 (B) a local substance abuse authority described in Section 17-43-201; or
 - 506 (C) a board of an organization operating under a contract to provide mental health or substance use programs, or services for the local mental health authority or substance abuse authority; or
- 509 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly supervised at all times.
- 511 (5)
 - (a) "Boarding school" means a private school that:
 - 512 (i) uses a regionally accredited education program;
 - 513 (ii) provides a residence to the school's students:
 - 514 (A) for the purpose of enabling the school's students to attend classes at the school; and
 - 516 (B) as an ancillary service to educating the students at the school;
 - 517 (iii) has the primary purpose of providing the school's students with an education, as defined in Subsection (5)(b)(i); and
 - 519 (iv)
 - (A) does not provide the treatment or services described in Subsection (40)(a); or
 - 521 (B) provides the treatment or services described in Subsection (40)(a) on a limited basis, as described in Subsection (5)(b)(ii).
 - 523 (b)
 - (i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for one or more grades from kindergarten through grade 12.
 - 525 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment or services described in Subsection (40)(a) on a limited basis if:
 - 527 (A) the treatment or services described in Subsection (40)(a) are provided only as an incidental service to a student; and
 - 529 (B) the school does not:
 - 530 (I) specifically solicit a student for the purpose of providing the treatment or services described in Subsection (40)(a); or
 - 532 (II) have a primary purpose of providing the treatment or services described in Subsection (40)(a).
 - 534 (c) "Boarding school" does not include a therapeutic school.

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- 535 (6) "Certification" means a less restrictive level of licensure issued by the department.
- 536 (7) "Child" means an individual under 18 years old.
- 537 (8) "Child placing" means receiving, accepting, or providing custody or care for any child, temporarily
or permanently, for the purpose of:
- 539 (a) finding a person to adopt the child;
- 540 (b) placing the child in a home for adoption; or
- 541 (c) foster home placement.
- 542 (9) "Child-placing agency" means a person that engages in child placing.
- 543 (10) "Client" means an individual who receives or has received services from a licensee.
- 544 (11)
- (a) "Congregate care program" means any of the following that provide services to a child:
- 546 (i) an outdoor youth program;
- 547 (ii) a residential support program;
- 548 (iii) a residential treatment program; or
- 549 (iv) a therapeutic school.
- 550 (b) "Congregate care program" does not include a human services program that:
- 551 (i) is licensed to serve adults; and
- 552 (ii) is approved by the office to service a child for a limited time.
- 553 (12) "Day treatment" means specialized treatment that is provided to:
- 554 (a) a client less than 24 hours a day; and
- 555 (b) four or more persons who:
- 556 (i) are unrelated to the owner or provider; and
- 557 (ii) have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments,
or chemical dependencies.
- 559 (13) "Department contractor" means an individual who:
- 560 (a) provides services under a contract with the department; and
- 561 (b) due to the contract with the department, has or will likely have direct access to a child or vulnerable
adult.
- 563 (14) "Direct access" means that an individual has, or likely will have:
- 564 (a) contact with or access to a child or vulnerable adult that provides the individual with an opportunity
for personal communication or touch; or

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- 566 (b) an opportunity to view medical, financial, or other confidential personal identifying information of
the child, the child's parents or legal guardians, or the vulnerable adult.
- 568 (15) "Directly supervised" means that an individual is being supervised under the uninterrupted visual
and auditory surveillance of another individual who has a current background check approval issued
by the office.
- 571 (16) "Director" means the director of the office.
- 572 (17) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 573 (18) "Domestic violence treatment program" means a nonresidential program designed to provide
psychological treatment and educational services to perpetrators and victims of domestic violence.
- 576 (19) "Elder adult" means a person 65 years old or older.
- 577 (20) "Emergency safety intervention" means a tactic used to protect staff or a client from being
physically injured, utilized by an appropriately trained direct care staff and only performed in
accordance with a nationally or regionally recognized curriculum in the least restrictive manner to
restore staff or client safety.
- 581 (21) "Foster home" means a residence that is licensed or certified by the office for the full-time
substitute care of a child.
- 583 [~~(22) "Health benefit plan" means the same as that term is defined in Section 31A-22-634.]~~
- 584 [~~(23)~~ (22) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 586 [~~(24) "Health insurer" means the same as that term is defined in Section 31A-22-615.5.]~~
- 587 [~~(25)~~ (23)
- (a) "Human services program" means:
- 588 (i) a foster home;
- 589 (ii) a therapeutic school;
- 590 (iii) a youth program;
- 591 (iv) an outdoor youth program;
- 592 (v) a residential treatment program;
- 593 (vi) a residential support program;
- 594 (vii) a resource family home;
- 595 (viii) a recovery residence; or
- 596 (ix) a facility or program that provides:
- 597 (A) adult day care;

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- 598 (B) day treatment;
- 599 (C) outpatient treatment;
- 600 (D) domestic violence treatment;
- 601 (E) child-placing services;
- 602 (F) social detoxification; or
- 603 (G) any other human services that are required by contract with the department to be licensed with the department.
- 605 (b) "Human services program" does not include:
- 606 (i) a boarding school;
- 607 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102; or
- 609 (iii) a short-term relief care provider.
- 610 [~~(26)~~] (24) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 611 [~~(27)~~] (25) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 612 [~~(28)~~] (26) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 613 [~~(29)~~] (27) "Intermediate secure treatment" means 24-hour specialized residential treatment or care for an individual who:
- 615 (a) cannot live independently or in a less restrictive environment; and
- 616 (b) requires, without the individual's consent or control, the use of locked doors to care for the individual.
- 618 [~~(30)~~] (28) "Licensee" means an individual or a human services program licensed by the office.
- 620 [~~(31)~~] (29) "Local government" means a city, town, or county.
- 621 [~~(32)~~] (30) "Minor" means child.
- 622 [~~(33)~~] (31) "Office" means the Office of Licensing within the department.
- 623 [~~(34)~~] (32) "Outdoor youth program" means a program that provides:
- 624 (a) services to a child that has:
- 625 (i) a chemical dependency; or
- 626 (ii) a dysfunction or impairment that is emotional, psychological, developmental, physical, or behavioral;
- 628 (b) a 24-hour outdoor group living environment; and
- 629 (c)
- (i) regular therapy, including group, individual, or supportive family therapy; or

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- 630 (ii) informal therapy or similar services, including wilderness therapy, adventure therapy, or outdoor
behavioral healthcare.
- 632 [~~(35)~~] (33) "Outpatient treatment" means individual, family, or group therapy or counseling designed
to improve and enhance social or psychological functioning for those whose physical and emotional
status allows them to continue functioning in their usual living environment.
- 636 [~~(36)~~] (34) "Practice group" or "group practice" means two or more health care providers legally
organized as a partnership, professional corporation, or similar association, for which:
- 639 (a) substantially all of the services of the health care providers who are members of the group are
provided through the group and are billed in the name of the group and amounts received are treated
as receipts of the group; and
- 642 (b) the overhead expenses of and the income from the practice are distributed in accordance with
methods previously determined by members of the group.
- 644 [~~(37)~~] (35) "Private-placement child" means a child whose parent or guardian enters into a contract with
a congregate care program for the child to receive services.
- 646 [~~(38)~~] (36)
- (a) "Recovery residence" means a home, residence, or facility that meets at least two of the following
requirements:
- 648 (i) provides a supervised living environment for individuals recovering from a substance use
disorder;
- 650 (ii) provides a living environment in which more than half of the individuals in the residence are
recovering from a substance use disorder;
- 652 (iii) provides or arranges for residents to receive services related to the resident's recovery from a
substance use disorder, either on or off site;
- 654 (iv) is held out as a living environment in which individuals recovering from substance abuse
disorders live together to encourage continued sobriety; or
- 656 (v)
- (A) receives public funding; or
- 657 (B) is run as a business venture, either for-profit or not-for-profit.
- 658 (b) "Recovery residence" does not mean:
- 659 (i) a residential treatment program;
- 660 (ii) residential support program; or

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- 661 (iii) a home, residence, or facility, in which:
- 662 (A) residents, by a majority vote of the residents, establish, implement, and enforce policies governing
the living environment, including the manner in which applications for residence are approved and
the manner in which residents are expelled;
- 666 (B) residents equitably share rent and housing-related expenses; and
- 667 (C) a landlord, owner, or operator does not receive compensation, other than fair market rental income,
for establishing, implementing, or enforcing policies governing the living environment.
- 670 ~~[(39)]~~ (37) "Regular business hours" means:
- 671 (a) the hours during which services of any kind are provided to a client; or
- 672 (b) the hours during which a client is present at the facility of a licensee.
- 673 ~~[(40)]~~ (38)
- (a) "Residential support program" means a program that arranges for or provides the necessities of life
as a protective service to individuals or families who have a disability or who are experiencing a
dislocation or emergency that prevents them from providing these services for themselves or their
families.
- 677 (b) "Residential support program" includes a program that provides a supervised living environment for
individuals with dysfunctions or impairments that are:
- 679 (i) emotional;
- 680 (ii) psychological;
- 681 (iii) developmental; or
- 682 (iv) behavioral.
- 683 (c) Treatment is not a necessary component of a residential support program.
- 684 (d) "Residential support program" does not include:
- 685 (i) a recovery residence; or
- 686 (ii) a program that provides residential services that are performed:
- 687 (A) exclusively under contract with the department and provided to individuals through the Division of
Services for People with Disabilities; or
- 689 (B) in a facility that serves fewer than four individuals.
- 690 ~~[(41)]~~ (39)
- (a) "Residential treatment" means a 24-hour group living environment for four or more individuals
unrelated to the owner or provider that offers room or board and specialized treatment, behavior

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modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

695 (b) "Residential treatment" does not include a:

696 (i) boarding school;

697 (ii) foster home; or

698 (iii) recovery residence.

699 [~~(42)~~ (40) "Residential treatment program" means a program or facility that provides:

700 (a) residential treatment; or

701 (b) intermediate secure treatment.

702 [~~(43)~~ (41) "Seclusion" means the involuntary confinement of an individual in a room or an area:

704 (a) away from the individual's peers; and

705 (b) in a manner that physically prevents the individual from leaving the room or area.

706 [~~(44)~~ (42) "Short-term relief care provider" means an individual who:

707 (a) provides short-term and temporary relief care to a foster parent:

708 (i) for less than six consecutive nights; and

709 (ii) in the short-term relief care provider's home;

710 (b) is an immediate family member or relative, as those terms are defined in Section 80-3-102, of the foster parent;

712 (c) is direct access qualified, as that term is defined in Section 26B-2-120;

713 (d) has been approved to provide short-term relief care by the department;

714 (e) is not reimbursed by the department for the temporary relief care provided; and

715 (f) is not an immediate family member or relative, as those terms are defined in Section 80-3-102, of the foster child.

717 [~~(45)~~ (43) "Social detoxification" means short-term residential services for persons who are experiencing or have recently experienced drug or alcohol intoxication, that are provided outside of a health care facility licensed under Part 2, Health Care Facility Licensing and Inspection, and that include:

721 (a) room and board for persons who are unrelated to the owner or manager of the facility;

722 (b) specialized rehabilitation to acquire sobriety; and

723 (c) aftercare services.

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- 724 [~~(46)~~] (44) "Substance abuse disorder" or "substance use disorder" mean the same as "substance use disorder" is defined in Section 26B-5-501.
- 726 [~~(47)~~] (45) "Substance abuse treatment program" or "substance use disorder treatment program" means a program:
- 728 (a) designed to provide:
- 729 (i) specialized drug or alcohol treatment;
- 730 (ii) rehabilitation; or
- 731 (iii) habilitation services; and
- 732 (b) that provides the treatment or services described in Subsection (47)(a) to persons with:
- 734 (i) a diagnosed substance use disorder; or
- 735 (ii) chemical dependency disorder.
- 736 [~~(48)~~] (46) "Therapeutic school" means a residential group living facility:
- 737 (a) for four or more individuals that are not related to:
- 738 (i) the owner of the facility; or
- 739 (ii) the primary service provider of the facility;
- 740 (b) that serves students who have a history of failing to function:
- 741 (i) at home;
- 742 (ii) in a public school; or
- 743 (iii) in a nonresidential private school; and
- 744 (c) that offers:
- 745 (i) room and board; and
- 746 (ii) an academic education integrated with:
- 747 (A) specialized structure and supervision; or
- 748 (B) services or treatment related to:
- 749 (I) a disability;
- 750 (II) emotional development;
- 751 (III) behavioral development;
- 752 (IV) familial development; or
- 753 (V) social development.
- 754 [~~(49)~~] (47) "Unrelated persons" means persons other than parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts.

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- 756 [(50)] (48) "Vulnerable adult" means an elder adult or an adult who has a temporary or permanent
mental or physical impairment that substantially affects the person's ability to:
- 758 (a) provide personal protection;
- 759 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 760 (c) obtain services necessary for health, safety, or welfare;
- 761 (d) carry out the activities of daily living;
- 762 (e) manage the adult's own resources; or
- 763 (f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or
exploitation.
- 765 [(51)] (49)
- (a) "Youth program" means a program designed to provide behavioral, substance use, or mental health
services to minors that:
- 767 (i) serves adjudicated or nonadjudicated youth;
- 768 (ii) charges a fee for the program's services;
- 769 (iii) may provide host homes or other arrangements for overnight accommodation of the youth;
- 771 (iv) may provide all or part of the program's services in the outdoors;
- 772 (v) may limit or censor access to parents or guardians; and
- 773 (vi) prohibits or restricts a minor's ability to leave the program at any time of the minor's own free
will.
- 775 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and
other such organizations.
- 777 [(52)] (50)
- (a) "Youth transportation company" means any person that transports a child for payment to or from a
congregate care program in Utah.
- 779 (b) "Youth transportation company" does not include:
- 780 (i) a relative of the child;
- 781 (ii) a state agency; or
- 782 (iii) a congregate care program's employee who transports the child from the congregate care program
that employs the employee and returns the child to the same congregate care program.
- 841 Section 10. Section **26B-2-120** is amended to read:
- 842 **26B-2-120. Background check -- Direct access to children or vulnerable adults.**

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- 787 (1) As used in this section:
- 788 (a)
- (i) "Applicant" means an individual who is associated with a certification, contract, or licensee with the department under this part and has direct access, including:
- 791 (A) an adoptive parent or prospective adoptive parent, including an applicant for an adoption in accordance with Section 78B-6-128;
- 793 (B) a foster parent or prospective foster parent;
- 794 (C) an individual who provides respite care to a foster parent or an adoptive parent on more than one occasion;
- 796 (D) an individual who transports a child for a youth transportation company;
- 797 (E) an individual who provides certified peer support, as defined in Section 26B-5-610;
- 799 (F) an individual who provides peer supports, has a disability or a family member with a disability, or is in recovery from a mental illness or a substance use disorder;
- 802 (G) an individual who has lived experience with the services provided by the department, and uses that lived experience to provide support, guidance, or services to promote resiliency and recovery;
- 805 (H) an individual who is identified as a mental health professional, licensed under Title 58, Chapter 60, Mental Health Professional Practice Act, and engaged in the practice of mental health therapy, as defined in Section 58-60-102;
- 808 (I) an individual, other than the child or vulnerable adult receiving the service, who is 12 years old or older and resides in a home, that is licensed or certified by the division;
- 811 (J) an individual who is 12 years old or older and is associated with a certification, contract, or licensee with the department under this part and has or will likely have direct access;
- 814 (K) a foster home licensee that submits an application for an annual background screening as required by Subsection 26B-2-105(4)(d)(iii); or
- 816 (L) a short-term relief care provider.
- 817 (ii) "Applicant" does not include:
- 818 (A) an individual who is in the custody of the Division of Child and Family Services or the Division of Juvenile Justice and Youth Services;
- 820 (B) an individual who applies for employment with, or is employed by, the Department of Health and Human Services;

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- 822 (C) a parent of a person receiving services from the Division of Services for People with Disabilities, if
the parent provides direct care to and resides with the person, including if the parent provides direct
care to and resides with the person pursuant to a court order; or
- 826 (D) an individual or a department contractor who provides services in an adults only substance use
disorder program, as defined by rule adopted by the Department of Health and Human Services
in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and who is not a
program director or a member, as defined by Section 26B-2-105, of the program.
- 831 (b) "Application" means a background check application to the office.
- 832 (c) "Bureau" means the Bureau of Criminal Identification within the Department of Public Safety,
created in Section 53-10-201.
- 834 (d) "Criminal finding" means a record of:
- 835 (i) an arrest for a criminal offense;
- 836 (ii) a warrant for a criminal arrest;
- 837 (iii) charges for a criminal offense; or
- 838 (iv) a criminal conviction.
- 839 (e) "Direct access" means that an individual has, or likely will have:
- 840 (i) contact with or access to a child or vulnerable adult by which the individual will have the
opportunity for personal communication or touch with the child or vulnerable adult; or
- 843 (ii) an opportunity to view medical, financial, or other confidential personal identifying information of
the child, the child's parent or legal guardian, or the vulnerable adult.
- 846 (f)
- (i) "Direct access qualified" means that the applicant has an eligible determination by the office within
the license and renewal time period; and
- 848 (ii) no more than 180 days have passed since the date on which the applicant's association with a
certification, contract, or licensee with the department expires.
- 850 (g) "Incidental care" means occasional care, not in excess of five hours per week and never overnight,
for a foster child.
- 852 (h) "Licensee" means an individual or a human services program licensed by the division.
- 854 (i) "Non-criminal finding" means a record maintained in:
- 855 (i) the Division of Child and Family Services' Management Information System described in Section
80-2-1001;

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- 857 (ii) the Division of Child and Family Services' Licensing Information System described in Section
80-2-1002;
- 859 (iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or exploitation database
described in Section 26B-6-210;
- 861 (iv) juvenile court arrest, adjudication, and disposition records;
- 862 (v) the Sex, Kidnap, and Child Abuse Offender Registry described in Title 77, Chapter 41, Sex, Kidnap,
and Child Abuse Offender Registry, or a national sex offender registry; or
- 865 (vi) a state child abuse or neglect registry.
- 866 (j) "Office" means the Office of Background Processing within the department.
- 867 (k) "Personal identifying information" means:
- 868 (i) current name, former names, nicknames, and aliases;
- 869 (ii) date of birth;
- 870 (iii) physical address and email address;
- 871 (iv) telephone number;
- 872 (v) driver license or other government-issued identification;
- 873 (vi) social security number;
- 874 (vii) only for applicants who are 18 years old or older, fingerprints, in a form specified by the office;
and
- 876 (viii) other information specified by the office by rule made in accordance with Title 63G, Chapter 3,
Utah Administrative Rulemaking Act.
- 878 (2) Except as provided in Subsection (12), an applicant or a representative shall submit the following to
the office:
- 880 (a) personal identifying information;
- 881 (b) a fee established by the office under Section 63J-1-504;
- 882 (c) a disclosure form, specified by the office, for consent for:
- 883 (i) an initial background check upon association with a certification, contract, or licensee with the
department;
- 885 (ii) ongoing monitoring of fingerprints and registries until no longer associated with a certification,
contract, or licensee with the department for 180 days;
- 887 (iii) a background check when the office determines that reasonable cause exists; and
- 888

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- (iv) retention of personal identifying information, including fingerprints, for monitoring and notification as described in Subsections (3)(c) and (4);
- 890 (d) if an applicant resided outside of the United States and its territories during the five years immediately preceding the day on which the information described in Subsections (2)(a) through (c) is submitted to the office, documentation establishing whether the applicant was convicted of a crime during the time that the applicant resided outside of the United States or its territories; and
- 895 (e) an application showing an applicant's association with a certification, contract, or a licensee with the department, for the purpose of the office tracking the direct access qualified status of the applicant, which expires 180 days after the date on which the applicant is no longer associated with a certification, contract, or a licensee with the department.
- 900 (3) The office:
- 901 (a) shall perform the following duties as part of a background check of an applicant before the office grants or denies direct access qualified status to an applicant:
 - 903 (i) check state and regional criminal background databases for the applicant's criminal history by:
 - 905 (A) submitting personal identifying information to the bureau for a search; or
 - 906 (B) using the applicant's personal identifying information to search state and regional criminal background databases as authorized under Section 53-10-108;
 - 908 (ii) submit the applicant's personal identifying information and fingerprints to the bureau for a criminal history search of applicable national criminal background databases;
 - 911 (iii) search the Division of Child and Family Services' Licensing Information System described in Section 80-2-1002;
 - 913 (iv) search the Sex, Kidnap, and Child Abuse Offender Registry described in Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex offender registry for an applicant 18 years old or older;
 - 916 (v) if the applicant is associated with a licensee for a prospective foster or adoptive parent, search the Division of Child and Family Services' Management Information System described in Section 80-2-1001;
 - 919 (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210;
 - 921 (vii) search the juvenile court records for substantiated findings of severe child abuse or neglect described in Section 80-3-404; and

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- 923 (viii) search the juvenile court arrest, adjudication, and disposition records, as provided under Section
78A-6-209;
- 925 (b) may conduct all or portions of a background check in connection with determining whether an
applicant is direct access qualified, as provided by rule, made by the office in accordance with Title
63G, Chapter 3, Utah Administrative Rulemaking Act:
- 928 (i) for an annual renewal; or
- 929 (ii) when the office determines that reasonable cause exists;
- 930 (c) may submit an applicant's personal identifying information, including fingerprints, to the bureau
for checking, retaining, and monitoring of state and national criminal background databases and for
notifying the office of new criminal activity associated with the applicant;
- 934 (d) shall track the status of an applicant under this section to ensure that the applicant is not required to
duplicate the submission of the applicant's fingerprints if the applicant is associated with more than
one certification, contract, or licensee with the department;
- 938 (e) shall notify the bureau when a direct access qualified individual has not been associated with a
certification, contract, or licensee with the department for a period of 180 days;
- 941 (f) shall adopt measures to strictly limit access to personal identifying information solely to the
individuals responsible for processing and entering the applications for background checks and to
protect the security of the personal identifying information the office reviews under this Subsection
(3);
- 945 (g) as necessary to comply with the federal requirement to check a state's child abuse and neglect
registry regarding any applicant working in a congregate care program, shall:
- 948 (i) search the Division of Child and Family Services' Licensing Information System described in
Section 80-2-1002; and
- 950 (ii) require the child abuse and neglect registry be checked in each state where an applicant resided at
any time during the five years immediately preceding the day on which the application is submitted
to the office; and
- 953 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
implement the provisions of this Subsection (3) relating to background checks.
- 956 (4)

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- (a) With the personal identifying information the office submits to the bureau under Subsection (3), the bureau shall check against state and regional criminal background databases for the applicant's criminal history.
- 959 (b) With the personal identifying information and fingerprints the office submits to the bureau under Subsection (3), the bureau shall check against national criminal background databases for the applicant's criminal history.
- 962 (c) Upon direction from the office, and with the personal identifying information and fingerprints the office submits to the bureau under Subsection (3)(c), the bureau shall:
- 964 (i) maintain a separate file of the fingerprints for search by future submissions to the local and regional criminal records databases, including latent prints; and
- 966 (ii) monitor state and regional criminal background databases and identify criminal activity associated with the applicant.
- 968 (d) The bureau is authorized to submit the fingerprints to the Federal Bureau of Investigation Next Generation Identification System, to be retained in the Federal Bureau of Investigation Next Generation Identification System for the purpose of:
- 971 (i) being searched by future submissions to the national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System and latent prints; and
- 974 (ii) monitoring national criminal background databases and identifying criminal activity associated with the applicant.
- 976 (e) The ~~[Bureau]~~ bureau shall notify and release to the office all information of criminal activity associated with the applicant.
- 978 (f) Upon notice that an individual who has direct access qualified status will no longer be associated with a certification, contract, or licensee with the department, the bureau shall:
- 981 (i) discard and destroy any retained fingerprints; and
- 982 (ii) notify the Federal Bureau of Investigation when the license has expired or an individual's direct access to a child or a vulnerable adult has ceased, so that the Federal Bureau of Investigation will discard and destroy the retained fingerprints from the Federal Bureau of Investigation Next Generation Identification System.
- 986 (5)

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- (a) Except as provided in Subsection (5)(b), the office shall deny direct access qualified status to an applicant who, within three years from the date on which the office conducts the background check, was convicted of:
- 989 (i) a felony or misdemeanor involving conduct that constitutes any of the following:
- 990 (A) an offense identified as domestic violence, lewdness, voyeurism, battery, cruelty to animals, or
bestiality;
- 992 (B) a violation of any pornography law, including sexual exploitation of a minor or aggravated sexual
exploitation of a minor;
- 994 (C) sexual solicitation or prostitution;
- 995 (D) a violent offense committed in the presence of a child, as described in Section 76-3-203.10;
- 997 (E) an offense included in Title 76, Chapter 4, Part 4, Enticement of a Minor;
- 998 (F) an offense included in Title 76, Chapter 5, Offenses Against the Individual;
- 999 (G) an offense included in Title 76, Chapter 5b, Sexual Exploitation Act;
- 1000 (H) an offense included in Title 76, Chapter 7, Offenses Against the Family;
- 1001 (I) an offense included in Title 76, Chapter 9, Part 4, Offenses Against Privacy;
- 1002 (J) an offense included in Title 76, Chapter 10, Part 4, Weapons of Mass Destruction;
- 1004 (K) an offense included in Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
- 1006 (L) aggravated arson, as described in Section 76-6-103;
- 1007 (M) aggravated burglary, as described in Section 76-6-203;
- 1008 (N) aggravated exploitation of prostitution, as described in Section 76-10-1306;
- 1009 (O) aggravated robbery, as described in Section 76-6-302;
- 1010 (P) endangering persons in a human services program, as described in Section 26B-2-113;
- 1012 (Q) failure to report, as described in Section 80-2-609;
- 1013 (R) identity fraud crime, as described in Section 76-6-1102;
- 1014 (S) leaving a child unattended in a motor vehicle, as described in Section 76-10-2202;
- 1016 (T) riot, as described in Section 76-9-101;
- 1017 (U) sexual battery, as described in Section 76-9-702.1; or
- 1018 (V) threatening with or using a dangerous weapon in a fight or quarrel, as described in Section
76-10-506; or
- 1020 (ii) a felony or misdemeanor offense committed outside of the state that, if committed in the state,
would constitute a violation of an offense described in Subsection (5)(a)(i).

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- 1023 (b)
- (i) Subsection (5)(a) does not apply to an applicant who is seeking a position as a peer support provider or a mental health professional, if the applicant provides services in a program that serves only adults with a primary mental health diagnosis, with or without a co-occurring substance use disorder.
- 1027 (ii) The office shall conduct a comprehensive review of an applicant described in Subsection (5)(b)(i) in accordance with Subsection (7).
- 1029 (c) The office shall deny direct access qualified status to an applicant if the office finds that a court order prohibits the applicant from having direct access to a child or vulnerable adult.
- 1032 (6) The office shall conduct a comprehensive review of an applicant's background check if the applicant:
- 1034 (a) has a felony or class A misdemeanor conviction that is more than three years from the date on which the office conducts the background check, for an offense described in Subsection (5)(a);
- 1037 (b) has a felony charge or conviction that is no more than 10 years from the date on which the office conducts the background check for an offense not described in Subsection (5)(a);
- 1040 (c) has a felony charge or conviction that is more than 10 years from the date on which the office conducts the background check, for an offense not described in Subsection (5)(a), with criminal or non-criminal findings after the date of the felony charge or conviction;
- 1044 (d) has a class B misdemeanor or class C misdemeanor conviction that is more than three years and no more than 10 years from the date on which the office conducts the background check for an offense described in Subsection (5)(a);
- 1047 (e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10 years from the date on which the office conducts the background check, for an offense described in Subsection (5)(a), with criminal or non-criminal findings after the date of conviction;
- 1051 (f) has a misdemeanor charge or conviction that is no more than three years from the date on which the office conducts the background check for an offense not described in Subsection (5)(a);
- 1054 (g) has a misdemeanor charge or conviction that is more than three years from the date on which the office conducts the background check, for an offense not described in Subsection (5)(a), with criminal or non-criminal findings after the date of charge or conviction;
- 1058 (h) is currently subject to a plea in abeyance or diversion agreement for an offense described in Subsection (5)(a);

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- 1060 (i) appears on the Sex, Kidnap, and Child Abuse Offender Registry described in Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex offender registry;
- 1063 (j) has a record of an adjudication in juvenile court for an act that, if committed by an adult, would be a felony or misdemeanor, if the applicant is:
- 1065 (i) under 28 years old; or
- 1066 (ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is currently subject to a plea in abeyance or diversion agreement for a felony or a misdemeanor offense described in Subsection (5)(a);
- 1069 (k) has a pending charge for an offense described in Subsection (5)(a);
- 1070 (l) has a listing that occurred no more than 15 years from the date on which the office conducts the background check in the Division of Child and Family Services' Licensing Information System described in Section 80-2-1002;
- 1073 (m) has a listing that occurred more than 15 years from the date on which the office conducts the background check in the Division of Child and Family Services' Licensing Information System described in Section 80-2-1002, with criminal or non-criminal findings after the date of the listing;
- 1077 (n) has a listing that occurred no more than 15 years from the date on which the office conducts the background check in the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210;
- 1081 (o) has a listing that occurred more than 15 years from the date on which the office conducts the background check in the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210, with criminal or non-criminal findings after the date of the listing;
- 1085 (p) has a substantiated finding that occurred no more than 15 years from the date on which the office conducts the background check of severe child abuse or neglect under Section 80-3-404 or 80-3-504[-]; or
- 1088 (q) has a substantiated finding that occurred more than 15 years from the date on which the office conducts the background check of severe child abuse or neglect under Section 80-3-404 or 80-3-504, with criminal or non-criminal findings after the date of the listing.
- 1092 (7)
- (a) The comprehensive review shall include an examination of:
- 1093 (i) the date of the offense or incident;

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- 1094 (ii) the nature and seriousness of the offense or incident;
- 1095 (iii) the circumstances under which the offense or incident occurred;
- 1096 (iv) the age of the perpetrator when the offense or incident occurred;
- 1097 (v) whether the offense or incident was an isolated or repeated incident;
- 1098 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable adult,
including:
- 1100 (A) actual or threatened, nonaccidental physical, mental, or financial harm;
- 1101 (B) sexual abuse;
- 1102 (C) sexual exploitation; or
- 1103 (D) negligent treatment;
- 1104 (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric treatment
received, or additional academic or vocational schooling completed;
- 1106 (viii) the applicant's risk of harm to clientele in the program or in the capacity for which the
applicant is applying; and
- 1108 (ix) if the background check of an applicant is being conducted for the purpose of giving direct
access qualified status to an applicant seeking a position in a congregate care program or to
become a prospective foster or adoptive parent, any listing in the Division of Child and Family
Services' Management Information System described in Section 80-2-1001.
- 1113 (b) At the conclusion of the comprehensive review, the office shall deny direct access qualified status
to an applicant if the office finds the approval would likely create a risk of harm to a child or
vulnerable adult.
- 1116 (8) The office shall grant direct access qualified status to an applicant who is not denied under this
section.
- 1118 (9)
- (a) The office may conditionally grant direct access qualified status to an applicant, for a maximum of
60 days after the day on which the office sends written notice, without requiring that the applicant
be directly supervised, if the office:
- 1121 (i) is awaiting the results of the criminal history search of national criminal background databases;
and
- 1123 (ii) would otherwise grant direct access qualified status to the applicant under this section.
- 1125

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- (b) The office may conditionally grant direct access qualified status to an applicant, for a maximum of one year after the day on which the office sends written notice, without requiring that the applicant be directly supervised if the office:
- 1128 (i) is awaiting the results of an out-of-state registry for providers other than foster and adoptive parents;
and
- 1130 (ii) would otherwise grant direct access qualified status to the applicant under this section.
- 1132 (c) Upon receiving the results of the criminal history search of a national criminal background database, the office shall grant or deny direct access qualified status to the applicant in accordance with this section.
- 1135 (10)
- (a) Each time an applicant is associated with a licensee, the department shall review the current status of the applicant's background check to ensure the applicant is still eligible for direct access qualified status in accordance with this section.
- 1138 (b) A licensee may not permit an individual to have direct access to a child or a vulnerable adult without being directly supervised unless:
- 1140 (i) the individual is the parent or guardian of the child, or the guardian of the vulnerable adult;
- 1142 (ii) the individual is approved by the parent or guardian of the child, or the guardian of the vulnerable adult, to have direct access to the child or the vulnerable adult;
- 1144 (iii) the individual is only permitted to have direct access to a vulnerable adult who voluntarily invites the individual to visit; or
- 1146 (iv) the individual only provides incidental care for a foster child on behalf of a foster parent who has used reasonable and prudent judgment to select the individual to provide the incidental care for the foster child.
- 1149 (c) Notwithstanding any other provision of this section, an applicant who is denied direct access qualified status shall not have direct access to a child or vulnerable adult unless the office grants direct access qualified status to the applicant through a subsequent application in accordance with this section.
- 1153 (11) If the office denies direct access qualified status to an applicant, the applicant may request a hearing in the department's Office of Administrative Hearings to challenge the office's decision.
- 1156 (12)

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- (a) This Subsection (12) applies to an applicant associated with a certification, contract, or licensee serving adults only.
- 1158 (b) A program director or a member, as defined in Section 26B-2-105, of the licensee shall comply with this section.
- 1160 (c) The office shall conduct a comprehensive review for an applicant if:
- 1161 (i) the applicant is seeking a position:
- 1162 (A) as a peer support provider;
- 1163 (B) as a mental health professional; or
- 1164 (C) in a program that serves only adults with a primary mental health diagnosis, with or without a co-occurring substance use disorder; and
- 1166 (ii) within three years from the date on which the office conducts the background check, the applicant has a felony or misdemeanor charge or conviction or a non-criminal finding.
- 1169 (13)
- (a) This Subsection (13) applies to an applicant seeking a position in a congregate care program, an applicant seeking to provide a prospective foster home, an applicant seeking to provide a prospective adoptive home, and each adult living in the home of the prospective foster or prospective adoptive home.
- 1173 (b) As federally required, the office shall:
- 1174 (i) check the child abuse and neglect registry in each state where each applicant resided in the five years immediately preceding the day on which the applicant applied to be a foster or adoptive parent, to determine whether the prospective foster or adoptive parent is listed in the registry as having a substantiated or supported finding of child abuse or neglect; and
- 1179 (ii) except for applicants seeking a position in a congregate care program, check the child abuse and neglect registry in each state where each adult living in the home of the prospective foster or adoptive home resided in the five years immediately preceding the day on which the applicant applied to be a foster or adoptive parent, to determine whether the adult is listed in the registry as having a substantiated or supported finding of child abuse or neglect.
- 1185 (c) The requirements described in Subsection (13)(b) do not apply to the extent that:
- 1186 (i) federal law or rule permits otherwise; or
- 1187 (ii) the requirements would prohibit the Division of Child and Family Services or a court from placing a child with:

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- 1189 (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or
- 1190 (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302, or 80-3-303,
pending completion of the background check described in Subsections (5), (6), and (7).
- 1193 (d) Notwithstanding Subsections (5) through (10), the office shall deny direct access qualified status if
the applicant has been convicted of:
- 1195 (i) a felony involving conduct that constitutes any of the following:
- 1196 (A) child abuse, as described in Sections 76-5-109, 76-5-109.2, and 76-5-109.3;
- 1197 (B) commission of domestic violence in the presence of a child, as described in Section 76-5-114;
- 1199 (C) abuse or neglect of a child with a disability, as described in Section 76-5-110;
- 1200 (D) intentional aggravated abuse of a vulnerable adult, as described in Section 76-5-111;
- 1202 (E) endangerment of a child or vulnerable adult, as described in Section 76-5-112.5;
- 1204 (F) aggravated murder, as described in Section 76-5-202;
- 1205 (G) murder, as described in Section 76-5-203;
- 1206 (H) manslaughter, as described in Section 76-5-205;
- 1207 (I) child abuse homicide, as described in Section 76-5-208;
- 1208 (J) homicide by assault, as described in Section 76-5-209;
- 1209 (K) kidnapping, as described in Section 76-5-301;
- 1210 (L) child kidnapping, as described in Section 76-5-301.1;
- 1211 (M) aggravated kidnapping, as described in Section 76-5-302;
- 1212 (N) human trafficking of a child, as described in Section 76-5-308.5;
- 1213 (O) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses;
- 1214 (P) sexual exploitation of a minor, as described in Title 76, Chapter 5b, Sexual Exploitation Act;
- 1216 (Q) aggravated exploitation of a minor, as described in Section 76-5b-201.1;
- 1217 (R) aggravated arson, as described in Section 76-6-103;
- 1218 (S) aggravated burglary, as described in Section 76-6-203;
- 1219 (T) aggravated robbery, as described in Section 76-6-302;
- 1220 (U) lewdness involving a child, as described in Section 76-9-702.5;
- 1221 (V) incest, as described in Section 76-7-102; or
- 1222 (W) domestic violence, as described in Section 77-36-1; or
- 1223 (ii) an offense committed outside the state that, if committed in the state, would constitute a violation of
an offense described in Subsection (13)(d)(i).

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- 1225 (e) Notwithstanding Subsections (5) through (10), the office shall deny direct access qualified status to an applicant if, within the five years from the date on which the office conducts the background check, the applicant was convicted of a felony involving conduct that constitutes a violation of any of the following:
- 1229 (i) aggravated assault, as described in Section 76-5-103;
- 1230 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;
- 1231 (iii) mayhem, as described in Section 76-5-105;
- 1232 (iv) an offense described in Title 58, Chapter 37, Utah Controlled Substances Act;
- 1233 (v) an offense described in Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 1234 (vi) an offense described in Title 58, Chapter 37b, Imitation Controlled Substances Act;
- 1236 (vii) an offense described in Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
- 1238 (viii) an offense described in Title 58, Chapter 37d, Clandestine Drug Lab Act.
- 1239 (f) In addition to the circumstances described in Subsection (6), the office shall conduct a comprehensive review of an applicant's background check under this section if the applicant:
- 1242 (i) has an offense described in Subsection (5)(a);
- 1243 (ii) has an infraction conviction entered on a date that is no more than three years before the date on which the office conducts the background check;
- 1245 (iii) has a listing in the Division of Child and Family Services' Licensing Information System described in Section 80-2-1002;
- 1247 (iv) has a listing in the Division of Aging and Adult Services' vulnerable adult, neglect, or exploitation database described in Section 26B-2-210;
- 1249 (v) has a substantiated finding of severe child abuse or neglect under Section 80-3-404 or 80-3-504; or
- 1251 (vi) has a listing on the registry check described in Subsection (13)(b) as having a substantiated or supported finding of a severe type of child abuse or neglect, as defined in Section 80-1-102.
- 1254 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules, consistent with this part, to:
- 1256 (a) establish procedures for, and information to be examined in, the comprehensive review described in Subsections (6), (7), and (13); and
- 1258 (b) determine whether to consider an offense or incident that occurred while an individual was in the custody of the Division of Child and Family Services or the Division of Juvenile Justice and Youth Services for purposes of granting or denying direct access qualified status to an applicant.

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1318 Section 11. Section **26B-2-309** is amended to read:

1319 **26B-2-309. Assisted living facility transfers.**

1264 (1) After the ombudsman receives a notice described in Subsection [~~26B-2-237(2)(b)~~] 26B-2-237(3)(b),
the ombudsman shall:

1266 (a) review the notice; and

1267 (b) contact the resident or the resident's responsible person to conduct a voluntary interview.

1269 (2) The voluntary interview described in Subsection (1)(b) shall:

1270 (a) provide the resident with information about the services available through the ombudsman;

1272 (b) confirm the details in the notice described in Subsection [~~26B-2-237(2)(b)~~] 26B-2-237(3)(b),
including:

1274 (i) the name of the resident;

1275 (ii) the reason for the transfer or discharge;

1276 (iii) the date of the transfer or discharge; and

1277 (iv) a description of the resident's next living arrangement; and

1278 (c) provide the resident an opportunity to discuss any concerns or complaints the resident may have
regarding:

1280 (i) the resident's treatment at the assisted living facility; and

1281 (ii) whether the assisted living facility treated the resident fairly when the assisted living facility
transferred or discharged the resident.

1283 (3) On or before November 1 of each year, the ombudsman shall provide a report to the Health and
Human Services Interim Committee regarding:

1285 (a) the reasons why assisted living facilities are transferring residents;

1286 (b) where residents are going upon transfer or discharge; and

1287 (c) the type and prevalence of complaints that the ombudsman receives regarding assisted living
facilities, including complaints about the process or reasons for a transfer or discharge.

1346 Section 12. Section **26B-4-245** is amended to read:

1347 **26B-4-245. Purchasing and use limitations.**

1292 (1) An individual with a medical cannabis card:

1293 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:

1294 (i) unprocessed cannabis in a medicinal dosage form; and

1295 (ii) a cannabis product in a medicinal dosage form;

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- 1296 (b) may not purchase:
- 1297 (i) except as provided in Subsection (2), more medical cannabis than described in Subsection (1)(a); or
- 1299 (ii) if the relevant recommending medical provider did not recommend directions of use and dosing guidelines, until the individual consults with the pharmacy medical provider in accordance with Subsection 26B-4-231(5), any medical cannabis; and
- 1302 (c) may not use a route of administration that the relevant recommending medical provider or the pharmacy medical provider, in accordance with Subsection 26B-4-231(5), has not recommended.
- 1305 (2)
- (a) A qualified medical provider may petition the department to waive the 28-day period limit described in Subsection (1)(a) for a medical cannabis cardholder if the medical cannabis cardholder:
- 1308 (i) has been diagnosed with a terminal illness;
- 1309 (ii) has a life expectancy of six months or less; and
- 1310 (iii) needs the waiver for palliative purposes.
- 1311 (b) The department shall:
- 1312 (i) consult with the Compassionate Use Board to determine whether the waiver should be granted; and
- 1314 (ii) issue a response to the petition within 10 days from the day on which the petition is received.
- 1316 (c) The department may waive the 28-day period limit for no more than 180 days.
- 1317 (d) A petition described in this Subsection (2) may be combined with the petition described in Subsection 26B-1-421(6).
- 1375 Section 13. Section **26B-5-331** is amended to read:
- 1376 **26B-5-331. Temporary commitment -- Requirements and procedures -- Rights.**
- 1321 (1) An adult shall be temporarily, involuntarily committed to a local mental health authority upon:
- 1323 (a) a written application that:
- 1324 (i) is completed by a responsible individual who has reason to know, stating a belief that the adult, due to mental illness, is likely to pose substantial danger to self or others if not restrained and stating the personal knowledge of the adult's condition or circumstances that lead to the individual's belief; and
- 1328 (ii) includes a certification by a licensed physician, licensed physician assistant, licensed nurse practitioner, or designated examiner stating that the physician, physician assistant, nurse practitioner, or designated examiner has examined the adult within a three-day period immediately preceding the certification, and that the physician, physician assistant, nurse practitioner, or

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designated examiner is of the opinion that, due to mental illness, the adult poses a substantial danger to self or others; or

1335 (b) a peace officer or a mental health officer:

1336 (i) observing an adult's conduct that gives the peace officer or mental health officer probable cause to believe that:

1338 (A) the adult has a mental illness; and

1339 (B) because of the adult's mental illness and conduct, the adult poses a substantial danger to self or others; and

1341 (ii) completing a temporary commitment application that:

1342 (A) is on a form prescribed by the division;

1343 (B) states the peace officer's or mental health officer's belief that the adult poses a substantial danger to self or others;

1345 (C) states the specific nature of the danger;

1346 (D) provides a summary of the observations upon which the statement of danger is based; and

1348 (E) provides a statement of the facts that called the adult to the peace officer's or mental health officer's attention.

1350 (2) If at any time a patient committed under this section no longer meets the commitment criteria described in Subsection (1), the local mental health authority or the local mental health authority's designee shall:

1353 (a) document the change and release the patient; and

1354 (b) if the patient was admitted under Subsection (1)(b), notify the peace officer or mental health officer of the patient's release.

1356 (3) A patient committed under this section may be held for a maximum of 72 hours after commitment, excluding Saturdays, Sundays, and legal holidays, unless:

1358 (a) as described in Section 26B-5-332, an application for involuntary commitment is commenced, which may be accompanied by an order of detention described in Subsection 26B-5-332(4); or

1361 (b) the patient makes a voluntary application for admission.

1362 (4) Upon a written application described in Subsection (1)(a) or the observation and belief described in Subsection (1)(b)(i), the adult shall be:

1364 (a) taken into a peace officer's protective custody, by reasonable means, if necessary for public safety; and

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- 1366 (b) transported for temporary commitment to a facility designated by the local mental health authority,
by means of:
- 1368 (i) an ambulance, if the adult meets any of the criteria described in Section ~~[26B-4-119]~~ 53-2d-405;
- 1370 (ii) an ambulance, if a peace officer is not necessary for public safety, and transportation arrangements
are made by a physician, physician assistant, nurse practitioner, designated examiner, or mental
health officer;
- 1373 (iii) the city, town, or municipal law enforcement authority with jurisdiction over the location where the
adult is present, if the adult is not transported by ambulance;
- 1375 (iv) the county sheriff, if the designated facility is outside of the jurisdiction of the law enforcement
authority described in Subsection (4)(b)(iii) and the adult is not transported by ambulance; or
- 1378 (v) nonemergency secured behavioral health transport as that term is defined in Section 53-2d-101.
- 1380 (5) Notwithstanding Subsection (4):
- 1381 (a) an individual shall be transported by ambulance to an appropriate medical facility for treatment if
the individual requires physical medical attention;
- 1383 (b) if an officer has probable cause to believe, based on the officer's experience and de-escalation
training that taking an individual into protective custody or transporting an individual for temporary
commitment would increase the risk of substantial danger to the individual or others, a peace
officer may exercise discretion to not take the individual into custody or transport the individual, as
permitted by policies and procedures established by the officer's law enforcement agency and any
applicable federal or state statute, or case law; and
- 1390 (c) if an officer exercises discretion under Subsection (4)(b) to not take an individual into protective
custody or transport an individual, the officer shall document in the officer's report the details and
circumstances that led to the officer's decision.
- 1393 (6)
- (a) The local mental health authority shall inform an adult patient committed under this section of the
reason for commitment.
- 1395 (b) An adult patient committed under this section has the right to:
- 1396 (i) within three hours after arrival at the local mental health authority, make a telephone call, at the
expense of the local mental health authority, to an individual of the patient's choice; and
- 1399 (ii) see and communicate with an attorney.
- 1400 (7)

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- (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to this section.
- 1401 (b) This section does not create a special duty of care.
- 1402 (8)
- (a) A local mental health authority shall provide discharge instructions to each individual committed under this section at or before the time the individual is discharged from the local mental health authority's custody, regardless of whether the individual is discharged by being released, taken into a peace officer's protective custody, transported to a medical facility or other facility, or other circumstances.
- 1407 (b) Discharge instructions provided under Subsection (8)(a) shall include:
- 1408 (i) a summary of why the individual was committed to the local mental health authority;
- 1410 (ii) detailed information about why the individual is being discharged from the local mental health authority's custody;
- 1412 (iii) a safety plan for the individual based on the individual's mental illness or mental or emotional state;
- 1414 (iv) notification to the individual's primary care provider, if applicable;
- 1415 (v) if the individual is discharged without food, housing, or economic security, a referral to appropriate services, if such services exist in the individual's community;
- 1418 (vi) the phone number to call or text for a crisis services hotline, and information about the availability of peer support services;
- 1420 (vii) a copy of any psychiatric advance directive presented to the local mental health authority, if applicable;
- 1422 (viii) information about how to establish a psychiatric advance directive if one was not presented to the local mental health authority;
- 1424 (ix) as applicable, information about medications that were changed or discontinued during the commitment;
- 1426 (x) a list of any screening or diagnostic tests conducted during the commitment;
- 1427 (xi) a summary of therapeutic treatments provided during the commitment;
- 1428 (xii) any laboratory work, including blood samples or imaging, that was completed or attempted during the commitment; and
- 1430 (xiii) information about how to contact the local mental health authority if needed.
- 1431 (c) If an individual's medications were changed, or if an individual was prescribed new medications while committed under this section, discharge instructions provided under Subsection (8)(a)

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shall include a clinically appropriate supply of medications, as determined by a licensed health care provider, to allow the individual time to access another health care provider or follow-up appointment.

- 1436 (d) If an individual refuses to accept discharge instructions, the local mental health authority shall document the refusal in the individual's medical record.
- 1438 (e) If an individual's discharge instructions include referrals to services under Subsection (8)(b)(v), the local mental health authority shall document those referrals in the individual's medical record.
- 1441 (f) The local mental health authority shall attempt to follow up with a discharged individual at least 48 hours after discharge, and may use peer support professionals when performing follow-up care or developing a continuing care plan.

1500 Section 14. Section **26B-6-201** is amended to read:

1501 **26B-6-201. Definitions.**

As used in this part:

- 1447 (1) "Abandonment" means any knowing or intentional action or failure to act, including desertion, by a person acting as a caretaker for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or medical or other health care.
- 1451 (2) "Abuse" means:
- 1452 (a) knowingly or intentionally:
- 1453 (i) attempting to cause harm;
- 1454 (ii) causing harm; or
- 1455 (iii) placing another in fear of harm;
- 1456 (b) unreasonable or inappropriate use of physical restraint, medication, or isolation that causes or is likely to cause harm to a vulnerable adult;
- 1458 (c) emotional or psychological abuse;
- 1459 (d) a sexual offense as described in Title 76, Chapter 5, Offenses Against the Individual; or
- 1461 (e) deprivation of life sustaining treatment, or medical or mental health treatment, except:
- 1462 (i) as provided in Title 75A, Chapter 3, Health Care Decisions; or
- 1463 (ii) when informed consent, as defined in Section 76-5-111, has been obtained.
- 1464 (3) "Adult" means an individual who is 18 years old or older.
- 1465 (4) "Adult protection case file" means a record, stored in any format, contained in a case file maintained by Adult Protective Services.

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- 1467 (5) "Adult Protective Services" means the unit within the division responsible to investigate abuse, neglect, and exploitation of vulnerable adults and provide appropriate protective services.
- 1470 (6) "Capacity to consent" means the ability of an individual to understand and communicate regarding the nature and consequences of decisions relating to the individual, and relating to the individual's property and lifestyle, including a decision to accept or refuse services.
- 1474 (7) "Caretaker" means a person or public institution that is entrusted with or assumes the responsibility to provide a vulnerable adult with care, food, shelter, clothing, supervision, medical or other health care, resource management, or other necessities for pecuniary gain, by contract, or as a result of friendship, or who is otherwise in a position of trust and confidence with a vulnerable adult, including a relative, a household member, an attorney-in-fact, a neighbor, a person who is employed or who provides volunteer work, a court-appointed or voluntary guardian, or a person who contracts or is under court order to provide care.
- 1482 (8) "Counsel" means an attorney licensed to practice law in this state.
- 1483 (9) "Database" means the statewide database maintained by the division under Section 26B-6-210.
- 1485 (10)
- (a) "Dependent adult" means an individual 18 years old or older, who has a physical or mental impairment that restricts the individual's ability to carry out normal activities or to protect the individual's rights.
- 1488 (b) "Dependent adult" includes an individual who has physical or developmental disabilities or whose physical or mental capacity has substantially diminished because of age.
- 1491 (11) "Elder abuse" means abuse, neglect, or exploitation of an elder adult.
- 1492 (12) "Elder adult" means an individual 65 years old or older.
- 1493 (13) "Emergency" means a circumstance in which a vulnerable adult is at an immediate risk of death, serious physical injury, or serious physical, emotional, or financial harm.
- 1495 (14) "Emergency protective services" means measures taken by Adult Protective Services under time-limited, court-ordered authority for the purpose of remediating an emergency.
- 1497 (15)
- (a) "Emotional or psychological abuse" means knowing or intentional verbal or nonverbal conduct directed at a vulnerable adult that results in the vulnerable adult suffering mental anguish, emotional distress, fear, humiliation, degradation, agitation, or confusion.

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- (b) "Emotional or psychological abuse" includes intimidating, threatening, isolating, coercing, or harassing.
- 1503 (c) "Emotional or psychological abuse" does not include verbal or non-verbal conduct by a vulnerable adult who lacks the capacity to intentionally or knowingly:
- 1505 (i) engage in the conduct; or
- 1506 (ii) cause mental anguish, emotional distress, fear, humiliation, degradation, agitation, or confusion.
- 1508 (16) "Exploitation" means an offense described in Section 76-5-111.3, 76-5-111.4, or 76-5b-202.
- 1510 (17) "Harm" means pain, mental anguish, emotional distress, hurt, physical or psychological damage, physical injury, serious physical injury, suffering, or distress inflicted knowingly or intentionally.
- 1513 (18) "Inconclusive" means a finding by the division that there is not a reasonable basis to conclude that abuse, neglect, or exploitation occurred.
- 1515 (19) "Intimidation" means communication through verbal or nonverbal conduct which threatens deprivation of money, food, clothing, medicine, shelter, social interaction, supervision, health care, or companionship, or which threatens isolation or abuse.
- 1518 (20)
- (a) "Isolation" means knowingly or intentionally preventing a vulnerable adult from having contact with another person, unless the restriction of personal rights is authorized by court order, by:
- 1521 (i) preventing the vulnerable adult from communicating, visiting, interacting, or initiating interaction with others, including receiving or inviting visitors, mail, or telephone calls, contrary to the expressed wishes of the vulnerable adult, or communicating to a visitor that the vulnerable adult is not present or does not want to meet with or talk to the visitor, knowing that communication to be false;
- 1526 (ii) physically restraining the vulnerable adult in order to prevent the vulnerable adult from meeting with a visitor; or
- 1528 (iii) making false or misleading statements to the vulnerable adult in order to induce the vulnerable adult to refuse to receive communication from visitors or other family members.
- 1531 (b) "Isolation" does not include an act:
- 1532 (i) intended in good faith to protect the physical or mental welfare of the vulnerable adult; or
- 1534 (ii) performed pursuant to the treatment plan or instructions of a physician or other professional advisor of the vulnerable adult.
- 1536 (21) "Lacks capacity to consent" [~~is as~~] means the same as that term is defined in Section 76-5-111.4.

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- 1538 (22)
- (a) "Neglect" means:
- 1539 (i)
- (A) failure of a caretaker to provide necessary care, including nutrition, clothing, shelter, supervision, personal care, or dental, medical, or other health care for a vulnerable adult, unless the vulnerable adult is able to provide or obtain the necessary care without assistance; or
- 1543 (B) failure of a caretaker to provide protection from health and safety hazards or maltreatment;
- 1545 (ii) failure of a caretaker to provide care to a vulnerable adult in a timely manner and with the degree of care that a reasonable person in a like position would exercise;
- 1547 (iii) a pattern of conduct by a caretaker, without the vulnerable adult's informed consent, resulting in deprivation of food, water, medication, health care, shelter, cooling, heating, or other services necessary to maintain the vulnerable adult's well being;
- 1551 (iv) knowing or intentional failure by a caretaker to carry out a prescribed treatment plan that causes or is likely to cause harm to the vulnerable adult;
- 1553 (v) self-neglect by the vulnerable adult; or
- 1554 (vi) abandonment by a caretaker.
- 1555 (b) "Neglect" does not include conduct, or failure to take action, that is permitted or excused under Title 75A, Chapter 3, Health Care Decisions.
- 1557 (23) "Physical injury" includes the damage and conditions described in Section 76-5-111.
- 1558 (24) "Protected person" means a vulnerable adult for whom the court has ordered protective services.
- 1560 (25) "Protective services" means services to protect a vulnerable adult from abuse, neglect, or exploitation.
- 1562 (26) "Self-neglect" means the failure of a vulnerable adult to provide or obtain food, water, medication, health care, shelter, cooling, heating, safety, or other services necessary to maintain the vulnerable adult's well being when that failure is the result of the adult's mental or physical impairment. Choice of lifestyle or living arrangements may not, by themselves, be evidence of self-neglect.
- 1567 (27) "Serious physical injury" is as defined in Section 76-5-111.
- 1568 (28) "Supported" means a finding by the division that there is a reasonable basis to conclude that abuse, neglect, or exploitation occurred.
- 1570 (29) "Undue influence" occurs when a person:
- 1571 (a) uses influence to take advantage of a vulnerable adult's mental or physical impairment; or

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- 1573 (b) uses the person's role, relationship, or power:
- 1574 (i) to exploit, or knowingly assist or cause another to exploit, the trust, dependency, or fear of a
vulnerable adult; or
- 1576 (ii) to gain control deceptively over the decision making of the vulnerable adult.
- 1577 (30) "Vulnerable adult" means an elder adult, or a dependent adult who has a mental or physical
impairment which substantially affects that person's ability to:
- 1579 (a) provide personal protection;
- 1580 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 1581 (c) obtain services necessary for health, safety, or welfare;
- 1582 (d) carry out the activities of daily living;
- 1583 (e) manage the adult's own financial resources; or
- 1584 (f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or
exploitation.
- 1586 (31) "Without merit" means a finding that abuse, neglect, or exploitation did not occur.
- 1643 Section 15. Section **35A-8-302** is amended to read:
- 1644 **35A-8-302. Definitions.**
- As used in this part:
- 1590 (1) "Bonus payments" means that portion of the bonus payments received by the United States
government under the Leasing Act paid to the state under Section 35 of the Leasing Act, 30 U.S.C.
Sec. 191, together with any interest that had accrued on those payments.
- 1594 (2) "Impact board" means the Permanent Community Impact Fund Board created under Section
35A-8-304.
- 1596 (3) "Impact fund" means the Permanent Community Impact Fund established by this chapter.
- 1598 (4) "Interlocal agency" means a legal or administrative entity created by a subdivision or combination
of subdivisions under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- 1601 (5) "Leasing Act" means the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 181 et seq.
- 1602 (6) "Qualifying sales and use tax distribution reduction" means that, for the calendar year beginning on
January 1, 2008, the total sales and use tax distributions a city received under Section 59-12-205
were reduced by at least 15% from the total sales and use tax distributions the city received under
Section 59-12-205 for the calendar year beginning on January 1, 2007.
- 1607 (7)

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- (a) "Planning" means any of the following performed by or on behalf of the state, a subdivision, or an interlocal [entity] agency:
- 1609 (i) a study, analysis, plan, or survey; or
- 1610 (ii) activities necessary to obtain a permit or land use approval, including review to determine the need, cost, or feasibility of obtaining a permit or land use approval.
- 1612 (b) "Planning" includes:
- 1613 (i) the preparation of maps and guidelines;
- 1614 (ii) land use planning;
- 1615 (iii) a study or analysis of:
- 1616 (A) the social or economic impacts associated with natural resource development;
- 1617 (B) the demand for the transportation of individuals or goods;
- 1618 (C) state, regional, and local development and growth;
- 1619 (D) population and employment;
- 1620 (E) development related to natural resources; and
- 1621 (F) as related to any other activity described in this Subsection (7), engineering, financial analysis, legal analysis, or any other analysis helpful to the state, subdivision, or interlocal agency; and
- 1624 (iv) any activity described in this Subsection (7) regardless of whether the activity is for a public facility or a public service.
- 1626 (8) "Public facility" means a facility:
- 1627 (a) in whole or in part, owned, controlled, or operated by the state, a subdivision, or an interlocal agency; and
- 1629 (b) that serves a public purpose.
- 1630 (9)
- (a) "Public service" means a service that:
- 1631 (i) is provided, in whole or in part, by or on behalf of the state, a subdivision, or an interlocal agency; and
- 1633 (ii) serves a public purpose.
- 1634 (b) "Public service" includes:
- 1635 (i) a service described in Subsection (9)(a) regardless of whether the service is provided in connection with a public facility;
- 1637

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- (ii) the cost of providing a service described in Subsection (9)(a), including administrative costs, wages, and legal fees; and
- 1639 (iii) a contract with a public postsecondary institution to fund research, education, or a public service program.
- 1641 (10) "Subdivision" means a county, city, town, county service area, special service district, special improvement district, water conservancy district, water improvement district, sewer improvement district, housing authority, building authority, school district, or public postsecondary institution organized under the laws of this state.
- 1645 (11)
- (a) "Throughput infrastructure project" means the following facilities, whether located within, partially within, or outside of the state:
 - 1647 (i) a bulk commodities ocean terminal;
 - 1648 (ii) a pipeline for the transportation of liquid or gaseous hydrocarbons;
 - 1649 (iii) electric transmission lines and ancillary facilities;
 - 1650 (iv) a shortline freight railroad and ancillary facilities;
 - 1651 (v) a plant or facility for storing, distributing, or producing hydrogen, including the liquification of hydrogen, for use as a fuel in zero emission motor vehicles, for electricity generation, or for industrial use; or
 - 1654 (vi) a plant for the production of zero emission hydrogen fueled trucks.
- 1655 (b) "Throughput infrastructure project" includes:
 - 1656 (i) an ownership interest or a joint or undivided ownership interest in a facility;
 - 1657 (ii) a membership interest in the owner of a facility; or
 - 1658 (iii) a contractual right, whether secured or unsecured, to use all or a portion of the throughput, transportation, or transmission capacity of a facility.
- 1716 Section 16. Section **40-11-16** is amended to read:
- 1717 **40-11-16. Certificate of project completion.**
- 1662 (1) To request a certificate of project completion, a storage operator shall submit:
 - 1663 (a) a demonstration that the last carbon dioxide injection was no fewer than 10 years preceding the filing;
 - 1665 (b) a statement of compliance with all statutes and rules regulating the storage facility;
 - 1666 (c) a demonstration of the resolution of all pending claims regarding the storage facility;

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- 1667 (d) a demonstration of the present and future physical integrity of the storage reservoir;
- 1668 (e) a demonstration that any carbon dioxide in the storage reservoir:
- 1669 (i) is essentially stationary; or
- 1670 (ii) if the carbon dioxide migrates or will migrate, is highly unlikely to cross the storage reservoir boundary;
- 1672 (f) a demonstration that all wells, equipment, and facilities necessary for maintaining the continued integrity of the storage reservoir are currently in good condition and will maintain that good condition; and
- 1675 (g) a demonstration that the operator has:
- 1676 (i) plugged wells;
- 1677 (ii) removed equipment and facilities not necessary to maintaining the integrity of the reservoir; and
- 1679 (iii) completed any other reclamation work the board requires.
- 1680 (2) Immediately after the board issues a certificate of project completion:
- 1681 (a) title to the storage facility and the stored carbon dioxide, including oversight of a facility used to store the stored carbon dioxide, transfers to the state;
- 1683 (b) liability with respect to the storage facility and the stored carbon dioxide transfers to the state;
- 1685 (c) the storage operator and any person who is not the state who has property rights in the storage facility is released from any obligation to comply with regulatory requirements associated with the storage facility;
- 1688 (d) the board shall release any bonds the storage operator has posted; and
- 1689 (e) the division shall oversee the monitoring and managing of the storage facility.
- 1746 Section 17. Section **53-2a-1102** is amended to read:
- 1747 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses -- Rulemaking -- Distribution.**
- 1693 (1) As used in this section:
- 1694 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card Program created within this section.
- 1696 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a participant.
- 1698 (c) "Participant" means an individual, family, or group who is registered pursuant to this section as having a valid card at the time search, rescue, or both are provided.
- 1700 (d) "Program" means the Search and Rescue Financial Assistance Program created within this section.

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- 1702 (e)
- (i) "Reimbursable base expenses" means those reasonable expenses incidental to search and rescue activities.
- 1704 (ii) "Reimbursable base expenses" include:
- 1705 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;
- 1706 (B) replacement and upgrade of search and rescue equipment;
- 1707 (C) training of search and rescue volunteers;
- 1708 (D) costs of providing life insurance and workers' compensation benefits for volunteer search and rescue team members under Section 67-20-7.5; and
- 1710 (E) any other equipment or expenses necessary or appropriate for conducting search and rescue activities.
- 1712 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an individual on a regular or permanent payroll, including permanent part-time employees of any agency of the state.
- 1715 (f) "Rescue" means search services, rescue services, or both search and rescue services.
- 1716 (2) There is created the Search and Rescue Financial Assistance Program within the division.
- 1718 (3)
- (a) The financial program and the assistance card program shall be funded from the following revenue sources:
- 1720 (i) any voluntary contributions to the state received for search and rescue operations;
- 1721 (ii) money received by the state under Subsection (11) and under Sections 23A-4-209, 41-22-34, and 73-18-24;
- 1723 (iii) money deposited under Subsection [~~59-12-103(13)~~] 59-12-103(12);
- 1724 (iv) contributions deposited in accordance with Section 41-1a-230.7; and
- 1725 (v) appropriations made to the program by the Legislature.
- 1726 (b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund as a dedicated credit to be used solely for the program.
- 1729 (c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into the General Fund as a dedicated credit to be used solely to promote the assistance card program.
- 1732 (d) Funding for the program is nonlapsing.
- 1733

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- (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this section to reimburse counties for all or a portion of each county's reimbursable base expenses for search and rescue operations, subject to:
- 1736 (a) the approval of the Search and Rescue Advisory Board as provided in Section 53-2a-1104;
- 1738 (b) money available in the program; and
- 1739 (c) rules made under Subsection (7).
- 1740 (5) Money described in Subsection (3) may not be used to reimburse for any paid personnel costs or paid man hours spent in emergency response and search and rescue related activities.
- 1743 (6) The Legislature finds that these funds are for a general and statewide public purpose.
- 1744 (7) The division, with the approval of the Search and Rescue Advisory Board, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section:
- 1747 (a) specifying the costs that qualify as reimbursable base expenses;
- 1748 (b) defining the procedures of counties to submit expenses and be reimbursed;
- 1749 (c) defining a participant in the assistance card program, including:
- 1750 (i) individuals; and
- 1751 (ii) families and organized groups who qualify as participants;
- 1752 (d) defining the procedure for issuing a card to a participant;
- 1753 (e) defining excluded expenses that may not be reimbursed under the program, including medical expenses;
- 1755 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card Program;
- 1757 (g) establishing the frequency of review of the fee schedule;
- 1758 (h) providing for the administration of the program; and
- 1759 (i) providing a formula to govern the distribution of available money among the counties for uncompensated search and rescue expenses based on:
- 1761 (i) the total qualifying expenses submitted;
- 1762 (ii) the number of search and rescue incidents per county population;
- 1763 (iii) the number of victims that reside outside the county; and
- 1764 (iv) the number of volunteer hours spent in each county in emergency response and search and rescue related activities per county population.
- 1766 (8)

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- (a) The division shall, in consultation with the Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection 63J-1-504(7).
- 1769 (b) The division shall provide a discount of not less than 10% of the card fee under Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34, or 73-18-24 during the same calendar year in which the person applies to be a participant in the assistance card program.
- 1773 (9) Counties may not bill reimbursable base expenses to an individual for costs incurred for the rescue of an individual, if the individual is a current participant in the Utah Search and Rescue Assistance Card Program at the time of rescue, unless:
- 1776 (a) the rescuing county finds that the participant acted recklessly in creating a situation resulting in the need for the county to provide rescue services; or
- 1778 (b) the rescuing county finds that the participant intentionally created a situation resulting in the need for the county to provide rescue services.
- 1780 (10)
- (a) There is created the Utah Search and Rescue Assistance Card Program. The program is located within the division.
- 1782 (b) The program may not be used to cover any expenses, such as medically related expenses, that are not reimbursable base expenses related to the rescue.
- 1784 (11)
- (a) To participate in the program, a person shall purchase a search and rescue assistance card from the division by paying the fee as determined by the division in Subsection (8).
- 1787 (b) The money generated by the fees shall be deposited into the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created in this section.
- 1790 (c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.
- 1792 (12) The division shall consult with the Division of Outdoor Recreation regarding:
- 1793 (a) administration of the assistance card program; and
- 1794 (b) outreach and marketing strategies.
- 1795 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card Program under this section is exempt from being considered insurance as that term is defined in Section 31A-1-301.
- 1854 Section 18. Section **53-2d-101** is amended to read:
- 1855 **53-2d-101. Definitions.**

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As used in this chapter:

- 1801 (1)
- 1802 (a) "911 ambulance or paramedic services" means:
- 1803 (i) either:
- 1804 (A) 911 ambulance service;
- 1805 (B) 911 paramedic service; or
- 1806 (C) both 911 ambulance and paramedic service; and
- 1807 (ii) a response to a 911 call received by a designated dispatch center that receives 911 or E911 calls.
- 1808 (b) "911 ambulance or paramedic services" does not mean a seven or 10 digit telephone call received directly by an ambulance provider licensed under this chapter.
- 1810 (2) "Ambulance" means a ground, air, or water vehicle that:
- 1811 (a) transports patients and is used to provide emergency medical services; and
- 1812 (b) is required to obtain a permit under Section 53-2d-404 to operate in the state.
- 1813 (3) "Ambulance provider" means an emergency medical service provider that:
- 1814 (a) transports and provides emergency medical care to patients; and
- 1815 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
- 1816 (4) "Automatic external defibrillator" or "AED" means an automated or automatic computerized medical device that:
- 1817 (a) has received pre-market notification approval from the United States Food and Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);
- 1818 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;
- 1819 (c) is capable of determining, without intervention by an operator, whether defibrillation should be performed; and
- 1820 (d) upon determining that defibrillation should be performed, automatically charges, enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and to an individual's heart.
- 1821 (5)
- 1822 (a) "Behavioral emergency services" means delivering a behavioral health intervention to a patient in an emergency context within a scope and in accordance with guidelines established by the department.
- 1823 (b) "Behavioral emergency services" does not include engaging in the:
- 1830

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- 1831 (i) practice of mental health therapy as defined in Section 58-60-102;
- 1832 (ii) practice of psychology as defined in Section 58-61-102;
- 1833 (iii) practice of clinical social work as defined in Section 58-60-202;
- 1834 (iv) practice of certified social work as defined in Section 58-60-202;
- 1835 (v) practice of marriage and family therapy as defined in Section 58-60-302;
- 1836 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
- 1837 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 1838 (6) "Bureau" means the Bureau of Emergency Medical Services created in Section 53-2d-102.
- 1840 (7) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest compression applied to a person who is unresponsive and not breathing.
- 1842 (8) "Committee" means the Trauma System and Emergency Medical Services Committee created by Section 53-2d-104.
- 1844 (9) "Community paramedicine" means medical care:
- 1845 (a) provided by emergency medical service personnel; and
- 1846 (b) provided to a patient who is not:
- 1847 (i) in need of ambulance transportation; or
- 1848 (ii) located in a health care facility as defined in Section 26B-2-201.
- 1849 (10) "Direct medical observation" means in-person observation of a patient by a physician, registered nurse, physician's assistant, or individual licensed under Section 26B-4-116.
- 1851 (11) "Emergency medical condition" means:
- 1852 (a) a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:
- 1856 (i) placing the individual's health in serious jeopardy;
- 1857 (ii) serious impairment to bodily functions; or
- 1858 (iii) serious dysfunction of any bodily organ or part; or
- 1859 (b) a medical condition that in the opinion of a physician or the physician's designee requires direct medical observation during transport or may require the intervention of an individual licensed under Section 53-2d-402 during transport.
- 1862 (12) "Emergency medical dispatch center" means a public safety answering point, as defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by the bureau.

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1865 (13)

(a) "Emergency medical service personnel" means an individual who provides emergency medical services or behavioral emergency services to a patient and is required to be licensed or certified under Section 53-2d-402.

1868 (b) "Emergency medical service personnel" includes a paramedic, medical director of a licensed emergency medical service provider, emergency medical service instructor, behavioral emergency services technician, other categories established by the committee, and a certified emergency medical dispatcher.

1872 (14) "Emergency medical service providers" means:

1873 (a) licensed ambulance providers and paramedic providers;

1874 (b) a facility or provider that is required to be designated under Subsection 53-2d-403(1)(a); and

1876 (c) emergency medical service personnel.

1877 (15) "Emergency medical services" means:

1878 (a) medical services;

1879 (b) transportation services;

1880 (c) behavioral emergency services; or

1881 (d) any combination of the services described in Subsections (15)(a) through (c).

1882 (16) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

1883 (a) maintained and used for the transportation of emergency medical personnel, equipment, and supplies to the scene of a medical emergency; and

1885 (b) required to be permitted under Section 53-2d-404.

1886 (17) "Governing body":

1887 (a) means the same as that term is defined in Section 11-42-102; and

1888 (b) for purposes of a "special service district" under Section 11-42-102, means a special service district that has been delegated the authority to select a provider under this chapter by the special service district's legislative body or administrative control board.

1892 (18) "Interested party" means:

1893 (a) a licensed or designated emergency medical services provider that provides emergency medical services within or in an area that abuts an exclusive geographic service area that is the subject of an application submitted pursuant to Part 5, Ambulance and Paramedic Providers;

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- (b) any municipality, county, or fire district that lies within or abuts a geographic service area that is the subject of an application submitted pursuant to Part 5, Ambulance and Paramedic Providers; or
- 1900 (c) the department when acting in the interest of the public.
- 1901 (19) "Level of service" means the level at which an ambulance provider type of service is licensed as:
- 1903 (a) emergency medical technician;
- 1904 (b) advanced emergency medical technician; or
- 1905 (c) paramedic.
- 1906 (20) "Medical control" means a person who provides medical supervision to an emergency medical service provider.
- 1908 (21) "Non-911 service" means transport of a patient that is not 911 transport under Subsection (1).
- 1910 (22) "Nonemergency secured behavioral health transport" means an entity that:
- 1911 (a) provides nonemergency secure transportation services for an individual who:
- 1912 (i) is not required to be transported by an ambulance under Section 53-2d-405; and
- 1913 (ii) requires behavioral health observation during transport between any of the following facilities:
- 1915 (A) a licensed acute care hospital;
- 1916 (B) an emergency patient receiving facility;
- 1917 (C) a licensed mental health facility; and
- 1918 (D) the office of a licensed health care provider; and
- 1919 (b) is required to be designated under Section 53-2d-403.
- 1920 (23) "Paramedic provider" means an entity that:
- 1921 (a) employs emergency medical service personnel; and
- 1922 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
- 1923 (24) "Patient" means an individual who, as the result of illness, injury, or a behavioral emergency condition, meets any of the criteria in Section [~~26B-4-119~~] 53-2d-405.
- 1925 (25) "Political subdivision" means:
- 1926 (a) a city or town;
- 1927 (b) a county;
- 1928 (c) a special service district created under Title 17D, Chapter 1, Special Service District Act, for the purpose of providing fire protection services under Subsection 17D-1-201(9);
- 1931 (d) a special district created under Title 17B, Limited Purpose Local Government Entities - Special Districts, for the purpose of providing fire protection, paramedic, and emergency services;

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- 1934 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or
- 1935 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 1936 (26) "Sudden cardiac arrest" means a life-threatening condition that results when a person's heart stops or fails to produce a pulse.
- 1938 (27) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 1939 (28) "Trauma system" means a single, statewide system that:
- 1940 (a) organizes and coordinates the delivery of trauma care within defined geographic areas from the time of injury through transport and rehabilitative care; and
- 1942 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in delivering care for trauma patients, regardless of severity.
- 1944 (29) "Triage" means the sorting of patients in terms of disposition, destination, or priority. For prehospital trauma victims, triage requires a determination of injury severity to assess the appropriate level of care according to established patient care protocols.
- 1947 (30) "Triage, treatment, transportation, and transfer guidelines" means written procedures that:
- 1949 (a) direct the care of patients; and
- 1950 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma center, or an emergency medical service provider.
- 1952 (31) "Type of service" means the category at which an ambulance provider is licensed as:
- 1953 (a) ground ambulance transport;
- 1954 (b) ground ambulance interfacility transport; or
- 1955 (c) both ground ambulance transport and ground ambulance interfacility transport.
- 2012 Section 19. Section **53E-3-301** is amended to read:
- 2013 **53E-3-301. Appointment -- Qualifications -- Duties.**
- 1958 (1)
- (a) The state board shall appoint a state superintendent of public instruction, who is the executive officer of the state board and serves at the pleasure of the state board.
- 1960 (b) The state board shall appoint the state superintendent on the basis of outstanding professional qualifications.
- 1962 (c) The state superintendent shall administer all programs assigned to the state board in accordance with the policies and the standards established by the state board.
- 1964

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- (2) The state board shall, with the state superintendent, develop a statewide education strategy focusing on core academics, including the development of:
- 1966 (a) core standards for Utah public schools and graduation requirements;
 - 1967 (b) a process to select model instructional materials that best correlate with the core standards for Utah public schools and graduation requirements that are supported by generally accepted scientific standards of evidence;
 - 1970 (c) professional development programs for teachers, superintendents, and principals;
 - 1971 (d) model remediation programs;
 - 1972 (e) a model method for creating individual student learning targets, and a method of measuring an individual student's performance toward those targets;
 - 1974 (f) progress-based assessments for ongoing performance evaluations of school districts and schools;
 - 1976 (g) incentives to achieve the desired outcome of individual student progress in core academics that do not create disincentives for setting high goals for the students;
 - 1978 (h) an annual report card for school and school district performance, measuring learning and reporting progress-based assessments;
 - 1980 (i) a systematic method to encourage innovation in schools and school districts as each strives to achieve improvement in performance; and
 - 1982 (j) a method for identifying and sharing best demonstrated practices across school districts and schools.
- (3) The state superintendent shall perform duties assigned by the state board, including:
- 1985 (a) investigating all matters pertaining to the public schools;
 - 1986 (b) adopting and keeping an official seal to authenticate the state superintendent's official acts;
 - 1988 (c) holding and conducting meetings, seminars, and conferences on educational topics;
 - 1989 (d) collecting and organizing education data into an automated decision support system to facilitate school district and school improvement planning, accountability reporting, performance recognition, and the evaluation of educational policy and program effectiveness to include:
 - 1993 (i) data that are:
 - 1994 (A) comparable across schools and school districts;
 - 1995 (B) appropriate for use in longitudinal studies; and
 - 1996 (C) comprehensive with regard to the data elements required under applicable state or federal law or state board rule;
 - 1998 (ii) features that enable users, most particularly school administrators, teachers, and parents, to:

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- 2000 (A) retrieve school and school district level data electronically;
- 2001 (B) interpret the data visually; and
- 2002 (C) draw conclusions that are statistically valid; and
- 2003 (iii) procedures for the collection and management of education data that:
- 2004 (A) require the state superintendent to:
- 2005 (I) collaborate with school districts and charter schools in designing and implementing uniform data standards and definitions;
- 2007 (II) undertake or sponsor research to implement improved methods for analyzing education data;
- 2009 (III) provide for data security to prevent unauthorized access to or contamination of the data; and
- 2011 (IV) protect the confidentiality of data under state and federal privacy laws; and
- 2012 (B) require all school districts and schools to comply with the data collection and management procedures established under this Subsection (3)(d);
- 2014 (e) administering and implementing federal educational programs in accordance with Part 8, Implementing Federal or National Education Programs; and
- 2016 (f) with the approval of the state board, preparing and submitting to the governor a budget for the state board to be included in the budget that the governor submits to the Legislature.
- 2019 [~~(4) The state superintendent shall distribute funds deposited in the Autism Awareness Restricted Account created in Section 53F-9-401 in accordance with the requirements of Section 53F-9-401.~~]
- 2022 [~~(5)~~ (4) Upon leaving office, the state superintendent shall deliver to the state superintendent's successor all books, records, documents, maps, reports, papers, and other articles pertaining to the state superintendent's office.
- 2081 Section 20. Section **53G-6-1004** is amended to read:
- 2082 **53G-6-1004. Eligibility for interscholastic activities.**
- 2027 (1)
- (a) Notwithstanding any state board rule or policy of an athletic association, and except as provided in Subsections (1)(b) and (c):
- 2029 (i) once a student has obtained the eligibility approval of the commission under Subsection (2), the student may participate in a gender-designated interscholastic activity that does not correspond with the sex designation on the student's birth certificate; and
- 2033

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- (ii) if a student does not obtain the eligibility approval of the commission under Subsection (2), the student may not participate in a gender-designated interscholastic activity that does not correspond with the sex designation on the student's birth certificate.
- 2037 (b) A student who has undergone or is undergoing a gender transition shall obtain the eligibility approval of the commission under Subsection (2) to participate in a gender-designated interscholastic activity that corresponds with the student's gender identity.
- 2041 (c) Nothing in this subsection prohibits a student from participating in a gender-designated interscholastic activity in accordance with 34 C.F.R. Sec. 106.41(b).
- 2044 (2)
- (a) When a student registers with an athletic association to participate in a gender-designated interscholastic activity:
- 2046 (i) a student who has undergone or is undergoing a gender transition shall notify the athletic association of the student's transition and the need for the commission's eligibility approval as described in Subsection (1)(b);
- 2049 (ii) the athletic association shall notify the commission of:
- 2050 (A) a student for whom an eligibility determination of the commission is required due to the sex designation on the student's birth certificate not corresponding with the gender designation of the gender-designated interscholastic activity in which the student seeks to participate or the student's notice of a gender transition under Subsection [~~(1)(a)(ii)~~] (1)(b); and
- 2055 (B) the association's ad hoc appointment to the commission described in Subsection 53G-6-1003(2)(a)(iv); and
- 2057 (iii) the athletic association shall notify the student described in this Subsection (2)(a) regarding the process for determining the student's eligibility for the activity under this section.
- 2060 (b) The commission shall:
- 2061 (i) schedule a non-public meeting to consider a student's eligibility to be held within 30 days after the day on which the commission receives the notification described in Subsection (2)(a); and
- 2064 (ii) notify the relevant athletic association and the student's parents or legal guardians of the scheduled meeting.
- 2066 (c) Before the meeting described in Subsection (2)(b):
- 2067 (i) the student for whom the commission has scheduled the meeting or the student's parent or guardian is not required but may submit to the commission any information the student wishes to disclose

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to the commission that may be relevant to the commission's eligibility determination, including information regarding:

- 2071 (A) the gender-designated interscholastic activities for which the student seeks eligibility;
- 2073 (B) the gender-designated interscholastic activities in which the student has previously participated; and
- 2075 (C) the student's physical characteristics or medical treatments that support the student's eligibility for the specific gender-designated interscholastic activity;
- 2077 (ii) the commission may request additional evidence from the student that is:
- 2078 (A) limited to the extent possible to protect the student's privacy; and
- 2079 (B) only directly relevant to the commission's eligibility determination; and
- 2080 (iii) the commission may offer the student a voucher to cover the cost of a diagnostic assessment if the commission makes a request for medical information under Subsection (2)(c)(ii) for which the student's insurance does not provide coverage or reimbursement for the diagnostic that:
- 2084 (A) would provide the requested information; and
- 2085 (B) is not free or otherwise readily available to the student.
- 2086 (d) During the meeting described in Subsection (2)(b):
- 2087 (i) only the following individuals may be present or participate electronically:
- 2088 (A) the student for whom the commission is meeting to make an eligibility determination;
- 2090 (B) the student's parents or guardians;
- 2091 (C) the members and necessary staff of the commission; and
- 2092 (D) any medical professionals or other witnesses the student chooses to include to support the student's eligibility;
- 2094 (ii) attendees may participate in person or electronically; and
- 2095 (iii) the commission shall:
- 2096 (A) hear the information that supports the student's eligibility;
- 2097 (B) deliberate the facts relevant to the student's physical characteristics and eligibility in camera or otherwise after temporarily excusing from the meeting the student, the student's parents or legal guardians, and any medical professionals or other witnesses whom the student includes; and
- 2101 (C) render the commission's eligibility determination in accordance with Subsection (3) or request additional information and schedule an additional commission meeting to be held within 30 days of the meeting and in accordance with this Subsection (2)(d) to discuss the additional information and render the commission's eligibility determination.

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- 2106 (e) The commission may not address the commission's application or analysis of or determination under
this part regarding the eligibility of a specific student in a public meeting or public communication.
- 2109 (3)
- (a) In making an eligibility determination, the commission, after considering whether the student's
assertion of a gender identity is consistent with the statutory definition of gender identity as that
term is defined in Section 34A-5-102, including the implications for the student's mental health of
participating in the gender-designated interscholastic activity, shall:
- 2114 (i) make a determination regarding whether, when measured against the relevant baseline range
described in Subsection 53G-6-1003(8), granting the student's eligibility would:
- 2117 (A) present a substantial safety risk to the student or others that is significantly greater than the inherent
risks of the given activity; or
- 2119 (B) likely give the student a material competitive advantage when compared to students of the same
age competing in the relevant gender-designated activity, including consideration of the student's
previous history of participation in gender-designated interscholastic activities; and
- 2123 (ii) record the commission's decision and rationale in writing and provide the written decision to the
athletic [~~commission~~] association within 30 days after the day on which the commission renders
an eligibility decision under this Subsection (3)(a) in a meeting described in Subsection (2)(b).
- 2127 (b) Upon receipt of the commission's determination and rationale under Subsection (3)(a), the
athletic [~~commission~~] association shall notify the student and the relevant school or LEA of the
commission's determination and rationale.
- 2130 (c) A school or LEA shall comply with the commission's determination under this Subsection (3).
- 2132 (4)
- (a) Notwithstanding any other provision of law and except as provided in Subsections (3)(b) and (4)(b),
the commission may not disclose:
- 2134 (i) the name of a student whose eligibility the commission will consider, is considering, or has
considered; or
- 2136 (ii) the commission's determination regarding a student's eligibility.
- 2137 (b) The commission shall disclose the commission's determination of a student's eligibility for a given
gender-designated interscholastic activity to the relevant athletic association, only for the purpose of
confirming whether the student is eligible for the interscholastic activity.
- 2141 (c)

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- (i) Notwithstanding any other provision of law, an athletic association may not disclose the information described in Subsections (4)(a)(i) and (ii).
- 2143 (ii) Nothing in this Subsection (4) prohibits an athletic association from affirming that a student is eligible if the eligibility of a student is questioned.
- 2201 Section 21. Section **58-11a-102** is amended to read:
- 2202 **58-11a-102. Definitions.**
- As used in this chapter:
- 2148 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2153 (2) "Approved esthetician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(4) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2157 (3) "Approved eyelash and eyebrow technician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(7) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2161 (4) "Approved hair designer apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(3) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2165 (5) "Approved master esthetician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(5) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2169 (6) "Approved nail technician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(6) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2173 (7) "Barber" means a person who is licensed under this chapter to engage in the practice of barbering.
- 2175 (8) "Barber instructor" means a barber who is licensed under this chapter to engage in the practice of barbering instruction.

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- 2177 (9) "Board" means the Cosmetology and Associated Professions Licensing Board created in Section 58-11a-201.
- 2179 (10) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section 58-67-102.
- 2181 (11) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.
- 2182 (12) "Cosmetologist/barber" means a person who is licensed under this chapter to engage in the practice of cosmetology/barbering.
- 2184 (13) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed under this chapter to engage in the practice of cosmetology/barbering instruction.
- 2186 (14) "Direct supervision" means that the supervisor of an apprentice or the instructor of a student is physically present in the same building as the apprentice or student and readily able to establish direct contact with the apprentice or student for consultation, advice, instruction, and evaluation.
- 2190 (15) "Electrologist" means a person who is licensed under this chapter to engage in the practice of electrology.
- 2192 (16) "Electrologist instructor" means an electrologist who is licensed under this chapter to engage in the practice of electrology instruction.
- 2194 (17) "Esthetician" means a person who is licensed under this chapter to engage in the practice of esthetics.
- 2196 (18) "Esthetician instructor" means a master esthetician who is licensed under this chapter to engage in the practice of esthetics instruction.
- 2198 (19) "Eyelash and eyebrow technician" means a person who is licensed under this chapter to engage in the practice of eyelash and eyebrow technology.
- 2200 (20) "Eyelash and eyebrow technician instructor" means an eyelash and eyebrow technician licensed under this chapter to engage in the practice of eyelash and eyebrow technology instruction.
- 2203 (21) "Fund" means the Cosmetology and Associated Professions Education and Enforcement Fund created in Section 58-11a-103.
- 2205 (22)
- (a) "Hair braiding" means the twisting, weaving, or interweaving of a person's natural human hair.
- 2207 (b) "Hair braiding" includes the following methods or styles:
- 2208 (i) African-style braiding;
- 2209 (ii) box braids;
- 2210 (iii) cornrows;

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- 2211 (iv) dreadlocks;
- 2212 (v) french braids;
- 2213 (vi) invisible braids;
- 2214 (vii) micro braids;
- 2215 (viii) single braids;
- 2216 (ix) single plaits;
- 2217 (x) twists;
- 2218 (xi) visible braids;
- 2219 (xii) the use of lock braids;
- 2220 (xiii) the use of decorative beads, accessories, and extensions; and
- 2221 (xiv) the use of wefts if applied without the use of glue or tape.
- 2222 (c) "Hair braiding" does not include:
 - 2223 (i) the use of:
 - 2224 (A) wefts if applied with the use of glue or tape;
 - 2225 (B) synthetic tape;
 - 2226 (C) synthetic glue;
 - 2227 (D) keratin bonds;
 - 2228 (E) fusion bonds; or
 - 2229 (F) heat tools;
 - 2230 (ii) the cutting of human hair; or
 - 2231 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
 - 2232 (A) alter the color of the hair; or
 - 2233 (B) straighten, curl, or alter the structure of the hair.
- 2234 (23) "Hair designer" means a person who is licensed under this chapter to engage in the practice of hair design.
- 2236 (24) "Hair designer instructor" means a hair designer who is licensed under this chapter to engage in the practice of hair design instruction.
- 2238 (25) "Licensed barber or cosmetology/barber school" means a barber or cosmetology/barber school licensed under this chapter.
- 2240 (26) "Licensed electrology school" means an electrology school licensed under this chapter.
- 2241 (27) "Licensed esthetics school" means an esthetics school licensed under this chapter.

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- 2242 (28) "Licensed hair design school" means a hair design school licensed under this chapter.
- 2243 (29) "Licensed nail technology school" means a nail technology school licensed under this chapter.
- 2245 (30) "Master esthetician" means an individual who is licensed under this chapter to engage in the practice of master-level esthetics.
- 2247 (31) "Nail technician" means an individual who is licensed under this chapter to engage in the practice of nail technology.
- 2249 (32) "Nail technician instructor" means a nail technician licensed under this chapter to engage in the practice of nail technology instruction.
- 2251 (33) "Practice of barbering" means:
- 2252 (a) cutting, clipping, or trimming the hair of the head of any person by the use of scissors, shears, clippers, or other appliances;
- 2254 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;
- 2255 (c) removing hair from the face or neck of a person by the use of shaving equipment; and
- 2256 (d) when providing other services described in this Subsection (33), gently massaging the head, back of the neck, and shoulders by manual or mechanical means.
- 2258 (34) "Practice of barbering instruction" means teaching the practice of barbering at a licensed barber school, at any school licensed under this chapter or for an approved barber apprenticeship.
- 2261 (35) "Practice of basic esthetics" means any one of the following skin care procedures done on the body for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:
- 2264 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or pedicures, or callous removal by buffing or filing;
- 2268 (b) limited chemical exfoliation as defined by rule;
- 2269 (c) removing superfluous hair by means other than electrolysis, except that an individual is not required to be licensed as an esthetician to engage in the practice of threading;
- 2271 (d) other esthetic preparations or procedures with the use of the hands, a high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not for the treatment of medical, physical, or mental ailments;
- 2274 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or applying eyelash or eyebrow extensions; or
- 2276

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- (f) except as provided in Subsection (35)(f)(i), cosmetic laser procedures under the direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the following:
- 2279 (i) superfluous hair removal which shall be under indirect supervision;
- 2280 (ii) anti-aging resurfacing enhancements;
- 2281 (iii) photo rejuvenation; or
- 2282 (iv) tattoo removal.
- 2283 (36)
- (a) "Practice of cosmetology/barbering" means:
- 2284 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a person;
- 2287 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or other appliances;
- 2289 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, applying eyelash or eyebrow extensions;
- 2291 (iv) removing hair from the body of a person by the use of depilatories, waxing, or shaving equipment;
- 2293 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces or both on the human head; or
- 2295 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted hair.
- 2297 (b) The term "practice of cosmetology/barbering" includes:
- 2298 (i) the practice of barbering;
- 2299 (ii) the practice of basic esthetics;
- 2300 (iii) the practice of nail technology; and
- 2301 (iv) the practice of eyelash and eyebrow technology.
- 2302 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in the practice of threading.
- 2304 (37) "Practice of cosmetology/barbering instruction" means teaching the practice of cosmetology/barbering:
- 2306 (a) at any school licensed under this chapter; or
- 2307 (b) for an approved cosmetologist/barber apprenticeship.
- 2308 (38) "Practice of electrology" means:

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- 2309 (a) the removal of superfluous hair from the body of a person by the use of electricity, waxing, shaving, or tweezing; or
- 2311 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to superfluous hair removal.
- 2313 (39) "Practice of electrology instruction" means teaching the practice of electrology at any school licensed under this chapter.
- 2315 (40) "Practice of esthetics instruction" means teaching the practice of basic esthetics or the practice of master-level esthetics:
- 2317 (a) at any school licensed under this chapter; or
- 2318 (b) for an approved esthetician apprenticeship or an approved master esthetician apprenticeship.
- 2320 (41) "Practice of eyelash and eyebrow technology" means arching eyebrows by tweezing, tinting eyelashes or eyebrows, perming eyelashes or eyebrows, or applying eyelash or eyebrow extensions.
- 2323 (42) "Practice of eyelash and eyebrow technology instruction" means teaching the practice of eyelash and eyebrow technology at any school licensed under this chapter or for an approved eyelash and eyebrow technician apprenticeship.
- 2326 (43) "Practice of hair design" means:
- 2327 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a person;
- 2330 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors, shears, clippers, or other appliances;
- 2332 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or both on the human head; or
- 2334 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted hair.
- 2336 (44) "Practice of hair design instruction" means teaching the practice of hair design at any school licensed under this chapter.
- 2338 (45)
- (a) "Practice of master-level esthetics" means:
- 2339 (i) any of the following when done for cosmetic purposes on the body and not for the treatment of medical, physical, or mental ailments:
- 2341 (A) body wraps as defined by rule;
- 2342 (B) hydrotherapy as defined by rule;

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- 2343 (C) chemical exfoliation as defined by rule;
- 2344 (D) advanced pedicures as defined by rule;
- 2345 (E) sanding, including microdermabrasion;
- 2346 (F) advanced extraction;
- 2347 (G) dermaplaning;
- 2348 (H) other esthetic preparations or procedures with the use of:
- 2349 (I) the hands; or
- 2350 (II) a mechanical or electrical apparatus which is approved for use by division rule for beautifying or similar work performed on the body for cosmetic purposes and not for the treatment of a medical, physical, or mental ailment; or
- 2354 (I) cosmetic laser procedures under the supervision of a cosmetic supervisor with a physician's evaluation before the procedure, as needed, unless specifically required under Section 58-1-506, and limited to the following:
- 2357 (I) superfluous hair removal;
- 2358 (II) anti-aging resurfacing enhancements;
- 2359 (III) photo rejuvenation; or
- 2360 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician assistant's evaluation before the tattoo removal procedure, as required by Subsection 58-1-506(3)(a); and
- 2363 (ii) lymphatic massage by manual or other means as defined by rule.
- 2364 (b) Notwithstanding the provisions of Subsection (45)(a), a master-level esthetician may perform procedures listed in Subsection (45)(a)(i)[~~(H)~~] (I) if done under the supervision of a cosmetic supervisor acting within the scope of the cosmetic supervisor license.
- 2368 (c) The term "practice of master-level esthetics" includes:
- 2369 (i) the practice of esthetics, but an individual is not required to be licensed as an esthetician or master-level esthetician to engage in the practice of threading; and
- 2371 (ii) the practice of eyelash and eyebrow technology.
- 2372 (46)
- (a) "Practice of nail technology" means to trim, cut, clean, manicure, shape, massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of hands, mechanical, or electrical preparation, antiseptic, lotions, or creams.
- 2375 (b) "Practice of nail technology" includes:

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- 2376 (i) the application and removal of sculptured or artificial nails; and
- 2377 (ii) using blades, including corn or callus planer or rasp, for smoothing, shaving, or removing dead skin from the feet.
- 2379 (47) "Practice of nail technology instruction" means teaching the practice of nail technology at any school licensed under this chapter or for an approved nail technician apprenticeship.
- 2382 (48) "Recognized barber school" means a barber school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- 2385 (49) "Recognized cosmetology/barber school" means a cosmetology/barber school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- 2388 (50) "Recognized electrology school" means an electrology school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- 2391 (51) "Recognized esthetics school" means an esthetics school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- 2394 (52) "Recognized eyelash and eyebrow technology school" means an eyelash and eyebrow technology school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- 2398 (53) "Recognized hair design school" means a hair design school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- 2401 (54) "Recognized nail technology school" means a nail technology school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- 2404 (55) "Salon" means a place, shop, or establishment in which cosmetology/barbering, esthetics, electrology, nail technology, or eyelash and eyebrow technology is practiced.
- 2406 (56) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.
- 2407

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(57) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-11a-501 and as may be further defined by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2466 Section 22. Section **59-2-1804** is amended to read:

2467 **59-2-1804. Application for tax deferral or tax abatement.**

2412 (1)

(a) Except as provided in Subsection (1)(b) or (2), an applicant for deferral or abatement for the current tax year shall annually file an application on or before September 1 with the county in which the applicant's property is located.

2415 (b) If a county finds good cause exists, the county may extend until December 31 the deadline described in Subsection (1)(a).

2417 (c) An indigent individual may apply and potentially qualify for deferral, abatement, or both.

2419 (2)

~~(a)~~ A county shall extend the default application deadline by one additional year if:

2420 (a) the applicant had been approved for a deferral under this part in the prior year; or

2421 (b) the county determines that:

2422 (i) the applicant or a member of the applicant's immediate family had an illness or injury that prevented the applicant from filing the application on or before the default application deadline;

2425 (ii) a member of the applicant's immediate family died during the calendar year of the default application deadline;

2427 (iii) the failure of the applicant to file the application on or before the default application deadline was beyond the reasonable control of the applicant; or

2429 (iv) denial of an application would be unjust or unreasonable.

2430 (3)

(a) An applicant shall include in an application a signed statement that describes the eligibility of the applicant for deferral or abatement.

2432 (b) For an application for a deferral under Section 59-2-1802.5, the requirements described in Subsection (3)(a) include:

2434 (i) proof that the applicant resides at the single-family residence for which the applicant seeks the deferral;

2436 (ii) proof of age; and

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- 2437 (iii) proof of household income.
- 2438 (4) Both spouses shall sign an application if the application seeks a deferral or abatement on a
residence:
- 2440 (a) in which both spouses reside; and
- 2441 (b) that the spouses own as joint tenants.
- 2442 (5) If an applicant is dissatisfied with a county's decision on the applicant's application for deferral or
abatement, the applicant may appeal the decision to the commission in accordance with Section
59-2-1006.
- 2445 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission
may make rules to implement this section.
- 2503 Section 23. Section **59-2-1901** is amended to read:
- 2504 **59-2-1901. Definitions.**
- As used in this section:
- 2450 (1) "Active component of the United States Armed Forces" means the same as that term is defined in
Section 59-10-1027.
- 2452 (2) "Active duty claimant" means a member of an active component of the United States Armed Forces
or a reserve component of the United States Armed Forces who:
- 2454 (a) performed qualifying active duty military service; and
- 2455 (b) applies for an exemption described in Section 59-2-1902.
- 2456 (3) "Adjusted taxable value limit" means:
- 2457 (a) for the calendar year that begins on January 1, 2023, \$479,504; or
- 2458 (b) for each calendar year after the calendar year that begins on January 1, 2023, the amount of the
adjusted taxable value limit for the previous year plus an amount calculated by multiplying the
amount of the adjusted taxable value limit for the previous year by the actual percent change in the
consumer price index during the previous calendar year.
- 2463 (4) "Consumer price index" means the same as that term is described in Section 1(f)(4), Internal
Revenue Code, and defined in Section 1(f)(5), Internal Revenue Code.
- 2465 (5) "Deceased veteran with a disability" means a deceased individual who was a veteran with a
disability at the time the individual died.
- 2467 (6) "Military entity" means:
- 2468 (a) the United States Department of Veterans Affairs;

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- 2469 (b) an active component of the United States Armed Forces; or
- 2470 (c) a reserve component of the United States Armed Forces.
- 2471 (7) "Primary residence" includes the residence of a individual who does not reside in the residence if the individual:
- 2473 (a) does not reside in the residence because the individual is admitted as an inpatient at a health care facility as defined in Section 26B-4-501; and
- 2475 (b) otherwise meets the requirements of this part.
- 2476 (8) "Qualifying active duty military service" means at least 200 days, regardless of whether consecutive, in any continuous 365-day period of active duty military service outside the state in an active component of the United States Armed Forces or a reserve component of the United States Armed Forces, if the days of active duty military service:
- 2480 (a) were completed in the year before an individual applies for an exemption described in Section 59-2-1902; and
- 2482 (b) have not previously been counted as qualifying active duty military service for purposes of qualifying for an exemption described in Section 59-2-1902 or applying for the exemption described in Section 59-2-1902.
- 2485 [~~(9) "Statement of disability" means the statement of disability described in Section 59-2-1904.~~]
- 2487 [~~(10)~~ (9) "Reserve component of the United States Armed Forces" means the same as that term is defined in Section 59-10-1027.
- 2489 [~~(11)~~ (10) "Residence" means real property where an individual resides, including:
- 2490 (a) a mobile home, as defined in Section 41-1a-102; or
- 2491 (b) a manufactured home, as defined in Section 41-1a-102.
- 2492 (11) "Statement of disability" means the statement of disability described in Section 59-2-1904.
- 2494 (12) "Veteran claimant" means one of the following individuals who applies for an exemption described in Section 59-2-1903:
- 2496 (a) a veteran with a disability;
- 2497 (b) the unmarried surviving spouse:
- 2498 (i) of a deceased veteran with a disability; or
- 2499 (ii) a veteran who was killed in action or died in the line of duty; or
- 2500 (c) a minor orphan:
- 2501 (i) of a deceased veteran with a disability; or

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- 2502 (ii) a veteran who was killed in action or died in the line of duty.
- 2503 (13) "Veteran who was killed in action or died in the line of duty" means an individual who was killed in action or died in the line of duty in an active component of the United States Armed Forces or a reserve component of the United States Armed Forces, regardless of whether that individual had a disability at the time that individual was killed in action or died in the line of duty.
- 2508 (14) "Veteran with a disability" means an individual with a disability who, during military training or a military conflict, acquired a disability in the line of duty in an active component of the United States Armed Forces or a reserve component of the United States Armed Forces, as determined by a military entity.
- 2568 Section 24. Section **59-12-102** is amended to read:
- 2569 **59-12-102. Definitions.**
- As used in this chapter:
- 2515 (1) "800 service" means a telecommunications service that:
- 2516 (a) allows a caller to dial a toll-free number without incurring a charge for the call; and
- 2517 (b) is typically marketed:
- 2518 (i) under the name 800 toll-free calling;
- 2519 (ii) under the name 855 toll-free calling;
- 2520 (iii) under the name 866 toll-free calling;
- 2521 (iv) under the name 877 toll-free calling;
- 2522 (v) under the name 888 toll-free calling; or
- 2523 (vi) under a name similar to Subsections (1)(b)(i) through (v) as designated by the Federal Communications Commission.
- 2525 (2)
- (a) "900 service" means an inbound toll telecommunications service that:
- 2526 (i) a subscriber purchases;
- 2527 (ii) allows a customer of the subscriber described in Subsection (2)(a)(i) to call in to the subscriber's:
- 2529 (A) prerecorded announcement; or
- 2530 (B) live service; and
- 2531 (iii) is typically marketed:
- 2532 (A) under the name 900 service; or

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- 2533 (B) under a name similar to Subsection (2)(a)(iii)(A) as designated by the Federal Communications Commission.
- 2535 (b) "900 service" does not include a charge for:
- 2536 (i) a collection service a seller of a telecommunications service provides to a subscriber; or
- 2538 (ii) the following a subscriber sells to the subscriber's customer:
- 2539 (A) a product; or
- 2540 (B) a service.
- 2541 (3)
- (a) "Admission or user fees" includes season passes.
- 2542 (b) "Admission or user fees" does not include:
- 2543 (i) annual membership dues to private organizations; or
- 2544 (ii) a lesson, including a lesson that involves as part of the lesson equipment or a facility listed in Subsection 59-12-103(1)(f).
- 2546 (4) "Affiliate" or "affiliated person" means a person that, with respect to another person:
- 2547 (a) has an ownership interest of more than 5%, whether direct or indirect, in that other person; or
- 2549 (b) is related to the other person because a third person, or a group of third persons who are affiliated persons with respect to each other, holds an ownership interest of more than 5%, whether direct or indirect, in the related persons.
- 2552 (5) "Agreement" means the Streamlined Sales and Use Tax Agreement adopted on November 12, 2002, including amendments made to the Streamlined Sales and Use Tax Agreement after November 12, 2002.
- 2555 (6) "Agreement combined tax rate" means the sum of the tax rates:
- 2556 (a) listed under Subsection (7); and
- 2557 (b) that are imposed within a local taxing jurisdiction.
- 2558 (7) "Agreement sales and use tax" means a tax imposed under:
- 2559 (a) Subsection 59-12-103(2)(a)(i)(A);
- 2560 (b) Subsection 59-12-103(2)(b)(i);
- 2561 (c) Subsection 59-12-103(2)(c)(i);
- 2562 (d) Subsection 59-12-103(2)(d);
- 2563 (e) Subsection [~~59-12-103(2)(e)(i)(A)(I)~~] 59-12-103(2)(f)(i)(A)(I);
- 2564 (f) Section 59-12-204;

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- 2565 (g) Section 59-12-401;
- 2566 (h) Section 59-12-402;
- 2567 (i) Section 59-12-402.1;
- 2568 (j) Section 59-12-703;
- 2569 (k) Section 59-12-802;
- 2570 (l) Section 59-12-804;
- 2571 (m) Section 59-12-1102;
- 2572 (n) Section 59-12-1302;
- 2573 (o) Section 59-12-1402;
- 2574 (p) Section 59-12-1802;
- 2575 (q) Section 59-12-2003;
- 2576 (r) Section 59-12-2103;
- 2577 (s) Section 59-12-2213;
- 2578 (t) Section 59-12-2214;
- 2579 (u) Section 59-12-2215;
- 2580 (v) Section 59-12-2216;
- 2581 (w) Section 59-12-2217;
- 2582 (x) Section 59-12-2218;
- 2583 (y) Section 59-12-2219; or
- 2584 (z) Section 59-12-2220.
- 2585 (8) "Aircraft" means the same as that term is defined in Section 72-10-102.
- 2586 (9) "Aircraft maintenance, repair, and overhaul provider" means a business entity:
- 2587 (a) except for:
- 2588 (i) an airline as defined in Section 59-2-102; or
- 2589 (ii) an affiliated group, as defined in Section 59-7-101, except that "affiliated group" includes a corporation that is qualified to do business but is not otherwise doing business in the state, of an airline; and
- 2592 (b) that has the workers, expertise, and facilities to perform the following, regardless of whether the business entity performs the following in this state:
- 2594 (i) check, diagnose, overhaul, and repair:
- 2595 (A) an onboard system of a fixed wing turbine powered aircraft; and

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- 2596 (B) the parts that comprise an onboard system of a fixed wing turbine powered aircraft;
- 2598 (ii) assemble, change, dismantle, inspect, and test a fixed wing turbine powered aircraft engine;
- 2600 (iii) perform at least the following maintenance on a fixed wing turbine powered aircraft:
- 2602 (A) an inspection;
- 2603 (B) a repair, including a structural repair or modification;
- 2604 (C) changing landing gear; and
- 2605 (D) addressing issues related to an aging fixed wing turbine powered aircraft;
- 2606 (iv) completely remove the existing paint of a fixed wing turbine powered aircraft and completely apply new paint to the fixed wing turbine powered aircraft; and
- 2608 (v) refurbish the interior of a fixed wing turbine powered aircraft in a manner that results in a change in the fixed wing turbine powered aircraft's certification requirements by the authority that certifies the fixed wing turbine powered aircraft.
- 2611 (10) "Alcoholic beverage" means a beverage that:
- 2612 (a) is suitable for human consumption; and
- 2613 (b) contains .5% or more alcohol by volume.
- 2614 (11) "Alternative energy" means:
- 2615 (a) biomass energy;
- 2616 (b) geothermal energy;
- 2617 (c) hydroelectric energy;
- 2618 (d) solar energy;
- 2619 (e) wind energy; or
- 2620 (f) energy that is derived from:
- 2621 (i) coal-to-liquids;
- 2622 (ii) nuclear fuel;
- 2623 (iii) oil-impregnated diatomaceous earth;
- 2624 (iv) oil sands;
- 2625 (v) oil shale;
- 2626 (vi) petroleum coke; or
- 2627 (vii) waste heat from:
- 2628 (A) an industrial facility; or
- 2629

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(B) a power station in which an electric generator is driven through a process in which water is heated, turns into steam, and spins a steam turbine.

2631 (12)

(a) Subject to Subsection (12)(b), "alternative energy electricity production facility" means a facility that:

2633 (i) uses alternative energy to produce electricity; and

2634 (ii) has a production capacity of two megawatts or greater.

2635 (b) A facility is an alternative energy electricity production facility regardless of whether the facility is:

2637 (i) connected to an electric grid; or

2638 (ii) located on the premises of an electricity consumer.

2639 (13)

(a) "Ancillary service" means a service associated with, or incidental to, the provision of telecommunications service.

2641 (b) "Ancillary service" includes:

2642 (i) a conference bridging service;

2643 (ii) a detailed communications billing service;

2644 (iii) directory assistance;

2645 (iv) a vertical service; or

2646 (v) a voice mail service.

2647 (14) "Area agency on aging" means the same as that term is defined in Section 26B-6-101.

2648 (15) "Assisted amusement device" means an amusement device, skill device, or ride device that is started and stopped by an individual:

2650 (a) who is not the purchaser or renter of the right to use or operate the amusement device, skill device, or ride device; and

2652 (b) at the direction of the seller of the right to use the amusement device, skill device, or ride device.

2654 (16) "Assisted cleaning or washing of tangible personal property" means cleaning or washing of tangible personal property if the cleaning or washing labor is primarily performed by an individual:

2657 (a) who is not the purchaser of the cleaning or washing of the tangible personal property; and

2659 (b) at the direction of the seller of the cleaning or washing of the tangible personal property.

2661 (17) "Authorized carrier" means:

2662

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- (a) in the case of vehicles operated over public highways, the holder of credentials indicating that the vehicle is or will be operated pursuant to both the International Registration Plan and the International Fuel Tax Agreement;
- 2665 (b) in the case of aircraft, the holder of a Federal Aviation Administration operating certificate or air carrier's operating certificate; or
- 2667 (c) in the case of locomotives, freight cars, railroad work equipment, or other rolling stock, a person who uses locomotives, freight cars, railroad work equipment, or other rolling stock in more than one state.
- 2670 (18)
 - (a) "Biomass energy" means any of the following that is used as the primary source of energy to produce fuel or electricity:
 - 2672 (i) material from a plant or tree; or
 - 2673 (ii) other organic matter that is available on a renewable basis, including:
 - 2674 (A) slash and brush from forests and woodlands;
 - 2675 (B) animal waste;
 - 2676 (C) waste vegetable oil;
 - 2677 (D) methane or synthetic gas produced at a landfill, as a byproduct of the treatment of wastewater residuals, or through the conversion of a waste material through a nonincineration, thermal conversion process;
 - 2680 (E) aquatic plants; and
 - 2681 (F) agricultural products.
 - 2682 (b) "Biomass energy" does not include:
 - 2683 (i) black liquor; or
 - 2684 (ii) treated woods.
- 2685 (19)
 - (a) "Bundled transaction" means the sale of two or more items of tangible personal property, products, or services if the tangible personal property, products, or services are:
 - 2688 (i) distinct and identifiable; and
 - 2689 (ii) sold for one nonitemized price.
 - 2690 (b) "Bundled transaction" does not include:
 - 2691

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- (i) the sale of tangible personal property if the sales price varies, or is negotiable, on the basis of the selection by the purchaser of the items of tangible personal property included in the transaction;
- 2694 (ii) the sale of real property;
- 2695 (iii) the sale of services to real property;
- 2696 (iv) the retail sale of tangible personal property and a service if:
- 2697 (A) the tangible personal property:
- 2698 (I) is essential to the use of the service; and
- 2699 (II) is provided exclusively in connection with the service; and
- 2700 (B) the service is the true object of the transaction;
- 2701 (v) the retail sale of two services if:
- 2702 (A) one service is provided that is essential to the use or receipt of a second service;
- 2704 (B) the first service is provided exclusively in connection with the second service; and
- 2706 (C) the second service is the true object of the transaction;
- 2707 (vi) a transaction that includes tangible personal property or a product subject to taxation under this chapter and tangible personal property or a product that is not subject to taxation under this chapter if the:
- 2710 (A) seller's purchase price of the tangible personal property or product subject to taxation under this chapter is de minimis; or
- 2712 (B) seller's sales price of the tangible personal property or product subject to taxation under this chapter is de minimis; and
- 2714 (vii) the retail sale of tangible personal property that is not subject to taxation under this chapter and tangible personal property that is subject to taxation under this chapter if:
- 2717 (A) that retail sale includes:
- 2718 (I) food and food ingredients;
- 2719 (II) a drug;
- 2720 (III) durable medical equipment;
- 2721 (IV) mobility enhancing equipment;
- 2722 (V) an over-the-counter drug;
- 2723 (VI) a prosthetic device; or
- 2724 (VII) a medical supply; and
- 2725 (B) subject to Subsection (19)(f):

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- 2726 (I) the seller's purchase price of the tangible personal property subject to taxation under this chapter is
50% or less of the seller's total purchase price of that retail sale; or
- 2729 (II) the seller's sales price of the tangible personal property subject to taxation under this chapter is 50%
or less of the seller's total sales price of that retail sale.
- 2732 (c)
- (i) For purposes of Subsection (19)(a)(i), tangible personal property, a product, or a service that is
distinct and identifiable does not include:
- 2734 (A) packaging that:
- 2735 (I) accompanies the sale of the tangible personal property, product, or service; and
- 2737 (II) is incidental or immaterial to the sale of the tangible personal property, product, or service;
- 2739 (B) tangible personal property, a product, or a service provided free of charge with the purchase of
another item of tangible personal property, a product, or a service; or
- 2742 (C) an item of tangible personal property, a product, or a service included in the definition of
"purchase price."
- 2744 (ii) For purposes of Subsection (19)(c)(i)(B), an item of tangible personal property, a product, or a
service is provided free of charge with the purchase of another item of tangible personal property, a
product, or a service if the sales price of the purchased item of tangible personal property, product,
or service does not vary depending on the inclusion of the tangible personal property, product, or
service provided free of charge.
- 2750 (d)
- (i) For purposes of Subsection (19)(a)(ii), property sold for one nonitemized price does not include a
price that is separately identified by tangible personal property, product, or service on the following,
regardless of whether the following is in paper format or electronic format:
- 2754 (A) a binding sales document; or
- 2755 (B) another supporting sales-related document that is available to a purchaser.
- 2756 (ii) For purposes of Subsection (19)(d)(i), a binding sales document or another supporting sales-related
document that is available to a purchaser includes:
- 2758 (A) a bill of sale;
- 2759 (B) a contract;
- 2760 (C) an invoice;
- 2761 (D) a lease agreement;

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- 2762 (E) a periodic notice of rates and services;
- 2763 (F) a price list;
- 2764 (G) a rate card;
- 2765 (H) a receipt; or
- 2766 (I) a service agreement.
- 2767 (e)
- (i) For purposes of Subsection (19)(b)(vi), the sales price of tangible personal property or a product subject to taxation under this chapter is de minimis if:
- 2769 (A) the seller's purchase price of the tangible personal property or product is 10% or less of the seller's total purchase price of the bundled transaction; or
- 2771 (B) the seller's sales price of the tangible personal property or product is 10% or less of the seller's total sales price of the bundled transaction.
- 2773 (ii) For purposes of Subsection (19)(b)(vi), a seller:
- 2774 (A) shall use the seller's purchase price or the seller's sales price to determine if the purchase price or sales price of the tangible personal property or product subject to taxation under this chapter is de minimis; and
- 2777 (B) may not use a combination of the seller's purchase price and the seller's sales price to determine if the purchase price or sales price of the tangible personal property or product subject to taxation under this chapter is de minimis.
- 2780 (iii) For purposes of Subsection (19)(b)(vi), a seller shall use the full term of a service contract to determine if the sales price of tangible personal property or a product is de minimis.
- 2783 (f) For purposes of Subsection (19)(b)(vii)(B), a seller may not use a combination of the seller's purchase price and the seller's sales price to determine if tangible personal property subject to taxation under this chapter is 50% or less of the seller's total purchase price or sales price of that retail sale.
- 2787 (20) "Car sharing" means the same as that term is defined in Section 13-48a-101.
- 2788 (21) "Car-sharing program" means the same as that term is defined in Section 13-48a-101.
- 2789 (22) "Certified automated system" means software certified by the governing board of the agreement that:
- 2791 (a) calculates the agreement sales and use tax imposed within a local taxing jurisdiction:
- 2792 (i) on a transaction; and

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- 2793 (ii) in the states that are members of the agreement;
- 2794 (b) determines the amount of agreement sales and use tax to remit to a state that is a member of the agreement; and
- 2796 (c) maintains a record of the transaction described in Subsection (22)(a)(i).
- 2797 (23) "Certified service provider" means an agent certified:
- 2798 (a) by the governing board of the agreement; and
- 2799 (b) to perform a seller's sales and use tax functions for an agreement sales and use tax, as outlined in the contract between the governing board of the agreement and the certified service provider, other than the seller's obligation under Section 59-12-124 to remit a tax on the seller's own purchases.
- 2803 (24)
- (a) Subject to Subsection (24)(b), "clothing" means all human wearing apparel suitable for general use.
- 2805 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules:
- 2807 (i) listing the items that constitute "clothing"; and
- 2808 (ii) that are consistent with the list of items that constitute "clothing" under the agreement.
- 2810 (25) "Coal-to-liquid" means the process of converting coal into a liquid synthetic fuel.
- 2811 (26) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other fuels that does not constitute industrial use under Subsection (60) or residential use under Subsection (115).
- 2814 (27)
- (a) "Common carrier" means a person engaged in or transacting the business of transporting passengers, freight, merchandise, or other property for hire within this state.
- 2817 (b)
- (i) "Common carrier" does not include a person that, at the time the person is traveling to or from that person's place of employment, transports a passenger to or from the passenger's place of employment.
- 2820 (ii) For purposes of Subsection (27)(b)(i), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules defining what constitutes a person's place of employment.
- 2823 (c) "Common carrier" does not include a person that provides transportation network services, as defined in Section 13-51-102.
- 2825 (28) "Component part" includes:

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- 2826 (a) poultry, dairy, and other livestock feed, and their components;
- 2827 (b) baling ties and twine used in the baling of hay and straw;
- 2828 (c) fuel used for providing temperature control of orchards and commercial greenhouses doing a majority of their business in wholesale sales, and for providing power for off-highway type farm machinery; and
- 2831 (d) feed, seeds, and seedlings.
- 2832 (29) "Computer" means an electronic device that accepts information:
- 2833 (a)
- 2834 (i) in digital form; or
- 2835 (ii) in a form similar to digital form; and
- 2836 (b) manipulates that information for a result based on a sequence of instructions.
- 2837 (30) "Computer software" means a set of coded instructions designed to cause:
- 2838 (a) a computer to perform a task; or
- 2839 (b) automatic data processing equipment to perform a task.
- 2840 (31) "Computer software maintenance contract" means a contract that obligates a seller of computer software to provide a customer with:
- 2841 (a) future updates or upgrades to computer software;
- 2842 (b) support services with respect to computer software; or
- 2843 (c) a combination of Subsections (31)(a) and (b).
- 2844 (32)
- 2845 (a) "Conference bridging service" means an ancillary service that links two or more participants of an audio conference call or video conference call.
- 2846 (b) "Conference bridging service" may include providing a telephone number as part of the ancillary service described in Subsection (32)(a).
- 2848 (c) "Conference bridging service" does not include a telecommunications service used to reach the ancillary service described in Subsection (32)(a).
- 2850 (33) "Construction materials" means any tangible personal property that will be converted into real property.
- 2852 (34) "Delivered electronically" means delivered to a purchaser by means other than tangible storage media.
- 2854 (35)

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- (a) "Delivery charge" means a charge:
- 2855 (i) by a seller of:
- 2856 (A) tangible personal property;
- 2857 (B) a product transferred electronically; or
- 2858 (C) a service; and
- 2859 (ii) for preparation and delivery of the tangible personal property, product transferred electronically,
or services described in Subsection (35)(a)(i) to a location designated by the purchaser.
- 2862 (b) "Delivery charge" includes a charge for the following:
- 2863 (i) transportation;
- 2864 (ii) shipping;
- 2865 (iii) postage;
- 2866 (iv) handling;
- 2867 (v) crating; or
- 2868 (vi) packing.
- 2869 (36) "Detailed telecommunications billing service" means an ancillary service of separately stating
information pertaining to individual calls on a customer's billing statement.
- 2871 (37) "Dietary supplement" means a product, other than tobacco, that:
- 2872 (a) is intended to supplement the diet;
- 2873 (b) contains one or more of the following dietary ingredients:
- 2874 (i) a vitamin;
- 2875 (ii) a mineral;
- 2876 (iii) an herb or other botanical;
- 2877 (iv) an amino acid;
- 2878 (v) a dietary substance for use by humans to supplement the diet by increasing the total dietary intake;
or
- 2880 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient described in
Subsections (37)(b)(i) through (v);
- 2882 (c)
- (i) except as provided in Subsection (37)(c)(ii), is intended for ingestion in:
- 2883 (A) tablet form;
- 2884 (B) capsule form;

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- 2885 (C) powder form;
- 2886 (D) softgel form;
- 2887 (E) gelcap form; or
- 2888 (F) liquid form; or
- 2889 (ii) if the product is not intended for ingestion in a form described in Subsections (37)(c)(i)(A) through (F), is not represented:
- 2891 (A) as conventional food; and
- 2892 (B) for use as a sole item of:
- 2893 (I) a meal; or
- 2894 (II) the diet; and
- 2895 (d) is required to be labeled as a dietary supplement:
- 2896 (i) identifiable by the "Supplemental Facts" box found on the label; and
- 2897 (ii) as required by 21 C.F.R. Sec. 101.36.
- 2898 (38)
- (a) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds.
- 2900 (b) "Digital audio work" includes a ringtone.
- 2901 (39) "Digital audio-visual work" means a series of related images which, when shown in succession, imparts an impression of motion, together with accompanying sounds, if any.
- 2903 (40) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.
- 2905 (41)
- (a) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service:
- 2907 (i) to:
- 2908 (A) a mass audience; or
- 2909 (B) addressees on a mailing list provided:
- 2910 (I) by a purchaser of the mailing list; or
- 2911 (II) at the discretion of the purchaser of the mailing list; and
- 2912 (ii) if the cost of the printed material is not billed directly to the recipients.
- 2913 (b) "Direct mail" includes tangible personal property supplied directly or indirectly by a purchaser to a seller of direct mail for inclusion in a package containing the printed material.

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- 2916 (c) "Direct mail" does not include multiple items of printed material delivered to a single address.
- 2918 (42) "Directory assistance" means an ancillary service of providing:
- 2919 (a) address information; or
- 2920 (b) telephone number information.
- 2921 (43)
- (a) "Disposable home medical equipment or supplies" means medical equipment or supplies that:
- 2923 (i) cannot withstand repeated use; and
- 2924 (ii) are purchased by, for, or on behalf of a person other than:
- 2925 (A) a health care facility as defined in Section 26B-2-201;
- 2926 (B) a health care provider as defined in Section 78B-3-403;
- 2927 (C) an office of a health care provider described in Subsection (43)(a)(ii)(B); or
- 2928 (D) a person similar to a person described in Subsections (43)(a)(ii)(A) through (C).
- 2930 (b) "Disposable home medical equipment or supplies" does not include:
- 2931 (i) a drug;
- 2932 (ii) durable medical equipment;
- 2933 (iii) a hearing aid;
- 2934 (iv) a hearing aid accessory;
- 2935 (v) mobility enhancing equipment; or
- 2936 (vi) tangible personal property used to correct impaired vision, including:
- 2937 (A) eyeglasses; or
- 2938 (B) contact lenses.
- 2939 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define what constitutes medical equipment or supplies.
- 2941 (44) "Drilling equipment manufacturer" means a facility:
- 2942 (a) located in the state;
- 2943 (b) with respect to which 51% or more of the manufacturing activities of the facility consist of manufacturing component parts of drilling equipment;
- 2945 (c) that uses pressure of 800,000 or more pounds per square inch as part of the manufacturing process; and
- 2947 (d) that uses a temperature of 2,000 or more degrees Fahrenheit as part of the manufacturing process.
- 2949 (45)

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- (a) "Drug" means a compound, substance, or preparation, or a component of a compound, substance, or preparation that is:
- 2951 (i) recognized in:
- 2952 (A) the official United States Pharmacopoeia;
- 2953 (B) the official Homeopathic Pharmacopoeia of the United States;
- 2954 (C) the official National Formulary; or
- 2955 (D) a supplement to a publication listed in Subsections (45)(a)(i)(A) through (C);
- 2956 (ii) intended for use in the:
- 2957 (A) diagnosis of disease;
- 2958 (B) cure of disease;
- 2959 (C) mitigation of disease;
- 2960 (D) treatment of disease; or
- 2961 (E) prevention of disease; or
- 2962 (iii) intended to affect:
- 2963 (A) the structure of the body; or
- 2964 (B) any function of the body.
- 2965 (b) "Drug" does not include:
- 2966 (i) food and food ingredients;
- 2967 (ii) a dietary supplement;
- 2968 (iii) an alcoholic beverage; or
- 2969 (iv) a prosthetic device.
- 2970 (46)
- (a) "Durable medical equipment" means equipment that:
- 2971 (i) can withstand repeated use;
- 2972 (ii) is primarily and customarily used to serve a medical purpose;
- 2973 (iii) generally is not useful to a person in the absence of illness or injury; and
- 2974 (iv) is not worn in or on the body.
- 2975 (b) "Durable medical equipment" includes parts used in the repair or replacement of the equipment described in Subsection (46)(a).
- 2977 (c) "Durable medical equipment" does not include mobility enhancing equipment.
- 2978 (47) "Electronic" means:

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- 2979 (a) relating to technology; and
- 2980 (b) having:
- 2981 (i) electrical capabilities;
- 2982 (ii) digital capabilities;
- 2983 (iii) magnetic capabilities;
- 2984 (iv) wireless capabilities;
- 2985 (v) optical capabilities;
- 2986 (vi) electromagnetic capabilities; or
- 2987 (vii) capabilities similar to Subsections (47)(b)(i) through (vi).
- 2988 (48) "Electronic financial payment service" means an establishment:
- 2989 (a) within NAICS Code 522320, Financial Transactions Processing, Reserve, and Clearinghouse
Activities, of the 2012 North American Industry Classification System of the federal Executive
Office of the President, Office of Management and Budget; and
- 2993 (b) that performs electronic financial payment services.
- 2994 (49) "Employee" means the same as that term is defined in Section 59-10-401.
- 2995 (50) "Fixed guideway" means a public transit facility that uses and occupies:
- 2996 (a) rail for the use of public transit; or
- 2997 (b) a separate right-of-way for the use of public transit.
- 2998 (51) "Fixed wing turbine powered aircraft" means an aircraft that:
- 2999 (a) is powered by turbine engines;
- 3000 (b) operates on jet fuel; and
- 3001 (c) has wings that are permanently attached to the fuselage of the aircraft.
- 3002 (52) "Fixed wireless service" means a telecommunications service that provides radio communication
between fixed points.
- 3004 (53)
- 3005 (a) "Food and food ingredients" means substances:
- 3006 (i) regardless of whether the substances are in:
- 3006 (A) liquid form;
- 3007 (B) concentrated form;
- 3008 (C) solid form;
- 3009 (D) frozen form;

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- 3010 (E) dried form; or
- 3011 (F) dehydrated form; and
- 3012 (ii) that are:
- 3013 (A) sold for:
- 3014 (I) ingestion by humans; or
- 3015 (II) chewing by humans; and
- 3016 (B) consumed for the substance's:
- 3017 (I) taste; or
- 3018 (II) nutritional value.
- 3019 (b) "Food and food ingredients" includes an item described in Subsection (99)(b)(iii).
- 3020 (c) "Food and food ingredients" does not include:
- 3021 (i) an alcoholic beverage;
- 3022 (ii) tobacco; or
- 3023 (iii) prepared food.
- 3024 (54)
- (a) "Fundraising sales" means sales:
- 3025 (i)
- (A) made by a school; or
- 3026 (B) made by a school student;
- 3027 (ii) that are for the purpose of raising funds for the school to purchase equipment, materials, or provide transportation; and
- 3029 (iii) that are part of an officially sanctioned school activity.
- 3030 (b) For purposes of Subsection (54)(a)(iii), "officially sanctioned school activity" means a school activity:
- 3032 (i) that is conducted in accordance with a formal policy adopted by the school or school district governing the authorization and supervision of fundraising activities;
- 3035 (ii) that does not directly or indirectly compensate an individual teacher or other educational personnel by direct payment, commissions, or payment in kind; and
- 3037 (iii) the net or gross revenue from which is deposited in a dedicated account controlled by the school or school district.
- 3039

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(55) "Geothermal energy" means energy contained in heat that continuously flows outward from the earth that is used as the sole source of energy to produce electricity.

3041 (56) "Governing board of the agreement" means the governing board of the agreement that is:

3043 (a) authorized to administer the agreement; and

3044 (b) established in accordance with the agreement.

3045 (57)

(a) For purposes of Subsection 59-12-104(41), "governmental entity" means:

3046 (i) the executive branch of the state, including all departments, institutions, boards, divisions, bureaus, offices, commissions, and committees;

3048 (ii) the judicial branch of the state, including the courts, the Judicial Council, the Administrative Office of the Courts, and similar administrative units in the judicial branch;

3051 (iii) the legislative branch of the state, including the House of Representatives, the Senate, the Legislative Printing Office, the Office of Legislative Research and General Counsel, the Office of the Legislative Auditor General, and the Office of the Legislative Fiscal Analyst;

3055 (iv) the National Guard;

3056 (v) an independent entity as defined in Section 63E-1-102; or

3057 (vi) a political subdivision as defined in Section 17B-1-102.

3058 (b) "Governmental entity" does not include the state systems of public and higher education, including:

3060 (i) a school;

3061 (ii) the State Board of Education;

3062 (iii) the Utah Board of Higher Education; or

3063 (iv) an institution of higher education described in Section 53B-1-102.

3064 (58) "Hydroelectric energy" means water used as the sole source of energy to produce electricity.

3066 (59) "Individual-owned shared vehicle" means the same as that term is defined in Section 13-48a-101.

3068 (60) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or other fuels:

3070 (a) in mining or extraction of minerals;

3071 (b) in agricultural operations to produce an agricultural product up to the time of harvest or placing the agricultural product into a storage facility, including:

3073 (i) commercial greenhouses;

3074 (ii) irrigation pumps;

3075 (iii) farm machinery;

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- 3076 (iv) implements of husbandry as defined in Section 41-1a-102 that are not registered under Title 41,
Chapter 1a, Part 2, Registration; and
- 3078 (v) other farming activities;
- 3079 (c) in manufacturing tangible personal property at an establishment described in:
- 3080 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of the federal
Executive Office of the President, Office of Management and Budget; or
- 3083 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North American Industry
Classification System of the federal Executive Office of the President, Office of Management and
Budget;
- 3086 (d) by a scrap recycler if:
- 3087 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process one or more of
the following items into prepared grades of processed materials for use in new products:
- 3090 (A) iron;
- 3091 (B) steel;
- 3092 (C) nonferrous metal;
- 3093 (D) paper;
- 3094 (E) glass;
- 3095 (F) plastic;
- 3096 (G) textile; or
- 3097 (H) rubber; and
- 3098 (ii) the new products under Subsection (60)(d)(i) would otherwise be made with nonrecycled materials;
or
- 3100 (e) in producing a form of energy or steam described in Subsection 54-2-1(3)(a) by a cogeneration
facility as defined in Section 54-2-1.
- 3102 (61)
- (a) "Installation charge" means a charge for installing:
- 3103 (i) tangible personal property; or
- 3104 (ii) a product transferred electronically.
- 3105 (b) "Installation charge" does not include a charge for:
- 3106 (i) repairs or renovations of:
- 3107 (A) tangible personal property; or

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- 3108 (B) a product transferred electronically; or
- 3109 (ii) attaching tangible personal property or a product transferred electronically:
- 3110 (A) to other tangible personal property; and
- 3111 (B) as part of a manufacturing or fabrication process.
- 3112 (62) "Institution of higher education" means an institution of higher education listed in Section 53B-2-101.
- 3114 (63)
- (a) "Lease" or "rental" means a transfer of possession or control of tangible personal property or a product transferred electronically for:
- 3116 (i)
- (A) a fixed term; or
- 3117 (B) an indeterminate term; and
- 3118 (ii) consideration.
- 3119 (b) "Lease" or "rental" includes:
- 3120 (i) an agreement covering a motor vehicle and trailer if the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in Section 7701(h)(1), Internal Revenue Code; and
- 3124 (ii) car sharing.
- 3125 (c) "Lease" or "rental" does not include:
- 3126 (i) a transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;
- 3129 (ii) a transfer of possession or control of property under an agreement that requires the transfer of title:
- 3131 (A) upon completion of required payments; and
- 3132 (B) if the payment of an option price does not exceed the greater of:
- 3133 (I) \$100; or
- 3134 (II) 1% of the total required payments; or
- 3135 (iii) providing tangible personal property along with an operator for a fixed period of time or an indeterminate period of time if the operator is necessary for equipment to perform as designed.
- 3138 (d) For purposes of Subsection (63)(c)(iii), an operator is necessary for equipment to perform as designed if the operator's duties exceed the:
- 3140 (i) set-up of tangible personal property;

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- 3141 (ii) maintenance of tangible personal property; or
- 3142 (iii) inspection of tangible personal property.
- 3143 (64) "Lesson" means a fixed period of time for the duration of which a trained instructor:
- 3144 (a) is present with a student in person or by video; and
- 3145 (b) actively instructs the student, including by providing observation or feedback.
- 3146 (65) "Life science establishment" means an establishment in this state that is classified under the following NAICS codes of the 2007 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget:
- 3150 (a) NAICS Code 33911, Medical Equipment and Supplies Manufacturing;
- 3151 (b) NAICS Code 334510, Electromedical and Electrotherapeutic Apparatus Manufacturing; or
- 3153 (c) NAICS Code 334517, Irradiation Apparatus Manufacturing.
- 3154 (66) "Life science research and development facility" means a facility owned, leased, or rented by a life science establishment if research and development is performed in 51% or more of the total area of the facility.
- 3157 (67) "Load and leave" means delivery to a purchaser by use of a tangible storage media if the tangible storage media is not physically transferred to the purchaser.
- 3159 (68) "Local taxing jurisdiction" means a:
- 3160 (a) county that is authorized to impose an agreement sales and use tax;
- 3161 (b) city that is authorized to impose an agreement sales and use tax; or
- 3162 (c) town that is authorized to impose an agreement sales and use tax.
- 3163 (69) "Manufactured home" means the same as that term is defined in Section 15A-1-302.
- 3164 (70) "Manufacturing facility" means:
- 3165 (a) an establishment described in:
- 3166 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of the federal Executive Office of the President, Office of Management and Budget; or
- 3169 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget;
- 3172 (b) a scrap recycler if:
- 3173 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process one or more of the following items into prepared grades of processed materials for use in new products:

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- 3176 (A) iron;
- 3177 (B) steel;
- 3178 (C) nonferrous metal;
- 3179 (D) paper;
- 3180 (E) glass;
- 3181 (F) plastic;
- 3182 (G) textile; or
- 3183 (H) rubber; and
- 3184 (ii) the new products under Subsection (70)(b)(i) would otherwise be made with nonrecycled materials;
or
- 3186 (c) a cogeneration facility as defined in Section 54-2-1 if the cogeneration facility is placed in service
on or after May 1, 2006.
- 3188 (71)
- (a) "Marketplace" means a physical or electronic place, platform, or forum where tangible personal
property, a product transferred electronically, or a service is offered for sale.
- 3191 (b) "Marketplace" includes a store, a booth, an Internet website, a catalog, or a dedicated sales software
application.
- 3193 (72)
- (a) "Marketplace facilitator" means a person, including an affiliate of the person, that enters into a
contract, an agreement, or otherwise with sellers, for consideration, to facilitate the sale of a seller's
product through a marketplace that the person owns, operates, or controls and that directly or
indirectly:
- 3197 (i) does any of the following:
- 3198 (A) lists, makes available, or advertises tangible personal property, a product transferred electronically,
or a service for sale by a marketplace seller on a marketplace that the person owns, operates, or
controls;
- 3201 (B) facilitates the sale of a marketplace seller's tangible personal property, product transferred
electronically, or service by transmitting or otherwise communicating an offer or acceptance of a
retail sale between the marketplace seller and a purchaser using the marketplace;
- 3205 (C) owns, rents, licenses, makes available, or operates any electronic or physical infrastructure or any
property, process, method, copyright, trademark, or patent that connects a marketplace seller to a

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purchaser for the purpose of making a retail sale of tangible personal property, a product transferred electronically, or a service;

- 3210 (D) provides a marketplace for making, or otherwise facilitates, a retail sale of tangible personal property, a product transferred electronically, or a service, regardless of ownership or control of the tangible personal property, the product transferred electronically, or the service that is the subject of the retail sale;
- 3215 (E) provides software development or research and development activities related to any activity described in this Subsection (72)(a)(i), if the software development or research and development activity is directly related to the person's marketplace;
- 3219 (F) provides or offers fulfillment or storage services for a marketplace seller;
- 3220 (G) sets prices for the sale of tangible personal property, a product transferred electronically, or a service by a marketplace seller;
- 3222 (H) provides or offers customer service to a marketplace seller or a marketplace seller's purchaser or accepts or assists with taking orders, returns, or exchanges of tangible personal property, a product transferred electronically, or a service sold by a marketplace seller on the person's marketplace; or
- 3226 (I) brands or otherwise identifies sales as those of the person; and
- 3227 (ii) does any of the following:
- 3228 (A) collects the sales price or purchase price of a retail sale of tangible personal property, a product transferred electronically, or a service;
- 3230 (B) provides payment processing services for a retail sale of tangible personal property, a product transferred electronically, or a service;
- 3232 (C) charges, collects, or otherwise receives a selling fee, listing fee, referral fee, closing fee, a fee for inserting or making available tangible personal property, a product transferred electronically, or a service on the person's marketplace, or other consideration for the facilitation of a retail sale of tangible personal property, a product transferred electronically, or a service, regardless of ownership or control of the tangible personal property, the product transferred electronically, or the service that is the subject of the retail sale;
- 3239 (D) through terms and conditions, an agreement, or another arrangement with a third person, collects payment from a purchase for a retail sale of tangible personal property, a product transferred electronically, or a service and transmits that payment to the marketplace seller, regardless of

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whether the third person receives compensation or other consideration in exchange for the service;
or

- 3245 (E) provides a virtual currency for a purchaser to use to purchase tangible personal property, a product transferred electronically, or service offered for sale.
- 3247 (b) "Marketplace facilitator" does not include:
- 3248 (i) a person that only provides payment processing services; or
- 3249 (ii) a person described in Subsection (72)(a) to the extent the person is facilitating a sale for a seller that is a restaurant as defined in Section 59-12-602.
- 3251 (73) "Marketplace seller" means a seller that makes one or more retail sales through a marketplace that a marketplace facilitator owns, operates, or controls, regardless of whether the seller is required to be registered to collect and remit the tax under this part.
- 3254 (74) "Member of the immediate family of the producer" means a person who is related to a producer described in Subsection 59-12-104(20)(a) as a:
- 3256 (a) child or stepchild, regardless of whether the child or stepchild is:
- 3257 (i) an adopted child or adopted stepchild; or
- 3258 (ii) a foster child or foster stepchild;
- 3259 (b) grandchild or stepgrandchild;
- 3260 (c) grandparent or stepgrandparent;
- 3261 (d) nephew or stepnephew;
- 3262 (e) niece or stepniece;
- 3263 (f) parent or stepparent;
- 3264 (g) sibling or stepsibling;
- 3265 (h) spouse;
- 3266 (i) person who is the spouse of a person described in Subsections (74)(a) through (g); or
- 3267 (j) person similar to a person described in Subsections (74)(a) through (i) as determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 3270 (75) "Mobile home" means the same as that term is defined in Section 15A-1-302.
- 3271 (76) "Mobile telecommunications service" means the same as that term is defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.
- 3273 (77)

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- (a) "Mobile wireless service" means a telecommunications service, regardless of the technology used, if:
- 3275 (i) the origination point of the conveyance, routing, or transmission is not fixed;
- 3276 (ii) the termination point of the conveyance, routing, or transmission is not fixed; or
- 3277 (iii) the origination point described in Subsection (77)(a)(i) and the termination point described in Subsection (77)(a)(ii) are not fixed.
- 3279 (b) "Mobile wireless service" includes a telecommunications service that is provided by a commercial mobile radio service provider.
- 3281 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define "commercial mobile radio service provider."
- 3283 (78)
- (a) "Mobility enhancing equipment" means equipment that is:
- 3284 (i) primarily and customarily used to provide or increase the ability to move from one place to another;
- 3286 (ii) appropriate for use in a:
- 3287 (A) home; or
- 3288 (B) motor vehicle; and
- 3289 (iii) not generally used by persons with normal mobility.
- 3290 (b) "Mobility enhancing equipment" includes parts used in the repair or replacement of the equipment described in Subsection (78)(a).
- 3292 (c) "Mobility enhancing equipment" does not include:
- 3293 (i) a motor vehicle;
- 3294 (ii) equipment on a motor vehicle if that equipment is normally provided by the motor vehicle manufacturer;
- 3296 (iii) durable medical equipment; or
- 3297 (iv) a prosthetic device.
- 3298 (79) "Model 1 seller" means a seller registered under the agreement that has selected a certified service provider as the seller's agent to perform the seller's sales and use tax functions for agreement sales and use taxes, as outlined in the contract between the governing board of the agreement and the certified service provider, other than the seller's obligation under Section 59-12-124 to remit a tax on the seller's own purchases.

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- 3303 (80) "Model 2 seller" means a seller registered under the agreement that:
- 3304 (a) except as provided in Subsection (80)(b), has selected a certified automated system to perform the
seller's sales tax functions for agreement sales and use taxes; and
- 3306 (b) retains responsibility for remitting all of the sales tax:
- 3307 (i) collected by the seller; and
- 3308 (ii) to the appropriate local taxing jurisdiction.
- 3309 (81)
- (a) Subject to Subsection (81)(b), "model 3 seller" means a seller registered under the agreement that
has:
- 3311 (i) sales in at least five states that are members of the agreement;
- 3312 (ii) total annual sales revenue of at least \$500,000,000;
- 3313 (iii) a proprietary system that calculates the amount of tax:
- 3314 (A) for an agreement sales and use tax; and
- 3315 (B) due to each local taxing jurisdiction; and
- 3316 (iv) entered into a performance agreement with the governing board of the agreement.
- 3317 (b) For purposes of Subsection (81)(a), "model 3 seller" includes an affiliated group of sellers using the
same proprietary system.
- 3319 (82) "Model 4 seller" means a seller that is registered under the agreement and is not a model 1 seller,
model 2 seller, or model 3 seller.
- 3321 (83) "Modular home" means a modular unit as defined in Section 15A-1-302.
- 3322 (84) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- 3323 (85) "Oil sands" means impregnated bituminous sands that:
- 3324 (a) contain a heavy, thick form of petroleum that is released when heated, mixed with other
hydrocarbons, or otherwise treated;
- 3326 (b) yield mixtures of liquid hydrocarbon; and
- 3327 (c) require further processing other than mechanical blending before becoming finished petroleum
products.
- 3329 (86) "Oil shale" means a group of fine black to dark brown shales containing kerogen material that
yields petroleum upon heating and distillation.
- 3331

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- (87) "Optional computer software maintenance contract" means a computer software maintenance contract that a customer is not obligated to purchase as a condition to the retail sale of computer software.
- 3334 (88)
- (a) "Other fuels" means products that burn independently to produce heat or energy.
- 3335 (b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible personal property.
- 3337 (89)
- (a) "Paging service" means a telecommunications service that provides transmission of a coded radio signal for the purpose of activating a specific pager.
- 3339 (b) For purposes of Subsection (89)(a), the transmission of a coded radio signal includes a transmission by message or sound.
- 3341 (90) "Pawn transaction" means the same as that term is defined in Section 13-32a-102.
- 3342 (91) "Pawnbroker" means the same as that term is defined in Section 13-32a-102.
- 3343 (92)
- (a) "Permanently attached to real property" means that for tangible personal property attached to real property:
- 3345 (i) the attachment of the tangible personal property to the real property:
- 3346 (A) is essential to the use of the tangible personal property; and
- 3347 (B) suggests that the tangible personal property will remain attached to the real property in the same place over the useful life of the tangible personal property; or
- 3350 (ii) if the tangible personal property is detached from the real property, the detachment would:
- 3352 (A) cause substantial damage to the tangible personal property; or
- 3353 (B) require substantial alteration or repair of the real property to which the tangible personal property is attached.
- 3355 (b) "Permanently attached to real property" includes:
- 3356 (i) the attachment of an accessory to the tangible personal property if the accessory is:
- 3357 (A) essential to the operation of the tangible personal property; and
- 3358 (B) attached only to facilitate the operation of the tangible personal property;
- 3359 (ii) a temporary detachment of tangible personal property from real property for a repair or renovation if the repair or renovation is performed where the tangible personal property and real property are located; or

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- 3362 (iii) property attached to oil, gas, or water pipelines, except for the property listed in Subsection (92)(c)
3363 (iii) or (iv).
- 3364 (c) "Permanently attached to real property" does not include:
- 3365 (i) the attachment of portable or movable tangible personal property to real property if that portable or
3366 movable tangible personal property is attached to real property only for:
- 3368 (A) convenience;
- 3369 (B) stability; or
- 3370 (C) for an obvious temporary purpose;
- 3371 (ii) the detachment of tangible personal property from real property except for the detachment described
3372 in Subsection (92)(b)(ii);
- 3373 (iii) an attachment of the following tangible personal property to real property if the attachment to real
3374 property is only through a line that supplies water, electricity, gas, telecommunications, cable, or
3375 supplies a similar item as determined by the commission by rule made in accordance with Title 63G,
3376 Chapter 3, Utah Administrative Rulemaking Act:
- 3378 (A) a computer;
- 3379 (B) a telephone;
- 3380 (C) a television; or
- 3381 (D) tangible personal property similar to Subsections (92)(c)(iii)(A) through (C) as determined by
3382 the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
3383 Rulemaking Act; or
- 3384 (iv) an item listed in Subsection (137)(c).
- 3385 (93) "Person" includes any individual, firm, partnership, joint venture, association, corporation, estate,
3386 trust, business trust, receiver, syndicate, this state, any county, city, municipality, district, or other
3387 local governmental entity of the state, or any group or combination acting as a unit.
- 3389 (94) "Place of primary use":
- 3390 (a) for telecommunications service other than mobile telecommunications service, means the street
3391 address representative of where the customer's use of the telecommunications service primarily
3392 occurs, which shall be:
- 3393 (i) the residential street address of the customer; or
- 3394 (ii) the primary business street address of the customer; or
- 3395

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(b) for mobile telecommunications service, means the same as that term is defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

3397 (95)

(a) "Postpaid calling service" means a telecommunications service a person obtains by making a payment on a call-by-call basis:

3399 (i) through the use of a:

3400 (A) bank card;

3401 (B) credit card;

3402 (C) debit card; or

3403 (D) travel card; or

3404 (ii) by a charge made to a telephone number that is not associated with the origination or termination of the telecommunications service.

3406 (b) "Postpaid calling service" includes a service, except for a prepaid wireless calling service, that would be a prepaid wireless calling service if the service were exclusively a telecommunications service.

3409 (96) "Postproduction" means an activity related to the finishing or duplication of a medium described in Subsection 59-12-104(54)(a).

3411 (97) "Prepaid calling service" means a telecommunications service:

3412 (a) that allows a purchaser access to telecommunications service that is exclusively telecommunications service;

3414 (b) that:

3415 (i) is paid for in advance; and

3416 (ii) enables the origination of a call using an:

3417 (A) access number; or

3418 (B) authorization code;

3419 (c) that is dialed:

3420 (i) manually; or

3421 (ii) electronically; and

3422 (d) sold in predetermined units or dollars that decline:

3423 (i) by a known amount; and

3424 (ii) with use.

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- 3425 (98) "Prepaid wireless calling service" means a telecommunications service:
- 3426 (a) that provides the right to utilize:
- 3427 (i) mobile wireless service; and
- 3428 (ii) other service that is not a telecommunications service, including:
- 3429 (A) the download of a product transferred electronically;
- 3430 (B) a content service; or
- 3431 (C) an ancillary service;
- 3432 (b) that:
- 3433 (i) is paid for in advance; and
- 3434 (ii) enables the origination of a call using an:
- 3435 (A) access number; or
- 3436 (B) authorization code;
- 3437 (c) that is dialed:
- 3438 (i) manually; or
- 3439 (ii) electronically; and
- 3440 (d) sold in predetermined units or dollars that decline:
- 3441 (i) by a known amount; and
- 3442 (ii) with use.
- 3443 (99)
- (a) "Prepared food" means:
- 3444 (i) food:
- 3445 (A) sold in a heated state; or
- 3446 (B) heated by a seller;
- 3447 (ii) two or more food ingredients mixed or combined by the seller for sale as a single item; or
- 3449 (iii) except as provided in Subsection (99)(c), food sold with an eating utensil provided by the
seller, including a:
- 3451 (A) plate;
- 3452 (B) knife;
- 3453 (C) fork;
- 3454 (D) spoon;
- 3455 (E) glass;

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- 3456 (F) cup;
- 3457 (G) napkin; or
- 3458 (H) straw.
- 3459 (b) "Prepared food" does not include:
- 3460 (i) food that a seller only:
- 3461 (A) cuts;
- 3462 (B) repackages; or
- 3463 (C) pasteurizes;
- 3464 (ii)
- (A) the following:
- 3465 (I) raw egg;
- 3466 (II) raw fish;
- 3467 (III) raw meat;
- 3468 (IV) raw poultry; or
- 3469 (V) a food containing an item described in Subsections (99)(b)(ii)(A)(I) through (IV); and
- 3471 (B) if the Food and Drug Administration recommends in Chapter 3, Part 401.11 of the Food and Drug Administration's Food Code that a consumer cook the items described in Subsection (99)(b)(ii)(A) to prevent food borne illness; or
- 3474 (iii) the following if sold without eating utensils provided by the seller:
- 3475 (A) food and food ingredients sold by a seller if the seller's proper primary classification under the 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget, is manufacturing in Sector 311, Food Manufacturing, except for Subsector 3118, Bakeries and Tortilla Manufacturing;
- 3480 (B) food and food ingredients sold in an unheated state:
- 3481 (I) by weight or volume; and
- 3482 (II) as a single item; or
- 3483 (C) a bakery item, including:
- 3484 (I) a bagel;
- 3485 (II) a bar;
- 3486 (III) a biscuit;
- 3487 (IV) bread;

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- 3488 (V) a bun;
- 3489 (VI) a cake;
- 3490 (VII) a cookie;
- 3491 (VIII) a croissant;
- 3492 (IX) a danish;
- 3493 (X) a donut;
- 3494 (XI) a muffin;
- 3495 (XII) a pastry;
- 3496 (XIII) a pie;
- 3497 (XIV) a roll;
- 3498 (XV) a tart;
- 3499 (XVI) a torte; or
- 3500 (XVII) a tortilla.
- 3501 (c) An eating utensil provided by the seller does not include the following used to transport the food:
- 3503 (i) a container; or
- 3504 (ii) packaging.
- 3505 (100) "Prescription" means an order, formula, or recipe that is issued:
- 3506 (a)
- 3507 (i) orally;
- 3508 (ii) in writing;
- 3509 (iii) electronically; or
- 3510 (iv) by any other manner of transmission; and
- 3511 (b) by a licensed practitioner authorized by the laws of a state.
- 3511 (101)
- 3512 (a) "Prewritten computer software" means computer software that is not designed and developed:
- 3513 (i) by the author or other creator of the computer software; and
- 3514 (ii) to the specifications of a specific purchaser.
- 3515 (b) "Prewritten computer software" includes:
- 3516 (i) a prewritten upgrade to computer software if the prewritten upgrade to the computer software is not designed and developed:
- 3518 (A) by the author or other creator of the computer software; and

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- 3519 (B) to the specifications of a specific purchaser;
- 3520 (ii) computer software designed and developed by the author or other creator of the computer software to the specifications of a specific purchaser if the computer software is sold to a person other than the purchaser; or
- 3523 (iii) except as provided in Subsection (101)(c), prewritten computer software or a prewritten portion of prewritten computer software:
- 3525 (A) that is modified or enhanced to any degree; and
- 3526 (B) if the modification or enhancement described in Subsection (101)(b)(iii)(A) is designed and developed to the specifications of a specific purchaser.
- 3528 (c) "Prewritten computer software" does not include a modification or enhancement described in Subsection (101)(b)(iii) if the charges for the modification or enhancement are:
- 3531 (i) reasonable; and
- 3532 (ii) subject to Subsections 59-12-103(2)(f)(ii) and (2)(g)(i), separately stated on the invoice or other statement of price provided to the purchaser at the time of sale or later, as demonstrated by:
- 3535 (A) the books and records the seller keeps at the time of the transaction in the regular course of business, including books and records the seller keeps at the time of the transaction in the regular course of business for nontax purposes;
- 3538 (B) a preponderance of the facts and circumstances at the time of the transaction; and
- 3540 (C) the understanding of all of the parties to the transaction.
- 3541 (102)
- (a) "Private communications service" means a telecommunications service:
- 3542 (i) that entitles a customer to exclusive or priority use of one or more communications channels between or among termination points; and
- 3544 (ii) regardless of the manner in which the one or more communications channels are connected.
- 3546 (b) "Private communications service" includes the following provided in connection with the use of one or more communications channels:
- 3548 (i) an extension line;
- 3549 (ii) a station;
- 3550 (iii) switching capacity; or
- 3551 (iv) another associated service that is provided in connection with the use of one or more communications channels as defined in Section 59-12-215.

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3553 (103)

(a) "Product transferred electronically" means a product transferred electronically that would be subject to a tax under this chapter if that product was transferred in a manner other than electronically.

3556 (b) "Product transferred electronically" does not include:

3557 (i) an ancillary service;

3558 (ii) computer software; or

3559 (iii) a telecommunications service.

3560 (104)

(a) "Prosthetic device" means a device that is worn on or in the body to:

3561 (i) artificially replace a missing portion of the body;

3562 (ii) prevent or correct a physical deformity or physical malfunction; or

3563 (iii) support a weak or deformed portion of the body.

3564 (b) "Prosthetic device" includes:

3565 (i) parts used in the repairs or renovation of a prosthetic device;

3566 (ii) replacement parts for a prosthetic device;

3567 (iii) a dental prosthesis; or

3568 (iv) a hearing aid.

3569 (c) "Prosthetic device" does not include:

3570 (i) corrective eyeglasses; or

3571 (ii) contact lenses.

3572 (105)

(a) "Protective equipment" means an item:

3573 (i) for human wear; and

3574 (ii) that is:

3575 (A) designed as protection:

3576 (I) to the wearer against injury or disease; or

3577 (II) against damage or injury of other persons or property; and

3578 (B) not suitable for general use.

3579 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules:

3581 (i) listing the items that constitute "protective equipment"; and

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- 3582 (ii) that are consistent with the list of items that constitute "protective equipment" under the agreement.
3584 (106)
- (a) For purposes of Subsection 59-12-104(41), "publication" means any written or printed matter, other than a photocopy:
- 3586 (i) regardless of:
- 3587 (A) characteristics;
- 3588 (B) copyright;
- 3589 (C) form;
- 3590 (D) format;
- 3591 (E) method of reproduction; or
- 3592 (F) source; and
- 3593 (ii) made available in printed or electronic format.
- 3594 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "photocopy."
- 3596 (107)
- (a) "Purchase price" and "sales price" mean the total amount of consideration:
- 3597 (i) valued in money; and
- 3598 (ii) for which tangible personal property, a product transferred electronically, or services are:
- 3600 (A) sold;
- 3601 (B) leased; or
- 3602 (C) rented.
- 3603 (b) "Purchase price" and "sales price" include:
- 3604 (i) the seller's cost of the tangible personal property, a product transferred electronically, or services sold;
- 3606 (ii) expenses of the seller, including:
- 3607 (A) the cost of materials used;
- 3608 (B) a labor cost;
- 3609 (C) a service cost;
- 3610 (D) interest;
- 3611 (E) a loss;
- 3612 (F) the cost of transportation to the seller; or

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- 3613 (G) a tax imposed on the seller;
- 3614 (iii) a charge by the seller for any service necessary to complete the sale; or
- 3615 (iv) consideration a seller receives from a person other than the purchaser if:
- 3616 (A)
- (I) the seller actually receives consideration from a person other than the purchaser; and
- 3618 (II) the consideration described in Subsection (107)(b)(iv)(A)(I) is directly related to a price reduction or discount on the sale;
- 3620 (B) the seller has an obligation to pass the price reduction or discount through to the purchaser;
- 3622 (C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale to the purchaser; and
- 3624 (D)
- (I)
- (Aa) the purchaser presents a certificate, coupon, or other documentation to the seller to claim a price reduction or discount; and
- 3626 (Bb) a person other than the seller authorizes, distributes, or grants the certificate, coupon, or other documentation with the understanding that the person other than the seller will reimburse any seller to whom the certificate, coupon, or other documentation is presented;
- 3630 (II) the purchaser identifies that purchaser to the seller as a member of a group or organization allowed a price reduction or discount, except that a preferred customer card that is available to any patron of a seller does not constitute membership in a group or organization allowed a price reduction or discount; or
- 3635 (III) the price reduction or discount is identified as a third party price reduction or discount on the:
- 3637 (Aa) invoice the purchaser receives; or
- 3638 (Bb) certificate, coupon, or other documentation the purchaser presents.
- 3639 (c) "Purchase price" and "sales price" do not include:
- 3640 (i) a discount:
- 3641 (A) in a form including:
- 3642 (I) cash;
- 3643 (II) term; or
- 3644 (III) coupon;
- 3645 (B) that is allowed by a seller;

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- 3646 (C) taken by a purchaser on a sale; and
- 3647 (D) that is not reimbursed by a third party; or
- 3648 (ii) subject to Subsections 59-12-103(2)(f)(ii) and (2)(g)(i), the following if separately stated on an invoice, bill of sale, or similar document provided to the purchaser at the time of sale or later, as demonstrated by the books and records the seller keeps at the time of the transaction in the regular course of business, including books and records the seller keeps at the time of the transaction in the regular course of business for nontax purposes, by a preponderance of the facts and circumstances at the time of the transaction, and by the understanding of all of the parties to the transaction:
- 3656 (A) the following from credit extended on the sale of tangible personal property or services:
- 3658 (I) a carrying charge;
- 3659 (II) a financing charge; or
- 3660 (III) an interest charge;
- 3661 (B) a delivery charge;
- 3662 (C) an installation charge;
- 3663 (D) a manufacturer rebate on a motor vehicle; or
- 3664 (E) a tax or fee legally imposed directly on the consumer.
- 3665 (108) "Purchaser" means a person to whom:
- 3666 (a) a sale of tangible personal property is made;
- 3667 (b) a product is transferred electronically; or
- 3668 (c) a service is furnished.
- 3669 (109) "Qualifying data center" means a data center facility that:
- 3670 (a) houses a group of networked server computers in one physical location in order to disseminate, manage, and store data and information;
- 3672 (b) is located in the state;
- 3673 (c) is a new operation constructed on or after July 1, 2016;
- 3674 (d) consists of one or more buildings that total 150,000 or more square feet;
- 3675 (e) is owned or leased by:
- 3676 (i) the operator of the data center facility; or
- 3677 (ii) a person under common ownership, as defined in Section 59-7-101, of the operator of the data center facility; and
- 3679 (f) is located on one or more parcels of land that are owned or leased by:

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- 3680 (i) the operator of the data center facility; or
- 3681 (ii) a person under common ownership, as defined in Section 59-7-101, of the operator of the data center facility.
- 3683 (110) "Regularly rented" means:
- 3684 (a) rented to a guest for value three or more times during a calendar year; or
- 3685 (b) advertised or held out to the public as a place that is regularly rented to guests for value.
- 3687 (111) "Rental" means the same as that term is defined in Subsection (63).
- 3688 (112)
- (a) "Repairs or renovations of tangible personal property" means:
- 3689 (i) a repair or renovation of tangible personal property that is not permanently attached to real property; or
- 3691 (ii) attaching tangible personal property or a product transferred electronically to other tangible personal property or detaching tangible personal property or a product transferred electronically from other tangible personal property if:
- 3694 (A) the other tangible personal property to which the tangible personal property or product transferred electronically is attached or from which the tangible personal property or product transferred electronically is detached is not permanently attached to real property; and
- 3698 (B) the attachment of tangible personal property or a product transferred electronically to other tangible personal property or detachment of tangible personal property or a product transferred electronically from other tangible personal property is made in conjunction with a repair or replacement of tangible personal property or a product transferred electronically.
- 3703 (b) "Repairs or renovations of tangible personal property" does not include:
- 3704 (i) attaching prewritten computer software to other tangible personal property if the other tangible personal property to which the prewritten computer software is attached is not permanently attached to real property; or
- 3707 (ii) detaching prewritten computer software from other tangible personal property if the other tangible personal property from which the prewritten computer software is detached is not permanently attached to real property.
- 3710 (113) "Research and development" means the process of inquiry or experimentation aimed at the discovery of facts, devices, technologies, or applications and the process of preparing those devices, technologies, or applications for marketing.

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- 3713 (114)
- (a) "Residential telecommunications services" means a telecommunications service or an ancillary service that is provided to an individual for personal use:
- 3715 (i) at a residential address; or
- 3716 (ii) at an institution, including a nursing home or a school, if the telecommunications service or ancillary service is provided to and paid for by the individual residing at the institution rather than the institution.
- 3719 (b) For purposes of Subsection (114)(a)(i), a residential address includes an:
- 3720 (i) apartment; or
- 3721 (ii) other individual dwelling unit.
- 3722 (115) "Residential use" means the use in or around a home, apartment building, sleeping quarters, and similar facilities or accommodations.
- 3724 (116) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose other than:
- 3725 (a) resale;
- 3726 (b) sublease; or
- 3727 (c) subrent.
- 3728 (117)
- (a) "Retailer" means any person, unless prohibited by the Constitution of the United States or federal law, that is engaged in a regularly organized business in tangible personal property or any other taxable transaction under Subsection 59-12-103(1), and who is selling to the user or consumer and not for resale.
- 3732 (b) "Retailer" includes commission merchants, auctioneers, and any person regularly engaged in the business of selling to users or consumers within the state.
- 3734 (118)
- (a) "Sale" means any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of tangible personal property or any other taxable transaction under Subsection 59-12-103(1), for consideration.
- 3737 (b) "Sale" includes:
- 3738 (i) installment and credit sales;
- 3739 (ii) any closed transaction constituting a sale;
- 3740 (iii) any sale of electrical energy, gas, services, or entertainment taxable under this chapter;

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- 3742 (iv) any transaction if the possession of property is transferred but the seller retains the title as security for the payment of the price; and
- 3744 (v) any transaction under which right to possession, operation, or use of any article of tangible personal property is granted under a lease or contract and the transfer of possession would be taxable if an outright sale were made.
- 3747 (119) "Sale at retail" means the same as that term is defined in Subsection (116).
- 3748 (120) "Sale-leaseback transaction" means a transaction by which title to tangible personal property or a product transferred electronically that is subject to a tax under this chapter is transferred:
- 3751 (a) by a purchaser-lessee;
- 3752 (b) to a lessor;
- 3753 (c) for consideration; and
- 3754 (d) if:
- 3755 (i) the purchaser-lessee paid sales and use tax on the purchaser-lessee's initial purchase of the tangible personal property or product transferred electronically;
- 3757 (ii) the sale of the tangible personal property or product transferred electronically to the lessor is intended as a form of financing:
- 3759 (A) for the tangible personal property or product transferred electronically; and
- 3760 (B) to the purchaser-lessee; and
- 3761 (iii) in accordance with generally accepted accounting principles, the purchaser-lessee is required to:
- 3763 (A) capitalize the tangible personal property or product transferred electronically for financial reporting purposes; and
- 3765 (B) account for the lease payments as payments made under a financing arrangement.
- 3767 (121) "Sales price" means the same as that term is defined in Subsection (107).
- 3768 (122)
- (a) "Sales relating to schools" means the following sales by, amounts paid to, or amounts charged by a school:
- 3770 (i) sales that are directly related to the school's educational functions or activities including:
- 3772 (A) the sale of:
- 3773 (I) textbooks;
- 3774 (II) textbook fees;
- 3775 (III) laboratory fees;

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- 3776 (IV) laboratory supplies; or
- 3777 (V) safety equipment;
- 3778 (B) the sale of a uniform, protective equipment, or sports or recreational equipment that:
- 3780 (I) a student is specifically required to wear as a condition of participation in a school-related event or school-related activity; and
- 3782 (II) is not readily adaptable to general or continued usage to the extent that it takes the place of ordinary clothing;
- 3784 (C) sales of the following if the net or gross revenue generated by the sales is deposited into a school district fund or school fund dedicated to school meals:
- 3786 (I) food and food ingredients; or
- 3787 (II) prepared food; or
- 3788 (D) transportation charges for official school activities; or
- 3789 (ii) amounts paid to or amounts charged by a school for admission to a school-related event or school-related activity.
- 3791 (b) "Sales relating to schools" does not include:
- 3792 (i) bookstore sales of items that are not educational materials or supplies;
- 3793 (ii) except as provided in Subsection (122)(a)(i)(B):
- 3794 (A) clothing;
- 3795 (B) clothing accessories or equipment;
- 3796 (C) protective equipment; or
- 3797 (D) sports or recreational equipment; or
- 3798 (iii) amounts paid to or amounts charged by a school for admission to a school-related event or school-related activity if the amounts paid or charged are passed through to a person:
- 3801 (A) other than a:
- 3802 (I) school;
- 3803 (II) nonprofit organization authorized by a school board or a governing body of a private school to organize and direct a competitive secondary school activity; or
- 3806 (III) nonprofit association authorized by a school board or a governing body of a private school to organize and direct a competitive secondary school activity; and
- 3809 (B) that is required to collect sales and use taxes under this chapter.
- 3810

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(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules defining the term "passed through."

3812 (123) For purposes of this section and Section 59-12-104, "school" means:

3813 (a) an elementary school or a secondary school that:

3814 (i) is a:

3815 (A) public school; or

3816 (B) private school; and

3817 (ii) provides instruction for one or more grades kindergarten through 12; or

3818 (b) a public school district.

3819 (124)

(a) "Seller" means a person that makes a sale, lease, or rental of:

3820 (i) tangible personal property;

3821 (ii) a product transferred electronically; or

3822 (iii) a service.

3823 (b) "Seller" includes a marketplace facilitator.

3824 (125)

(a) "Semiconductor fabricating, processing, research, or development materials" means tangible personal property or a product transferred electronically if the tangible personal property or product transferred electronically is:

3827 (i) used primarily in the process of:

3828 (A)

(I) manufacturing a semiconductor;

3829 (II) fabricating a semiconductor; or

3830 (III) research or development of a:

3831 (Aa) semiconductor; or

3832 (Bb) semiconductor manufacturing process; or

3833 (B) maintaining an environment suitable for a semiconductor; or

3834 (ii) consumed primarily in the process of:

3835 (A)

(I) manufacturing a semiconductor;

3836 (II) fabricating a semiconductor; or

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- 3837 (III) research or development of a:
- 3838 (Aa) semiconductor; or
- 3839 (Bb) semiconductor manufacturing process; or
- 3840 (B) maintaining an environment suitable for a semiconductor.
- 3841 (b) "Semiconductor fabricating, processing, research, or development materials" includes:
- 3843 (i) parts used in the repairs or renovations of tangible personal property or a product transferred electronically described in Subsection (125)(a); or
- 3845 (ii) a chemical, catalyst, or other material used to:
- 3846 (A) produce or induce in a semiconductor a:
- 3847 (I) chemical change; or
- 3848 (II) physical change;
- 3849 (B) remove impurities from a semiconductor; or
- 3850 (C) improve the marketable condition of a semiconductor.
- 3851 (126) "Senior citizen center" means a facility having the primary purpose of providing services to the aged as defined in Section 26B-6-101.
- 3853 (127) "Shared vehicle" means the same as that term is defined in Section 13-48a-101.
- 3854 (128) "Shared vehicle driver" means the same as that term is defined in Section 13-48a-101.
- 3855 (129) "Shared vehicle owner" means the same as that term is defined in Section 13-48a-101.
- 3856 (130)
- (a) Subject to Subsections (130)(b) and (c), "short-term lodging consumable" means tangible personal property that:
- 3858 (i) a business that provides accommodations and services described in Subsection 59-12-103(1)(i) purchases as part of a transaction to provide the accommodations and services to a purchaser;
- 3861 (ii) is intended to be consumed by the purchaser; and
- 3862 (iii) is:
- 3863 (A) included in the purchase price of the accommodations and services; and
- 3864 (B) not separately stated on an invoice, bill of sale, or other similar document provided to the purchaser.
- 3866 (b) "Short-term lodging consumable" includes:
- 3867 (i) a beverage;
- 3868 (ii) a brush or comb;
- 3869 (iii) a cosmetic;

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- 3870 (iv) a hair care product;
- 3871 (v) lotion;
- 3872 (vi) a magazine;
- 3873 (vii) makeup;
- 3874 (viii) a meal;
- 3875 (ix) mouthwash;
- 3876 (x) nail polish remover;
- 3877 (xi) a newspaper;
- 3878 (xii) a notepad;
- 3879 (xiii) a pen;
- 3880 (xiv) a pencil;
- 3881 (xv) a razor;
- 3882 (xvi) saline solution;
- 3883 (xvii) a sewing kit;
- 3884 (xviii) shaving cream;
- 3885 (xix) a shoe shine kit;
- 3886 (xx) a shower cap;
- 3887 (xxi) a snack item;
- 3888 (xxii) soap;
- 3889 (xxiii) toilet paper;
- 3890 (xxiv) a toothbrush;
- 3891 (xxv) toothpaste; or
- 3892 (xxvi) an item similar to Subsections (130)(b)(i) through (xxv) as the commission may provide by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 3895 (c) "Short-term lodging consumable" does not include:
- 3896 (i) tangible personal property that is cleaned or washed to allow the tangible personal property to be reused; or
- 3898 (ii) a product transferred electronically.
- 3899 (131)
- (a) "Short-term rental" means a lease or rental for less than 30 consecutive days.
- 3900 (b) "Short-term rental" does not include car sharing.

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- 3901 (132) "Simplified electronic return" means the electronic return:
3902 (a) described in Section 318(C) of the agreement; and
3903 (b) approved by the governing board of the agreement.
- 3904 (133) "Solar energy" means the sun used as the sole source of energy for producing electricity.
3906 (134)
(a) "Sports or recreational equipment" means an item:
3907 (i) designed for human use; and
3908 (ii) that is:
3909 (A) worn in conjunction with:
3910 (I) an athletic activity; or
3911 (II) a recreational activity; and
3912 (B) not suitable for general use.
- 3913 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules:
3915 (i) listing the items that constitute "sports or recreational equipment"; and
3916 (ii) that are consistent with the list of items that constitute "sports or recreational equipment" under the agreement.
- 3918 (135) "State" means the state of Utah, its departments, and agencies.
- 3919 (136) "Storage" means any keeping or retention of tangible personal property or any other taxable transaction under Subsection 59-12-103(1), in this state for any purpose except sale in the regular course of business.
- 3922 (137)
(a) "Tangible personal property" means personal property that:
3923 (i) may be:
3924 (A) seen;
3925 (B) weighed;
3926 (C) measured;
3927 (D) felt; or
3928 (E) touched; or
3929 (ii) is in any manner perceptible to the senses.
- 3930 (b) "Tangible personal property" includes:

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- 3931 (i) electricity;
- 3932 (ii) water;
- 3933 (iii) gas;
- 3934 (iv) steam; or
- 3935 (v) prewritten computer software, regardless of the manner in which the prewritten computer software is transferred.
- 3937 (c) "Tangible personal property" includes the following regardless of whether the item is attached to real property:
- 3939 (i) a dishwasher;
- 3940 (ii) a dryer;
- 3941 (iii) a freezer;
- 3942 (iv) a microwave;
- 3943 (v) a refrigerator;
- 3944 (vi) a stove;
- 3945 (vii) a washer; or
- 3946 (viii) an item similar to Subsections (137)(c)(i) through (vii) as determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 3949 (d) "Tangible personal property" does not include a product that is transferred electronically.
- 3951 (e) "Tangible personal property" does not include the following if attached to real property, regardless of whether the attachment to real property is only through a line that supplies water, electricity, gas, telephone, cable, or supplies a similar item as determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 3956 (i) a hot water heater;
- 3957 (ii) a water filtration system; or
- 3958 (iii) a water softener system.
- 3959 (138)
- (a) "Telecommunications enabling or facilitating equipment, machinery, or software" means an item listed in Subsection (138)(b) if that item is purchased or leased primarily to enable or facilitate one or more of the following to function:
- 3962 (i) telecommunications switching or routing equipment, machinery, or software; or
- 3963 (ii) telecommunications transmission equipment, machinery, or software.

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- 3964 (b) The following apply to Subsection (138)(a):
- 3965 (i) a pole;
- 3966 (ii) software;
- 3967 (iii) a supplementary power supply;
- 3968 (iv) temperature or environmental equipment or machinery;
- 3969 (v) test equipment;
- 3970 (vi) a tower; or
- 3971 (vii) equipment, machinery, or software that functions similarly to an item listed in Subsections (138)(b)(i) through (vi) as determined by the commission by rule made in accordance with Subsection (138)(c).
- 3974 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define what constitutes equipment, machinery, or software that functions similarly to an item listed in Subsections (138)(b)(i) through (vi).
- 3977 (139) "Telecommunications equipment, machinery, or software required for 911 service" means equipment, machinery, or software that is required to comply with 47 C.F.R. Sec. 20.18.
- 3980 (140) "Telecommunications maintenance or repair equipment, machinery, or software" means equipment, machinery, or software purchased or leased primarily to maintain or repair one or more of the following, regardless of whether the equipment, machinery, or software is purchased or leased as a spare part or as an upgrade or modification to one or more of the following:
- 3985 (a) telecommunications enabling or facilitating equipment, machinery, or software;
- 3986 (b) telecommunications switching or routing equipment, machinery, or software; or
- 3987 (c) telecommunications transmission equipment, machinery, or software.
- 3988 (141)
- (a) "Telecommunications service" means the electronic conveyance, routing, or transmission of audio, data, video, voice, or any other information or signal to a point, or among or between points.
- 3991 (b) "Telecommunications service" includes:
- 3992 (i) an electronic conveyance, routing, or transmission with respect to which a computer processing application is used to act:
- 3994 (A) on the code, form, or protocol of the content;
- 3995 (B) for the purpose of electronic conveyance, routing, or transmission; and
- 3996 (C) regardless of whether the service:

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- 3997 (I) is referred to as voice over Internet protocol service; or
- 3998 (II) is classified by the Federal Communications Commission as enhanced or value added;
- 4000 (ii) an 800 service;
- 4001 (iii) a 900 service;
- 4002 (iv) a fixed wireless service;
- 4003 (v) a mobile wireless service;
- 4004 (vi) a postpaid calling service;
- 4005 (vii) a prepaid calling service;
- 4006 (viii) a prepaid wireless calling service; or
- 4007 (ix) a private communications service.
- 4008 (c) "Telecommunications service" does not include:
- 4009 (i) advertising, including directory advertising;
- 4010 (ii) an ancillary service;
- 4011 (iii) a billing and collection service provided to a third party;
- 4012 (iv) a data processing and information service if:
- 4013 (A) the data processing and information service allows data to be:
- 4014 (I)
- (Aa) acquired;
- 4015 (Bb) generated;
- 4016 (Cc) processed;
- 4017 (Dd) retrieved; or
- 4018 (Ee) stored; and
- 4019 (II) delivered by an electronic transmission to a purchaser; and
- 4020 (B) the purchaser's primary purpose for the underlying transaction is the processed data or information;
- 4022 (v) installation or maintenance of the following on a customer's premises:
- 4023 (A) equipment; or
- 4024 (B) wiring;
- 4025 (vi) Internet access service;
- 4026 (vii) a paging service;
- 4027 (viii) a product transferred electronically, including:
- 4028 (A) music;

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- 4029 (B) reading material;
- 4030 (C) a ring tone;
- 4031 (D) software; or
- 4032 (E) video;
- 4033 (ix) a radio and television audio and video programming service:
- 4034 (A) regardless of the medium; and
- 4035 (B) including:
- 4036 (I) furnishing conveyance, routing, or transmission of a television audio and video programming service
by a programming service provider;
- 4038 (II) cable service as defined in 47 U.S.C. Sec. 522(6); or
- 4039 (III) audio and video programming services delivered by a commercial mobile radio service provider as
defined in 47 C.F.R. Sec. 20.3;
- 4041 (x) a value-added nonvoice data service; or
- 4042 (xi) tangible personal property.
- 4043 (142)
- (a) "Telecommunications service provider" means a person that:
- 4044 (i) owns, controls, operates, or manages a telecommunications service; and
- 4045 (ii) engages in an activity described in Subsection (142)(a)(i) for the shared use with or resale to
any person of the telecommunications service.
- 4047 (b) A person described in Subsection (142)(a) is a telecommunications service provider whether or not
the Public Service Commission of Utah regulates:
- 4049 (i) that person; or
- 4050 (ii) the telecommunications service that the person owns, controls, operates, or manages.
- 4052 (143)
- (a) "Telecommunications switching or routing equipment, machinery, or software" means an item listed
in Subsection (143)(b) if that item is purchased or leased primarily for switching or routing:
- 4055 (i) an ancillary service;
- 4056 (ii) data communications;
- 4057 (iii) voice communications; or
- 4058 (iv) telecommunications service.
- 4059 (b) The following apply to Subsection (143)(a):

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- 4060 (i) a bridge;
- 4061 (ii) a computer;
- 4062 (iii) a cross connect;
- 4063 (iv) a modem;
- 4064 (v) a multiplexer;
- 4065 (vi) plug in circuitry;
- 4066 (vii) a router;
- 4067 (viii) software;
- 4068 (ix) a switch; or
- 4069 (x) equipment, machinery, or software that functions similarly to an item listed in Subsections (143)(b)(i) through (ix) as determined by the commission by rule made in accordance with Subsection (143)(c).
- 4072 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define what constitutes equipment, machinery, or software that functions similarly to an item listed in Subsections (143)(b)(i) through (ix).
- 4075 (144)
 - (a) "Telecommunications transmission equipment, machinery, or software" means an item listed in Subsection (144)(b) if that item is purchased or leased primarily for sending, receiving, or transporting:
 - 4078 (i) an ancillary service;
 - 4079 (ii) data communications;
 - 4080 (iii) voice communications; or
 - 4081 (iv) telecommunications service.
 - (b) The following apply to Subsection (144)(a):
 - 4083 (i) an amplifier;
 - 4084 (ii) a cable;
 - 4085 (iii) a closure;
 - 4086 (iv) a conduit;
 - 4087 (v) a controller;
 - 4088 (vi) a duplexer;
 - 4089 (vii) a filter;

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- 4090 (viii) an input device;
- 4091 (ix) an input/output device;
- 4092 (x) an insulator;
- 4093 (xi) microwave machinery or equipment;
- 4094 (xii) an oscillator;
- 4095 (xiii) an output device;
- 4096 (xiv) a pedestal;
- 4097 (xv) a power converter;
- 4098 (xvi) a power supply;
- 4099 (xvii) a radio channel;
- 4100 (xviii) a radio receiver;
- 4101 (xix) a radio transmitter;
- 4102 (xx) a repeater;
- 4103 (xxi) software;
- 4104 (xxii) a terminal;
- 4105 (xxiii) a timing unit;
- 4106 (xxiv) a transformer;
- 4107 (xxv) a wire; or
- 4108 (xxvi) equipment, machinery, or software that functions similarly to an item listed in Subsections (144)(b)(i) through (xxv) as determined by the commission by rule made in accordance with Subsection (144)(c).
- 4111 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define what constitutes equipment, machinery, or software that functions similarly to an item listed in Subsections (144)(b)(i) through (xxv).
- 4114 (145)
- (a) "Textbook for a higher education course" means a textbook or other printed material that is required for a course:
- 4116 (i) offered by an institution of higher education; and
- 4117 (ii) that the purchaser of the textbook or other printed material attends or will attend.
- 4118 (b) "Textbook for a higher education course" includes a textbook in electronic format.
- 4119 (146) "Tobacco" means:

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- 4120 (a) a cigarette;
- 4121 (b) a cigar;
- 4122 (c) chewing tobacco;
- 4123 (d) pipe tobacco; or
- 4124 (e) any other item that contains tobacco.
- 4125 (147) "Unassisted amusement device" means an amusement device, skill device, or ride device that is started and stopped by the purchaser or renter of the right to use or operate the amusement device, skill device, or ride device.
- 4128 (148)
- (a) "Use" means the exercise of any right or power over tangible personal property, a product transferred electronically, or a service under Subsection 59-12-103(1), incident to the ownership or the leasing of that tangible personal property, product transferred electronically, or service.
- 4132 (b) "Use" does not include the sale, display, demonstration, or trial of tangible personal property, a product transferred electronically, or a service in the regular course of business and held for resale.
- 4135 (149) "Value-added nonvoice data service" means a service:
- 4136 (a) that otherwise meets the definition of a telecommunications service except that a computer processing application is used to act primarily for a purpose other than conveyance, routing, or transmission; and
- 4139 (b) with respect to which a computer processing application is used to act on data or information:
- 4141 (i) code;
- 4142 (ii) content;
- 4143 (iii) form; or
- 4144 (iv) protocol.
- 4145 (150)
- (a) Subject to Subsection (150)(b), "vehicle" means the following that are required to be titled, registered, or titled and registered:
- 4147 (i) an aircraft as defined in Section 72-10-102;
- 4148 (ii) a vehicle as defined in Section 41-1a-102;
- 4149 (iii) an off-highway vehicle as defined in Section 41-22-2; or
- 4150 (iv) a vessel as defined in Section 41-1a-102.
- 4151 (b) For purposes of Subsection 59-12-104(33) only, "vehicle" includes:

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- 4152 (i) a vehicle described in Subsection (150)(a); or
4153 (ii)
 (A) a locomotive;
4154 (B) a freight car;
4155 (C) railroad work equipment; or
4156 (D) other railroad rolling stock.
- 4157 (151) "Vehicle dealer" means a person engaged in the business of buying, selling, or exchanging a
 vehicle as defined in Subsection (150).
- 4159 (152)
 (a) "Vertical service" means an ancillary service that:
4160 (i) is offered in connection with one or more telecommunications services; and
4161 (ii) offers an advanced calling feature that allows a customer to:
4162 (A) identify a caller; and
4163 (B) manage multiple calls and call connections.
- 4164 (b) "Vertical service" includes an ancillary service that allows a customer to manage a conference
 bridging service.
- 4166 (153)
 (a) "Voice mail service" means an ancillary service that enables a customer to receive, send, or store a
 recorded message.
- 4168 (b) "Voice mail service" does not include a vertical service that a customer is required to have in order
 to utilize a voice mail service.
- 4170 (154)
 (a) "Waste energy facility" means a facility that generates electricity:
4171 (i) using as the primary source of energy waste materials that would be placed in a landfill or refuse
 pit if it were not used to generate electricity, including:
4173 (A) tires;
4174 (B) waste coal;
4175 (C) oil shale; or
4176 (D) municipal solid waste; and
4177 (ii) in amounts greater than actually required for the operation of the facility.
- 4178 (b) "Waste energy facility" does not include a facility that incinerates:

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- 4179 (i) hospital waste as defined in 40 C.F.R. 60.51c; or
- 4180 (ii) medical/infectious waste as defined in 40 C.F.R. 60.51c.
- 4181 (155) "Watercraft" means a vessel as defined in Section 73-18-2.
- 4182 (156) "Wind energy" means wind used as the sole source of energy to produce electricity.
- 4183 (157) "ZIP Code" means a Zoning Improvement Plan Code assigned to a geographic location by the
United States Postal Service.
- 4241 Section 25. Section **59-12-702** is amended to read:
- 4242 **59-12-702. Definitions.**
- As used in this part:
- 4188 (1) "Administrative unit" means a division of a private nonprofit organization or institution that:
- 4190 (a) would, if it were a separate entity, be a botanical organization or cultural organization; and
- 4192 (b) consistently maintains books and records separate from those of the administrative unit's parent
organization.
- 4194 (2) "Aquarium" means a park or building where a collection of water animals and plants is kept for
study, conservation, and public exhibition.
- 4196 (3) "Aviary" means a park or building where a collection of birds is kept for study, conservation, and
public exhibition.
- 4198 (4) "Botanical organization" means:
- 4199 (a) a private nonprofit organization or institution having as the private nonprofit organization's
or institution's primary purpose the advancement and preservation of plant science through
horticultural display, botanical research, and community education; or
- 4203 (b) an administrative unit.
- 4204 (5) "Cultural facility" means the same as that term is defined in Section 59-12-602.
- 4205 (6)
- (a) "Cultural organization" means:
- 4206 (i) a private nonprofit organization or institution having as the private nonprofit organization's or
institution's primary purpose the advancement and preservation of:
- 4209 (A) natural history;
- 4210 (B) art;
- 4211 (C) music;
- 4212 (D) theater;

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- 4213 (E) dance; or
- 4214 (F) cultural arts, including literature, a motion picture, or storytelling; and
- 4215 (ii) an administrative unit.
- 4216 (b) "Cultural organization" includes, for purposes of Subsections 59-12-704(1)(d) and (10) only:
- 4218 (i) a private nonprofit organization or institution having as the private nonprofit organization's or institution's primary purpose the advancement and preservation of history; or
- 4221 (ii) a municipal or county cultural council having as the municipal or county cultural council's primary purpose the advancement and preservation of:
- 4223 (A) history;
- 4224 (B) natural history;
- 4225 (C) art;
- 4226 (D) music;
- 4227 (E) theater; or
- 4228 (F) dance.
- 4229 (c) "Cultural organization" does not include:
- 4230 (i) an agency of the state;
- 4231 (ii) except as provided in Subsection (6)(b)(ii), a political subdivision of the state;
- 4232 (iii) an educational institution for which annual revenue is directly derived more than 50% from state funds; or
- 4234 (iv) in a county of the first or second class, a radio or television broadcasting network or station, cable communications system, newspaper, or magazine.
- 4236 (7) "Institution" means an institution of higher education listed in Subsection 53B-1-102(1)(a).
- 4238 (8) "Recreational facility" means a publicly owned or operated park, campground, marina, dock, golf course, playground, athletic field, gymnasium, swimming pool, trail system, or other facility used for recreational purposes.
- 4241 (9) "Rural radio station" means a nonprofit radio station based in a county of the third, fourth, fifth, or sixth class.
- 4243 (10) In a county of the first class, "zoological facility" means a public, public-private partnership, or private nonprofit building, exhibit, utility and infrastructure, walkway, pathway, roadway, office, administration facility, public service facility, educational facility, enclosure, public viewing area,

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animal barrier, animal housing, animal care facility, and veterinary and hospital facility related to the advancement, exhibition, or preservation of a mammal, bird, reptile, fish, or an amphibian.

4249 (11)

(a)

(i) Except as provided in Subsection (11)(a)(ii), "zoological organization" means a public, public-private partnership, or private nonprofit organization having as its primary purpose the advancement and preservation of zoology.

4252 (ii) In a county of the first class, "zoological organization" means a nonprofit organization having as the nonprofit organization's primary purpose the advancement and exhibition of a mammal, bird, reptile, fish, or an amphibian to an audience of 75,000 or more persons annually.

4256 (b) "Zoological organization" does not include an agency of the state, educational institution, radio or television broadcasting network or station, cable communications system, newspaper, or magazine.

4259 (12) "Zoological park" means a park or garden where a collection of wild animals is kept for study, conservation, and public exhibition.

4317 Section 26. Section **63C-18-203** is amended to read:

4318 **63C-18-203. Committee duties.**

4263 (1) Under the direction of the Utah Behavioral Health Commission created in Section 26B-5-702, the committee shall:

4265 (a) identify a method to integrate existing local mental health crisis lines to ensure each individual who accesses a local mental health crisis line is connected to a qualified mental or behavioral health professional, regardless of the time, date, or number of individuals trying to simultaneously access the local mental health crisis line;

4269 (b) study how to establish and implement a statewide mental health crisis line and a statewide warm line, including identifying:

4271 (i) a statewide phone number or other means for an individual to easily access the statewide mental health crisis line, including a short code for text messaging and a three-digit number for calls;

4274 (ii) a statewide phone number or other means for an individual to easily access the statewide warm line, including a short code for text messaging and a three-digit number for calls;

4277 (iii) a supply of:

4278 (A) qualified mental or behavioral health professionals to staff the statewide mental health crisis line; and

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- 4280 (B) qualified mental or behavioral health professionals or certified peer support specialists to staff the statewide warm line; and
- 4282 (iv) a funding mechanism to operate and maintain the statewide mental health crisis line and the statewide warm line;
- 4284 (c) coordinate with local mental health authorities in fulfilling the committee's duties described in Subsections (1)(a) and (b);
- 4286 (d) recommend standards for the certifications described in Section 26B-5-610; and
- 4287 (e) coordinate services provided by local mental health crisis lines and mobile crisis outreach teams, as defined in Section 62A-15-1401.
- 4289 (2) The committee shall study and make recommendations regarding:
 - 4290 (a) crisis line practices and needs, including:
 - 4291 (i) quality and timeliness of service;
 - 4292 (ii) service volume projections;
 - 4293 (iii) a statewide assessment of crisis line staffing needs, including required certifications; and
 - 4295 (iv) a statewide assessment of technology needs;
 - 4296 (b) primary duties performed by crisis line workers;
 - 4297 (c) coordination or redistribution of secondary duties performed by crisis line workers, including responding to non-emergency calls;
 - 4299 (d) operating the statewide 988 hotline:
 - 4300 (i) in accordance with federal law;
 - 4301 (ii) to ensure the efficient and effective routing of calls to an appropriate crisis center; and
 - 4303 (iii) to directly respond to calls with trained personnel and the provision of acute mental health, crisis outreach, and stabilization services;
 - 4305 (e) opportunities to increase operational and technological efficiencies and effectiveness between 988 and 911, utilizing current technology;
 - 4307 (f) needs for interoperability partnerships and policies related to 911 call transfers and public safety responses;
 - 4309 (g) standards for statewide mobile crisis outreach teams, including:
 - 4310 (i) current models and projected needs;
 - 4311 (ii) quality and timeliness of service;
 - 4312 (iii) hospital and jail diversions; and

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- 4313 (iv) staffing and certification;
- 4314 (h) resource centers, including:
- 4315 (i) current models and projected needs; and
- 4316 (ii) quality and timeliness of service;
- 4317 (i) policy considerations related to whether the state should:
- 4318 (i) manage, operate, and pay for a complete behavioral health system; or
- 4319 (ii) create partnerships with private industry; and
- 4320 (j) sustainable funding source alternatives, including:
- 4321 (i) charging a 988 fee, including a recommendation on the fee amount;
- 4322 (ii) General Fund appropriations;
- 4323 (iii) other government funding options;
- 4324 (iv) private funding sources;
- 4325 (v) grants;
- 4326 (vi) insurance partnerships, including coverage for support and treatment after initial call and triage; and
- 4328 (vii) other funding resources.
- 4329 (3) The committee may conduct other business related to the committee's duties described in this section.
- 4331 (4) The committee shall consult with the Office of Substance Use and Mental Health regarding:
- 4333 (a) the standards and operation of the statewide mental health crisis line and the statewide warm line, in accordance with Section 26B-5-610; and
- 4335 (b) the incorporation of the statewide mental health crisis line and the statewide warm line into behavioral health systems throughout the state.
- 4393 Section 27. Section **63G-3-503** is amended to read:
- 4394 **63G-3-503. Agency rules oversight.**
Oversight of the rulemaking process is conducted by the Rules Review and General Oversight Committee created in Section [~~36-35-502~~] 36-35-102.
- 4397 Section 28. Section **63I-1-226** is amended to read:
- 4398 **63I-1-226. Repeal dates: Titles 26 through 26B.**
- 4343 (1) Subsection 26B-1-204(2)(h), regarding the Primary Care Grant Committee, is repealed July 1, 2025.
- 4345 (2) Section 26B-1-315, Medicaid ACA Fund, is repealed July 1, 2034.
- 4346 (3) Section 26B-1-318, Brain and Spinal Cord Injury Fund, is repealed July 1, 2029.

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- 4347 (4) Section 26B-1-402, Rare Disease Advisory Council Grant Program -- Creation -- Reporting, is repealed July 1, 2026.
- 4349 (5) Section 26B-1-409, Utah Digital Health Service Commission -- Creation -- Membership -- Duties, is repealed July 1, 2025.
- 4351 (6) Section 26B-1-410, Primary Care Grant Committee, is repealed July 1, 2025.
- 4352 (7) Section 26B-1-416, Utah Children's Health Insurance Program Advisory Council, is repealed July 1, 2025.
- 4354 (8) Section 26B-1-417, Brain and Spinal Cord Injury Advisory Committee -- Membership -- Duties, is repealed July 1, 2029.
- 4356 (9) Section 26B-1-422, Early Childhood Utah Advisory Council -- Creation -- Compensation -- Duties, is repealed July 1, 2029.
- 4358 (10) Section 26B-1-425, Utah Health Workforce Advisory Council -- Creation and membership, is repealed July 1, 2027.
- 4360 (11) Section 26B-1-428, Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee and Program -- Creation -- Membership -- Duties, is repealed July 1, 2025.
- 4362 (12) Section 26B-1-430, Coordinating Council for Persons with Disabilities -- Policy regarding services to individuals with disabilities -- Creation -- Membership -- Expenses, is repealed July 1, 2027.
- 4365 (13) Section 26B-1-432, Newborn Hearing Screening Committee, is repealed July 1, 2026.
- 4366 (14) Section 26B-2-407, Drinking water quality in child care centers, is repealed July 1, 2027.
- 4368 (15) Subsection 26B-3-107(9), regarding reimbursement for dental hygienists, is repealed July 1, 2028.
- 4370 (16) Section 26B-3-136, Children's Health Care Coverage Program, is repealed July 1, 2025.
- 4371 (17) Section 26B-3-137, Reimbursement for diabetes prevention program, is repealed June 30, 2027.
- 4373 (18) Subsection 26B-3-213(2)(b), regarding consultation with the Behavioral Health Crisis Response Committee, is repealed December 31, 2026.
- 4375 (19) Section 26B-3-302, DUR Board -- Creation and membership -- Expenses, is repealed July 1, 2027.
- 4377 (20) Section 26B-3-303, DUR Board -- Responsibilities, is repealed July 1, 2027.
- 4378 (21) Section 26B-3-304, Confidentiality of records, is repealed July 1, 2027.
- 4379 (22) Section 26B-3-305, Drug prior approval program, is repealed July 1, 2027.
- 4380 (23) Section 26B-3-306, Advisory committees, is repealed July 1, 2027.
- 4381 (24) Section 26B-3-307, Retrospective and prospective DUR, is repealed July 1, 2027.
- 4382 (25) Section 26B-3-308, Penalties, is repealed July 1, 2027.

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- 4383 (26) Section 26B-3-309, Immunity, is repealed July 1, 2027.
- 4384 (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2034.
- 4385 (28) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is repealed July 1, 2034.
- 4387 (29) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1, 2028.
- 4388 (30) Section 26B-3-910, Alternative eligibility -- Report -- Alternative Eligibility Expendable Revenue Fund, is repealed July 1, 2028.
- 4390 (31) Section 26B-4-710, Rural residency training program, is repealed July 1, 2025.
- 4391 (32) Subsection 26B-5-112(1)(b), regarding consultation with the Behavioral Health Crisis Response Committee, is repealed December 31, 2026.
- 4393 (33) Subsection 26B-5-112(5)(b), regarding consultation with the Behavioral Health Crisis Response Committee, is repealed December 31, 2026.
- 4395 (34) Section 26B-5-112.5, Mobile Crisis Outreach Team Grant Program, is repealed December 31, 2026.
- 4397 (35) Section 26B-5-114, Behavioral Health Receiving Center Grant Program, is repealed December 31, 2026.
- 4399 (36) Section 26B-5-118, Collaborative care grant program, is repealed December 31, 2024.
- 4400 (37) Section 26B-5-120, Virtual crisis outreach team grant program, is repealed December 31, 2026.
- 4402 (38) Subsection 26B-5-609(1)(a), regarding the Behavioral Health Crisis Response Committee, is repealed December 31, 2026.
- 4404 (39) Subsection 26B-5-609(3)(b), regarding the Behavioral Health Crisis Response Committee, is repealed December 31, 2026.
- 4406 (40) Subsection 26B-5-610(1)(b), regarding the Behavioral Health Crisis Response Committee, is repealed December 31, 2026.
- 4408 (41) Subsection 26B-5-610(2)(b)(ii), regarding the Behavioral Health Crisis Response Committee, is repealed December 31, 2026.
- 4410 (42) Section 26B-5-612, Integrated behavioral health care grant programs, is repealed December 31, 2025.
- 4412 (43) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July 1, 2029.
- 4414 (44) Subsection 26B-5-704(2)(a), regarding the Behavioral Health Crisis Response Committee, is repealed December 31, 2026.
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~~[(45) Subsection 26B-5-704(2)(b), regarding the Education and Mental Health Coordinating Committee, is repealed December 31, 2024.]~~

4418 ~~[(46)]~~ (45) Title 26B, Chapter 5, Part 8, Utah Substance Use and Mental Health Advisory Committee, is repealed January 1, 2033.

4420 ~~[(47)]~~ (46) Section 26B-7-119, Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

4421 ~~[(48)]~~ (47) Section 26B-7-122, Communication Habits to reduce Adolescent Threats Pilot Program, is repealed July 1, 2029.

4423 ~~[(49)]~~ (48) Section 26B-7-123, Report on CHAT campaign, is repealed July 1, 2029.

4424 ~~[(50)]~~ (49) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1, 2026.

4482 Section 29. Section **63I-1-241** is amended to read:

4483 **63I-1-241. Repeal dates: Title 41.**

4428 (1) Subsection 41-1a-1201(8), regarding the Brain and Spinal Cord Injury Fund, is repealed July 1, 2029.

4430 (2) Subsection 41-6a-102(34), regarding lane filtering, is repealed July 1, 2027.

4431 (3) Subsection 41-6a-704(6), regarding lane filtering, is repealed July 1, 2027.

4432 (4) Subsection 41-6a-710(1)(c), regarding lane filtering, is repealed July 1, 2027.

4433 (5) Subsection ~~[41-6a-1406(6)(b)(iii)]~~ 41-6a-1406(7)(b)(iii), regarding the Brain and Spinal Cord Injury Fund, is repealed July 1, 2029.

4435 (6) Subsection 41-22-2(1), regarding an advisory council addressing off-highway vehicle issues, is repealed July 1, 2027.

4437 (7) Subsection 41-22-10(1), regarding an advisory council addressing off-highway vehicle issues, is repealed July 1, 2027.

4439 (8) Subsection 41-22-8(3)(b), regarding the Brain and Spinal Cord Injury Fund, is repealed July 1, 2029.

4497 Section 30. Section **63I-1-253** is amended to read:

4498 **63I-1-253. Repeal dates: Titles 53 through 53G.**

4443 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is repealed July 1, 2028.

4445 (2) Section 53-2a-105, Emergency Management Administration Council created -- Function -- Composition -- Expenses, is repealed July 1, 2029.

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- (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation, is repealed July 1, 2027.
- 4449 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is repealed July 1, 2027.
- 4451 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- 4452 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership -- Expenses, is repealed July 1, 2029.
- 4454 (7) Section 53-2d-703, Volunteer Emergency Medical Service Personnel Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking -- Advisory board, is repealed July 1, 2027.
- 4457 (8) Section 53-5-703, Board -- Membership -- Compensation -- Terms -- Duties, is repealed July 1, 2029.
- 4459 (9) Section 53-11-104, Board, is repealed July 1, 2029.
- 4460 ~~{(10) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem -- Report -- Expiration, is repealed December 31, 2025.}~~
- 4462 ~~{(11) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is repealed December 31, 2025.}~~
- 4464 ~~{(12)} ~~{(10)}~~ Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.~~
- 4466 ~~{(13)} ~~{(11)}~~ Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.~~
- 4467 ~~{(14)} ~~{(12)}~~ Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1, 2028.~~
- 4469 ~~{(15)} ~~{(13)}~~ Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.~~
- 4470 ~~{(16)} ~~{(14)}~~ Section 53B-17-1203, SafeUT and School Safety Commission established -- Members, is repealed January 1, 2030.~~
- 4472 ~~{(17)} ~~{(15)}~~ Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.~~
- 4473 ~~{(18)} ~~{(16)}~~ Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.~~
- 4474 ~~{(19)} ~~{(17)}~~ Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure Research Center, is repealed July 1, 2028.~~
- 4476 ~~{(20)} ~~{(18)}~~ Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed July 1, 2027.~~

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- 4478 ~~{(21)}~~ ~~{(19)}~~ Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.
- 4481 ~~{(22)}~~ ~~{(20)}~~ Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.
- 4483 ~~{(23)}~~ ~~{(21)}~~ Subsection 53E-2-304(6), regarding foreclosing a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 4485 ~~{(24)}~~ ~~{(22)}~~ Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 4487 ~~{(25)}~~ ~~{(23)}~~ Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 4489 ~~{(26)}~~ ~~{(24)}~~ Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed January 1, 2028.
- 4491 ~~{(27)}~~ ~~{(25)}~~ Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 4492 ~~{(28)}~~ ~~{(26)}~~ Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2033.
- 4494 ~~{(29)}~~ ~~{(27)}~~ Subsection 53E-7-207(7), regarding a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 4496 ~~[(30) Section 53F-2-420, Intensive Services Special Education Pilot Program, is repealed July 1, 2024.]~~
- 4498 ~~[(31) ~~{(28)}~~ (30) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.~~
- 4499 ~~[(32) ~~{(29)}~~ (31) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1, 2025.~~
- 4501 ~~[(33) ~~{(30)}~~ (32) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is repealed July 1, 2025.~~
- 4503 ~~[(34) ~~{(31)}~~ (33) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July 1, 2027.~~
- 4505 ~~[(35) ~~{(32)}~~ (34) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.~~
- 4507 ~~[(36) ~~{(33)}~~ (35) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.~~
- 4509 ~~[(37) ~~{(34)}~~ (36) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.~~
- 4566 Section 31. Section **63I-1-263** is amended to read:

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- 4567 **63I-1-263. Repeal dates: Titles 63A to 63O.**
- 4512 [~~(1)~~] ~~Subsection 63A-5b-405(5), regarding prioritizing and allocating capital improvement funding, is repealed July 1, 2024.]~~
- 4514 [~~(2)~~] (1) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.
- 4516 [~~(3)~~] (2) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.
- 4517 [~~(4)~~] (3) Title 63C, Chapter 18, Behavioral Health Crisis Response Committee, is repealed December 31, 2026.
- 4519 [~~(5)~~] ~~Title 63C, Chapter 23, Education and Mental Health Coordinating Committee, is repealed December 31, 2024.]~~
- 4521 [~~(6)~~] (4) Title 63C, Chapter 25, State Finance Review Commission, is repealed July 1, 2027.
- 4522 [~~(7)~~] (5) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 4523 [~~(8)~~] (6) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 4524 [~~(9)~~] (7) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is repealed July 1, 2028.
- 4526 [~~(10)~~] (8) Section 63G-6a-805, Purchase from community rehabilitation programs, is repealed July 1, 2026.
- 4528 [~~(11)~~] (9) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2028.
- 4530 [~~(12)~~] (10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2029.
- 4532 [~~(13)~~] (11) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 4533 [~~(14)~~] (12) Subsection 63J-1-602.2(16), related to the Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program, is repealed July 1, 2029.
- 4535 [~~(15)~~] (13) Subsection 63J-1-602.2(26), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 4537 [~~(16)~~] (14) Section 63L-11-204, Canyon resource management plan, is repealed July 1, 2025.
- 4538 [~~(17)~~] (15) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is repealed July 1, 2027.
- 4540 [~~(18)~~] (16) Title 63M, Chapter 7, Part 7, Domestic Violence Offender Treatment Board, is repealed July 1, 2027.
- 4542 [~~(19)~~] (17) Section 63M-7-902, Creation -- Membership -- Terms -- Vacancies -- Expenses, is repealed July 1, 2029.
- 4544 [~~(20)~~] (18) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

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- 4545 [(21)] (19) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is repealed January 1, 2030.
- 4547 [(22)] (20) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 4548 [(23)] (21) Subsection 63N-2-511(1)(b), regarding the Board of Tourism Development, is repealed July 1, 2025.
- 4550 [(24)] (22) Section 63N-2-512, Hotel Impact Mitigation Fund, is repealed July 1, 2028.
- 4551 [(25)] (23) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is repealed July 1, 2027.
- 4553 [(26)] (24) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is repealed July 1, 2025.
- 4555 [(27)] (25) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2028.
- 4557 [(28)] (26) Section 63N-4-804, which creates the Rural Opportunity Advisory Committee, is repealed July 1, 2027.
- 4559 [(29)] (27) Subsection 63N-4-805(5)(b), regarding the Rural Employment Expansion Program, is repealed July 1, 2028.
- 4561 [(30)] (28) Subsection 63N-7-101(1), regarding the Board of Tourism Development, is repealed July 1, 2025.
- 4563 [(31)] (29) Subsection 63N-7-102(3)(c), regarding a requirement for the Utah Office of Tourism to receive approval from the Board of Tourism Development, is repealed July 1, 2025.
- 4566 [(32)] (30) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed July 1, 2025.
- 4624 Section 32. Section **63I-1-267** is amended to read:
- 4625 **63I-1-267. Repeal dates: Title 67.**
- 4570 (1) Section 67-1-8.1, Executive Residence Commission -- Recommendations as to use, maintenance, and operation of executive residence, is repealed July 1, 2027.
- 4572 (2) Section 67-1-15, Approval of international trade agreement -- Consultation with Utah International Relations and Trade Commission, is repealed December 31, 2027.
- 4574 [(3)] Section 67-3-11, Health care price transparency tool -- Transparency tool requirements, is repealed July 1, 2024.]
- 4576 [(4)] (3) Title 67, Chapter 5a, Utah Prosecution Council, is repealed July 1, 2027.
- 4633 Section 33. Section **63I-2-204** is amended to read:

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4634 **63I-2-204. Repeal dates: Title 4.**

4579 (1) Section 4-11-117, Beekeeping working group -- Development of standards, is repealed May 1, 2025.

4581 (2) Subsection 4-41a-102(6), regarding the Cannabis Research Review Board, is repealed July 1, 2026.

4583 ~~[(3) Section 4-46-104, Transition, is repealed July 1, 2024.]~~

4640 Section 34. Section **63I-2-207** is amended to read:

4641 **63I-2-207. Repeal dates: Title 7.**

4586 ~~[(1) Section 7-3-40, Board of Bank Advisors, is repealed October 1, 2024.]~~

4587 ~~[(2) Section 7-9-43, Board of Credit Union Advisors, is repealed October 1, 2024.]~~ Reserved.

4645 Section 35. Section **63I-2-209** is amended to read:

4646 **63I-2-209. Repeal dates: Title 9.**

4591 ~~[(1) Section 9-6-303, Arts collection committee, is repealed October 1, 2024.]~~

4592 ~~[(2)]~~ (1) Subsection 9-6-402(1)(b), regarding public art installations, is repealed January 1, 2035.

4594 ~~[(3)]~~ (2) Subsection 9-6-403(4), regarding public art installations, is repealed January 1, 2035.

4596 ~~[(4)]~~ (3) Subsection 9-6-403(6)(b), regarding public art installations, is repealed January 1, 2035.

4598 ~~[(5)]~~ (4) Subsection 9-6-404(2)(a)(i), regarding the use of an appropriation received by or available for a new state building that is not in a county of the first class, is repealed January 1, 2035.

4601 ~~[(6)]~~ (5) Subsection 9-6-404(2)(b), regarding an appropriation received or made available for a new state building in a county of the first class, is repealed January 1, 2035.

4603 ~~[(7)]~~ (6) Section 9-6-410, Public Art Installation Initiative, is repealed January 1, 2035.

4604 ~~[(8) Title 9, Chapter 17, Humanitarian Service and Educational and Cultural Exchange Restricted Account Act, is repealed July 1, 2024.]~~

4606 ~~[(9) Title 9, Chapter 18, Martin Luther King, Jr. Civil Rights Support Restricted Account Act, is repealed July 1, 2024.]~~

4608 ~~[(10) Title 9, Chapter 19, National Professional Men's Soccer Team Support of Building Communities Restricted Account Act, is repealed July 1, 2024.]~~

4666 Section 36. Section **63I-2-213** is amended to read:

4667 **63I-2-213. Repeal dates: Title 13.**

4612 ~~[(1) Section 13-1-16, Latino Community Support Restricted Account, is repealed July 1, 2024.]~~

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- 4617 [(2) Section 13-14-103, Utah Motor Vehicle Franchise Advisory Board -- Creation -- Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of interest, is repealed October 1, 2024.]
- 4620 [(3) Section 13-35-103, Utah Powersport Vehicle Franchise Advisory Board -- Creation -- Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of interest, is repealed October 1, 2024.]
- 4622 [(4)] (1) Title 13, Chapter 47, Private Employer Verification Act, is repealed on the program start date, as defined in Section 63G-12-102.
- 4679 [(5)] (2) Title 13, Chapter 72, Artificial Intelligence Policy Act, is repealed May 1, 2025.
Section 37. Section **63I-2-219** is amended to read:
4680 **63I-2-219. Repeal dates: Title 19.**
- 4625 [(1) Section 19-1-109, Clean Air Support Restricted Account, is repealed July 1, 2024.]
- 4626 [(2) Section 19-2a-102.5, Emissions reduction plan study and recommendations, is repealed July 1, 2024.] Reserved.
- 4684 Section 38. Section **63I-2-223** is amended to read:
4685 **63I-2-223. Repeal dates: Title 23A.**
[Section 23A-3-203, Support for State-Owned Shooting Ranges Restricted Account, is repealed July 1, 2024.] Reserved.
- 4688 Section 39. Section **63I-2-226** is amended to read:
4689 **63I-2-226. Repeal dates: Titles 26 through 26B.**
- 4634 [(1) Section 26B-1-241, Tardive dyskinesia, is repealed July 1, 2024.]
- 4635 [(2) Section 26B-1-302, National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account, is repealed July 1, 2024.]
- 4637 [(3) Section 26B-1-309, Medicaid Restricted Account, is repealed July 1, 2024.]
- 4638 [(4) Section 26B-1-313, Cancer Research Restricted Account, is repealed July 1, 2024.]
- 4639 [(5)] (1) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, 2026.
- 4640 [(6)] (2) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review Board, is repealed July 1, 2026.
- 4642 [(7)] (3) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory Committee -- Membership -- Compensation -- Duties, is repealed July 1, 2026.
- 4644

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- [(8)] (4) Section 26B-2-243, Data collection and reporting requirements concerning incidents of abuse, neglect, or exploitation, is repealed July 1, 2027.
- 4646 [(9) ~~Section 26B-3-142, Long-acting injectables, is repealed July 1, 2024.~~]
- 4647 [(10)] (5) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization and genetic testing, is repealed July 1, 2030.
- 4649 [(11)] (6) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is repealed July 1, 2026.
- 4651 [(12)] (7) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is repealed July 1, 2026.
- 4653 [(13)] (8) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance Program, is repealed July 1, 2027.
- 4655 [(14)] (9) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural Physician Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 4657 [(15)] (10) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan Repayment Program, is repealed July 1, 2026.
- 4659 [(16)] (11) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural Physician Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 4661 [(17)] (12) Section 26B-5-117, Early childhood mental health support grant program, is repealed January 2, 2025.
- 4663 [(18)] (13) Section 26B-5-302.5, Study concerning civil commitment and the Utah State Hospital, is repealed July 1, 2025.
- 4665 [(19)] (14) Section 26B-6-414, Respite care services, is repealed July 1, 2025.
- 4666 [(20)] (15) Section 26B-7-120, Invisible condition alert program education and outreach, is repealed July 1, 2025.
- 4724 Section 40. Section **63I-2-232** is amended to read:
- 4725 **63I-2-232. Repeal dates: Title 32B.**
- 4670 [(1) ~~Subsection 32B-1-603.5(7), regarding the Department of Alcoholic Beverage Services' review of beer that is sold or distributed in the state, is repealed December 31, 2024.~~]
- 4672 [(2)] Subsection 32B-2-205(4), regarding a workgroup to make recommendations regarding training and recordkeeping for certain cash transactions, is repealed January 1, 2025.
- 4730 Section 41. Section **63I-2-235** is amended to read:

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- 4731 **63I-2-235. Repeal dates: Title 35A.**
Section 35A-3-212, Use of COVID-19 relief funds -- Grants to child care providers -- Reporting requirements, is repealed June 30, 2025.
- 4678 ~~[(1) Section 35A-13-301, Title, is repealed October 1, 2024.]~~
- 4679 ~~[(2) Section 35A-13-302, Governor's Committee on Employment of People with Disabilities, is repealed October 1, 2024.]~~
- 4737 Section 42. Section **63I-2-236** is amended to read:
- 4738 **63I-2-236. Repeal dates: Title 36.**
- 4683 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed July 1, 2025.
- 4685 ~~[(2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force -- Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties -- Interim report, is repealed November 30, 2024.]~~
- 4688 ~~[(3)] (2) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed November 30, 2027.~~
- 4690 ~~[(4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed November 30, 2024.]~~
- 4748 Section 43. Section **63I-2-253** is amended to read:
- 4749 **63I-2-253. Repeal dates: Titles 53 through 53G.**
- 4694 ~~[(1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed July 1, 2024.]~~
- 4696 ~~[(2) Section 53-1-118, Public Safety Honoring Heroes Restricted Account -- Creation -- Funding -- Distribution of funds by the commissioner, is repealed July 1, 2024.]~~
- 4698 ~~[(3) Section 53-1-120, Utah Law Enforcement Memorial Support Restricted Account -- Creation -- Funding -- Distribution of funds by the commissioner, is repealed July 1, 2024.]~~
- 4701 ~~[(4) Section 53-2a-303, Statewide mutual aid committee, is repealed October 1, 2024.]~~
- 4702 ~~[(5)] (1) Title 53, Chapter 2c, COVID-19 Health and Economic Response Act, is repealed July 1, 2026.~~
- 4704 ~~[(6) Section 53-2d-101.1, Contracting authority -- Rulemaking authority, is repealed July 1, 2024.]~~
- 4706 ~~[(7) Section 53-2d-107, Air Ambulance Committee -- Membership -- Duties, is repealed July 1, 2024.]~~
- 4708 ~~[(8) Section 53-2d-302, Trauma system advisory committee, is repealed October 1, 2024.]~~
- 4709 ~~[(9) Section 53-7-109, Firefighter Support Restricted Account, is repealed July 1, 2024.]~~
- 4710 ~~[(10) Section 53-9-104, Board -- Creation -- Qualifications -- Appointments -- Terms -- Immunity, is repealed October 1, 2024.]~~

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- 4712 [~~(11)~~ (11) Section 53-9-105, Powers and duties of the board, is repealed October 1, 2024.]
- 4713 [~~(12)~~ (12) Section 53-9-106, Meetings -- Hearings, is repealed October 1, 2024.]
- 4714 [~~(13)~~ (2) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem -- Report -- Expiration, is repealed December 31, 2025.
- 4716 [~~(14)~~ (3) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is repealed December 31, 2025.
- 4718 [~~(15)~~ (4) Section 53-25-103, Airport dangerous weapon possession reporting requirements, is repealed December 31, 2031.
- 4720 [~~(16)~~ (16) Section 53B-8-114, Continuation of previously authorized scholarships, is repealed July 1, 2024.]
- 4722 [~~(17)~~ (5) Section 53B-10-101, Terrel H. Bell Teaching Incentive Loans program -- Eligible students -- Cancellation of incentive loans -- Repayment by recipient who fails to meet requirements -- Duration of incentive loans, is repealed July 1, 2027.
- 4725 [~~(18)~~ (6) Subsection 53F-2-504(6), regarding a report on the Salary Supplement for Highly Needed Educators, is repealed July 1, 2026.
- 4727 [~~(19)~~ (19) Section 53F-2-524, Teacher bonuses for extra assignments, is repealed July 1, 2024.]
- 4728 [~~(20)~~ (7) Section 53F-5-221, Management of energy and water use pilot program, is repealed July 1, 2028.
- 4730 [~~(21)~~ (8) Section 53F-5-222, Mentoring and Supporting Teacher Excellence and Refinement Pilot Program, is repealed July 1, 2028.
- 4732 [~~(22)~~ (9) Section 53F-5-223, Stipends for Future Educators Grant Program, is repealed July 1, 2028.
- 4734 [~~(23)~~ (23) Section 53F-9-401, Autism Awareness Restricted Account, is repealed July 1, 2024.]
- 4735 [~~(24)~~ (24) Section 53F-9-403, Kiwanis Education Support Fund, is repealed July 1, 2024.]
- 4736 [~~(25)~~ (10) Subsection 53G-11-502(1), regarding implementation of the educator evaluation process, is repealed July 1, 2029.
- 4738 [~~(26)~~ (11) Section 53G-11-506, Establishment of educator evaluation program -- Joint committee, is repealed July 1, 2029.
- 4740 [~~(27)~~ (12) Section 53G-11-507, Components of educator evaluation program, is repealed July 1, 2029.
- 4742 [~~(28)~~ (13) Section 53G-11-508, Summative evaluation timelines -- Review of summative evaluations, is repealed July 1, 2029.
- 4744 [~~(29)~~ (14) Section 53G-11-509, Mentor for provisional educator, is repealed July 1, 2029.
- 4745

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- [~~(30)~~] (15) Section 53G-11-510, State board to describe a framework for the evaluation of educators, is repealed July 1, 2029.
- 4747 [~~(31)~~] (16) Section 53G-11-511, Rulemaking for privacy protection, is repealed July 1, 2029.
- 4748 [~~(32)~~] (17) Subsection 53G-11-520(1), regarding optional alternative educator evaluation processes, is repealed July 1, 2029.
- 4750 [~~(33)~~] (18) Subsection 53G-11-520(2), regarding an exception from educator evaluation process requirements, is repealed July 1, 2029.
- 4808 Section 44. Section **63I-2-258** is amended to read:
- 4809 **63I-2-258. Repeal dates: Title 58.**
- 4754 [(1) Section ~~58-42a-201~~, Board, is repealed October 1, 2024.]
- 4755 [(2) Section ~~58-44a-201~~, Board, is repealed October 1, 2024.]
- 4756 [(3) Section ~~58-53-201~~, Creation of board -- Duties, is repealed October 1, 2024.]
- 4757 [(4) Section ~~58-68-201~~, Board, is repealed October 1, 2024.]
- 4758 [(5) Section ~~58-70a-201~~, Board, is repealed October 1, 2024.]
- 4759 [(6) Section ~~58-72-201~~, Acupuncture Licensing Board, is repealed October 1, 2024.] Reserved.
- 4817 Section 45. Section **63I-2-259** is amended to read:
- 4818 **63I-2-259. Repeal dates: Title 59.**
- 4763 [(1) Subsection ~~59-7-610(8)~~, regarding claiming a tax credit in the same taxable year as the targeted business income tax credit, is repealed December 31, 2024.]
- 4765 [(2) Subsection ~~59-7-614.10(5)~~, regarding claiming a tax credit in the same taxable year as the targeted business income tax credit, is repealed December 31, 2024.]
- 4767 [(3) Section ~~59-7-624~~, Targeted business income tax credit, is repealed December 31, 2024.]
- 4768 [(4) Subsection ~~59-10-210(2)(b)(vi)~~, regarding Section 59-10-1112, is repealed December 31, 2024.]
- 4770 [(5) Subsection ~~59-10-1007(8)~~, regarding claiming a tax credit in the same taxable year as the targeted business income tax credit, is repealed December 31, 2024.]
- 4772 [(6) Subsection ~~59-10-1037(5)~~, regarding claiming a tax credit in the same taxable year as the targeted business income tax credit, is repealed December 31, 2024.]
- 4774 [(7) Section ~~59-10-1112~~, Targeted business income tax credit, is repealed December 31, 2024.] Reserved.
- 4832 Section 46. Section **63I-2-263** is amended to read:
- 4833 **63I-2-263. Repeal dates: Titles 63A through 63O.**

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- 4778 (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2025.
- 4780 (2) Section 63A-17-806, Definitions -- Infant at Work Pilot Program -- Administration -- Report, is repealed June 30, 2026.
- 4782 (3) Section 63C-1-103, Appointment and terms of boards, committees, councils, and commissions transitioning on October 1, 2024, or December 31, 2024, is repealed July 1, 2025.
- 4785 (4) Section 63C-1-104, Appointment and terms of boards transitioning on October 1, 2024, is repealed January 1, 2025.
- 4787 [~~(5) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed October 1, 2024.~~]
- 4789 [~~(6)~~ (5) Subsection 63G-6a-802(1)(e), regarding a procurement for a presidential debate, is repealed January 1, 2025.
- 4791 [~~(7)~~ (6) Subsection 63G-6a-802(3)(b)(iii), regarding a procurement for a presidential debate, is repealed January 1, 2025.
- 4793 [~~(8)~~ (7) Subsection 63H-7a-403(2)(b), regarding the charge to maintain the public safety communications network, is repealed July 1, 2033.
- 4795 [~~(9)~~ (8) Subsection [~~63J-1-602.2(47)~~] 63J-1-602.2(46), regarding appropriations to the State Tax Commission for deferral reimbursements, is repealed July 1, 2027.
- 4797 [~~(10)~~ (9) Section 63M-7-221, Expungement working group, is repealed April 30, 2025.
- 4798 [~~(11) Section 63M-7-504, Crime Victim Reparations and Assistance Board -- Members, is repealed December 31, 2024.~~]
- 4800 [~~(12) Section 63M-7-505, Board and office within Commission on Criminal and Juvenile Justice, is repealed December 31, 2024.~~]
- 4802 [~~(13) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed December 31, 2024.~~]
- 4804 [~~(14) Subsection 63N-2-213(12)(a), regarding claiming a tax credit in the same taxable year as the targeted business income tax credit, is repealed December 31, 2024.~~]
- 4806 [~~(15) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an Enterprise Zone, is repealed December 31, 2024.~~]
- 4864 Section 47. Section **63I-2-272** is amended to read:
- 4865 **63I-2-272. Repeal dates: Title 72.**
- 4810 [~~(1)~~ Subsection 72-1-213.1(13), regarding the road usage charge rate and road usage charge cap, is repealed January 1, 2033.

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- 4812 [~~(2) Section 72-2-127, Share the Road Bicycle Support Restricted Account, is repealed July 1, 2024.~~]
- 4870 Section 48. Section **63I-2-278** is amended to read:
- 4871 **63I-2-278. Repeal dates: Titles 78A through 78B.**
[~~Section 78A-2-804, Guardian Ad Litem Services Account established -- Funding, is repealed July 1, 2024.~~] Reserved.
- 4874 Section 49. Section **63I-2-279** is amended to read:
- 4875 **63I-2-279. Repeal dates: Title 79.**
- 4820 [~~(1) Section 79-2-206, Transition, is repealed July 1, 2024.~~]
- 4821 [~~(2)~~] (1) Section 79-2-407, Study of funding for water infrastructure costs, is repealed July 1, 2025.
- 4823 [~~(3)~~] (2) Subsection 79-4-1002(2), regarding a pilot program for veteran free admission to state parks, is repealed July 1, 2025.
- 4825 [~~(4) Section 79-7-303, Zion National Park Support Programs Restricted Account, is repealed July 1, 2024.~~]
- 4883 Section 50. Section **63O-1-101** is amended to read:
- 4884 **63O-1-101. Definitions.**
As used in this title:
- 4830 (1) "Architectural integrity" means the architectural elements, materials, color, and quality of the original building construction.
- 4832 (2) "Area of joint control" means all areas that are specified under this chapter as being under the direction and control of both the Legislature and the governor.
- 4834 (3) "Board" means the State Capitol Preservation Board created in Section [~~63C-9-201~~] 63O-2-201.
- 4836 (4) "Capitol hill" means the following, in Salt Lake City:
- 4837 (a) the grounds, monuments, parking areas, buildings, structures, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard;
- 4840 (b) the White Community Memorial Chapel, including the grounds, monuments, parking areas, buildings, structures, and other man-made and natural objects on the property;
- 4842 (c) the Council Hall Travel Information Center, including the grounds, monuments, parking areas, buildings, structures, and other man-made and natural objects on the property;
- 4845 (d) the Daughters of the Utah Pioneers Building and the Carriage House, including:
- 4846

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- (i) the grounds, monuments, parking areas, buildings, structures, and other man-made and natural objects on the property; and
- 4848 (ii) the other state-owned property within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;
- 4850 (e) the Central Plant, located to the southeast of the intersection of 500 North and Columbus Street;
- 4852 (f) the state-owned property within the area bounded by Columbus Street, Wall Street, and 400 North Street; and
- 4854 (g) the state-owned property within the area bounded by Columbus Street, West Capitol Street, and 500 North Street.
- 4856 (5) "Governor's area" means all areas, other than an area of joint control, that are specified under this chapter as being under the direction and control of the governor.
- 4858 (6) "House Building" means the west building on capitol hill that is located northwest of the State Capitol, southwest of the North Building, and west of the Senate Building.
- 4860 (7) "Legislative area" means all areas, other than an area of joint control, that are specified under this chapter as being under the direction and control of the Legislature.
- 4862 (8) "Legislative day" means:
 - 4863 (a) a day during the annual general session of the Legislature;
 - 4864 (b) a day during a special session of the Legislature;
 - 4865 (c) a day during which the House of Representatives is convened under Utah Constitution, Article VI, Section 17;
 - 4867 (d) a day during which the Senate is convened under Utah Constitution, Article VI, Section 18;
 - 4869 (e) a day during a veto override session; or
 - 4870 (f) a day designated by the Legislative Management Committee as a legislative day for meetings of the House of Representatives, the Senate, or a committee, task force, caucus, or other group of the legislative branch.
- 4873 (9) "North Building" means the building on capitol hill that is located north of the State Capitol, northeast of the House Building, and northwest of the Senate Building.
- 4875 (10) "Senate Building" means the building on capitol hill that is located northeast of the State Capitol, southeast of the North Building, and east of the House Building.
- 4877 (11) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.
- 4878 (12)

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- (a) "Tunnels" means all utility and security tunnels, corridors, and hallways on the basement level of capitol hill.
- 4880 (b) "Tunnels" does not include the underground parking.
- 4937 Section 51. Section **65A-5-1** is amended to read:
- 4938 **65A-5-1. Sovereign Lands Management Account.**
- 4883 (1) There is created within the General Fund a restricted account known as the "Sovereign Lands Management Account."
- 4885 (2) The Sovereign Lands Management Account shall consist of the following:
- 4886 (a) the revenues derived from sovereign lands, except for revenues deposited into the Great Salt Lake Account under Section 73-32-304;
- 4888 (b) that portion of the revenues derived from mineral leases on other lands managed by the division necessary to recover management costs;
- 4890 (c) revenues derived from the Great Salt Lake Preservation support special group license plate described in Sections 41-1a-418 and 41-1a-422;
- 4892 (d) fees deposited by the division;
- 4893 (e) amounts deposited into the account in accordance with Section 59-23-4; and
- 4894 (f) amounts deposited into the account in accordance with Section 59-5-202.
- 4895 (3)
- (a) The expenditures of the division relating directly to the management of sovereign lands shall be funded by appropriation by the Legislature from the Sovereign Lands Management Account or other sources.
- 4898 (b) Money in the Sovereign Lands Management Account may be used only for the direct benefit of sovereign lands, including the management of sovereign lands.
- 4900 (c) In appropriating money from the Sovereign Lands Management Account, the Legislature shall prefer appropriations that benefit the sovereign land from which the money is derived unless compelling circumstances require that money be appropriated for sovereign land other than the sovereign land from which the money is derived.
- 4905 (4) The division shall use the amount deposited into the account under Subsection [~~(2)(d)~~] (2)(e) for the Great Salt Lake as described in Section 65A-17-201 as directed by the Great Salt Lake Advisory Council created in Section 73-32-302.
- 4964 Section 52. Section **67-22-2** is amended to read:

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4965 **67-22-2. Compensation -- Other state officers.**

4910 (1) As used in this section:

4911 (a) "Appointed executive" means the:

4912 (i) commissioner of the Department of Agriculture and Food;

4913 (ii) commissioner of the Insurance Department;

4914 (iii) commissioner of the Labor Commission;

4915 (iv) director, Department of Alcoholic Beverage Services;

4916 (v) commissioner of the Department of Financial Institutions;

4917 (vi) executive director, Department of Commerce;

4918 (vii) executive director, Commission on Criminal and Juvenile Justice;

4919 (viii) adjutant general;

4920 (ix) executive director, Department of Cultural and Community Engagement;

4921 (x) executive director, Department of Corrections;

4922 (xi) commissioner, Department of Public Safety;

4923 (xii) executive director, Department of Natural Resources;

4924 (xiii) executive director, Governor's Office of Planning and Budget;

4925 (xiv) executive director, Department of Government Operations;

4926 (xv) executive director, Department of Environmental Quality;

4927 (xvi) executive director, Governor's Office of Economic Opportunity;

4928 (xvii) executive director, Department of Workforce Services;

4929 (xviii) executive director, Department of Health and Human Services, Nonphysician;

4930 (xix) executive director, Department of Transportation;

4931 (xx) executive director, Department of Veterans and Military Affairs;

4932 (xxi) executive director, Public Lands Policy Coordinating Office, created in Section 63L-11-201;

4934 (xxii) Great Salt Lake commissioner, appointed under Section 73-32-201; and

4935 (xxiii) Utah water agent, appointed under Section [~~73-10g-602~~] 73-10g-702.

4936 (b) "Board or commission executive" means:

4937 (i) members, Board of Pardons and Parole;

4938 (ii) chair, State Tax Commission;

4939 (iii) commissioners, State Tax Commission;

4940 (iv) executive director, State Tax Commission;

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- 4941 (v) chair, Public Service Commission; and
4942 (vi) commissioners, Public Service Commission.
4943 (c) "Deputy" means the person who acts as the appointed executive's second in command as determined
by the Division of Human Resource Management.
4945 (2)
4946 (a) The director of the Division of Human Resource Management shall:
4948 (i) before October 31 of each year, recommend to the governor a compensation plan for the
appointed executives and the board or commission executives; and
4948 (ii) base those recommendations on market salary studies conducted by the Division of Human
Resource Management.
4950 (b)
4952 (i) The Division of Human Resource Management shall determine the salary range for the appointed
executives by:
4952 (A) identifying the salary range assigned to the appointed executive's deputy;
4953 (B) designating the lowest minimum salary from those deputies' salary ranges as the minimum
salary for the appointed executives' salary range; and
4955 (C) designating 105% of the highest maximum salary range from those deputies' salary ranges as
the maximum salary for the appointed executives' salary range.
4957 (ii) If the deputy is a medical doctor, the Division of Human Resource Management may not consider
that deputy's salary range in designating the salary range for appointed executives.
4960 (c)
4965 (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for board or commission
executives, the Division of Human Resource Management shall set the maximum salary in the
salary range for each of those positions at 90% of the salary for district judges as established in the
annual appropriation act under Section 67-8-2.
4965 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii) or (iii), the
Division of Human Resource Management shall set the maximum salary in the salary range for each
of those positions at 100% of the salary for district judges as established in the annual appropriation
act under Section 67-8-2.
4970 (3)
4970 (a)

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- (i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the governor shall establish a specific salary for each appointed executive within the range established under Subsection (2)(b).
- 4973 (ii) If the executive director of the Department of Health and Human Services is a physician, the governor shall establish a salary within the highest physician salary range established by the Division of Human Resource Management.
- 4976 (iii) The governor may provide salary increases for appointed executives within the range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).
- 4978 (b) The governor shall apply the same overtime regulations applicable to other FLSA exempt positions.
- 4980 (c) The governor may develop standards and criteria for reviewing the appointed executives.
- 4982 (d) If under Section [~~73-10g-602~~] 73-10g-702 the governor appoints an individual who is serving in an appointed executive branch position to be the Utah water agent, the governor shall adjust the salary of the Utah water agent to account for salary received for the appointed executive branch position.
- 4986 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial Salary Act, shall be established as provided in Section 63A-17-301.
- 4989 (5)
 - (a) The Legislature fixes benefits for the appointed executives and the board or commission executives as follows:
 - 4991 (i) the option of participating in a state retirement system established by Title 49, Utah State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered by the State Retirement Office in accordance with the Internal Revenue Code and its accompanying rules and regulations;
 - 4995 (ii) health insurance;
 - 4996 (iii) dental insurance;
 - 4997 (iv) basic life insurance;
 - 4998 (v) unemployment compensation;
 - 4999 (vi) workers' compensation;
 - 5000 (vii) required employer contribution to Social Security;
 - 5001 (viii) long-term disability income insurance;
 - 5002 (ix) the same additional state-paid life insurance available to other noncareer service employees;

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- 5004 (x) the same severance pay available to other noncareer service employees;
- 5005 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as follows:
- 5007 (A) sick leave;
- 5008 (B) converted sick leave if accrued prior to January 1, 2014;
- 5009 (C) educational allowances;
- 5010 (D) holidays; and
- 5011 (E) annual leave except that annual leave shall be accrued at the maximum rate provided to Schedule B state employees;
- 5013 (xii) the option to convert accumulated sick leave to cash or insurance benefits as provided by law or rule upon resignation or retirement according to the same criteria and procedures applied to Schedule B state employees;
- 5016 (xiii) the option to purchase additional life insurance at group insurance rates according to the same criteria and procedures applied to Schedule B state employees; and
- 5019 (xiv) professional memberships if being a member of the professional organization is a requirement of the position.
- 5021 (b) Each department shall pay the cost of additional state-paid life insurance for its executive director from its existing budget.
- 5023 (6) The Legislature fixes the following additional benefits:
- 5024 (a) for the executive director of the State Tax Commission a vehicle for official and personal use;
- 5026 (b) for the executive director of the Department of Transportation a vehicle for official and personal use;
- 5028 (c) for the executive director of the Department of Natural Resources a vehicle for commute and official use;
- 5030 (d) for the commissioner of Public Safety:
- 5031 (i) an accidental death insurance policy if POST certified; and
- 5032 (ii) a public safety vehicle for official and personal use;
- 5033 (e) for the executive director of the Department of Corrections:
- 5034 (i) an accidental death insurance policy if POST certified; and
- 5035 (ii) a public safety vehicle for official and personal use;
- 5036 (f) for the adjutant general a vehicle for official and personal use;
- 5037 (g) for each member of the Board of Pardons and Parole a vehicle for commute and official use; and

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5039 (h) for the executive director of the Department of Veterans and Military Affairs a vehicle for commute
and official use.

5097 Section 53. Section **73-2-1.6** is amended to read:

5098 **73-2-1.6. Water Rights Restricted Account.**

5043 (1) As used in this section:

5044 (a) "Account" means the Water Rights Restricted Account created by this section.

5045 (b) "Division" means the Division of Water Rights.

5046 (2) There is created in the General Fund a restricted account known as the "Water Rights Restricted
Account."

5048 (3) The account shall consist of the money deposited into the account under Subsection 59-12-103(5)
(e).

5050 (4) Upon appropriation, the division may use money in the account for:

5051 (a) costs incurred by the division that benefit water rights adjudications, including:

5052 (i) employing technical staff;

5053 (ii) acquiring equipment;

5054 (iii) obtaining legal support; and

5055 (iv) conducting studies;

5056 (A) installing, operating, and maintaining measurement infrastructure; and

5057 (B) sharing the costs of installed United States Geological Survey stream gauges; and

5059 (b) not to exceed 5% of the money deposited into the account under Subsection 59-12-103(5)(e) in
the fiscal year preceding the fiscal year of appropriation, costs incurred by the division to acquire,
manage, and analyze surface and groundwater data, not limited to geographic areas of adjudication.

5063 (5)

(a) The account may not exceed \$8,000,000 at the end of a fiscal year.

5064 (b) If the account exceeds \$8,000,000 at the end of a fiscal year, the Division of Finance shall deposit
into the Water Resources Conservation and Development Fund, created in Section 73-10-24, the
money in excess of the amount necessary to maintain the account balance at \$8,000,000.

5124 Section 54. Section **73-10-18** is amended to read:

5125 **73-10-18. Division of Water Resources -- Creation -- Power and authority.**

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- (1) There is created the Division of Water Resources, which shall be within the Department of Natural Resources under the administration and general supervision of the executive director of the Department of Natural Resources and under the policy direction of the Board of Water Resources.
- 5074 (2) Except for the waters of the Colorado River system that are governed by Title 63M, Chapter 14, Colorado River Authority of Utah Act, or state representation under the Bear River Compact or Columbia Interstate Compact, the Division of Water Resources shall:
- 5078 (a) be the water resource authority for the state; and
- 5079 (b) assume all of the functions, powers, duties, rights, and responsibilities of the Utah water and power board except those which are delegated to the board by this act and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.
- 5083 (3) Notwithstanding Subsection (2), the Utah water agent, appointed under Section 73-10g-702, has authority over out-of-state negotiations related to water importation in accordance with Chapter 10g, Part [6] 7, Utah Water Agent, except when limited by Section 73-10g-703.
- 5143 Section 55. Section **76-5-404.3** is amended to read:
- 5144 **76-5-404.3. Aggravated sexual abuse of a child -- Penalties.**
- 5089 (1)
- (a) As used in this section:
- 5090 (i) "Adult" means the same as that term is defined in Section 76-5-404.1.
- 5091 (ii) "Child" means the same as that term is defined in Section 76-5-404.1.
- 5092 (iii) "Position of special trust" means the same as that term is defined in Section 76-5-404.1.
- 5094 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 5095 (2) An actor commits aggravated sexual abuse of a child if, in conjunction with the offense described in Subsection 76-5-404.1(2)(a), any of the following circumstances have been charged and admitted or found true in the action for the offense:
- 5098 (a) the actor committed the offense:
- 5099 (i) by the use of a dangerous weapon;
- 5100 (ii) by force, duress, violence, intimidation, coercion, menace, or threat of harm; or
- 5101 (iii) during the course of a kidnapping;
- 5102 (b) the actor caused bodily injury or severe psychological injury to the child during or as a result of the offense;
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- (c) the actor was a stranger to the child or made friends with the child for the purpose of committing the offense;
- 5106 (d) the actor used, showed, or displayed pornography or caused the child to be photographed in a lewd condition during the course of the offense;
- 5108 (e) the actor, prior to sentencing for this offense, was previously convicted of any sexual offense;
- 5110 (f) the actor committed the same or similar sexual act upon two or more individuals at the same time or during the same course of conduct;
- 5112 (g) the actor committed, in Utah or elsewhere, more than five separate acts, which if committed in Utah would constitute an offense described in this chapter, and were committed at the same time, or during the same course of conduct, or before or after the instant offense;
- 5116 (h) the actor occupied a position of special trust in relation to the child; or
- 5117 (i) the actor encouraged, aided, allowed, or [~~benefitted~~] benefited from acts of prostitution or sexual acts by the child with any other individual, sexual performance by the child before any other individual, human trafficking, or human smuggling.
- 5120 (3) Except as provided in Subsection (6), a violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of:
 - 5122 (a) except as provided in Subsection (3)(b), (3)(c), or (4), not less than 15 years and which may be for life;
 - 5124 (b) except as provided in Subsection (3)(c) or (4), life without parole, if the trier of fact finds that during the course of the commission of the aggravated sexual abuse of a child the defendant caused serious bodily injury to another; or
 - 5127 (c) life without parole, if the trier of fact finds that at the time of the commission of the aggravated sexual abuse of a child, the defendant was previously convicted of a grievous sexual offense.
- 5130 (4) If, when imposing a sentence under Subsection (3)(a) or (b), a court finds that a lesser term than the term described in Subsection (3)(a) or (b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
 - 5134 (a) for purposes of Subsection (3)(b), 15 years and which may be for life; or
 - 5135 (b) for purposes of Subsection (3)(a) or (b):
 - 5136 (i) 10 years and which may be for life; or
 - 5137 (ii) six years and which may be for life.
- 5138 (5) The provisions of Subsection (4) do not apply if a defendant is sentenced under Subsection (3)(c).

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5140 (6) Subsection (3)(b) or (3)(c) does not apply if the defendant was younger than 18 years old at the time
of the offense.

5142 (7) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

5199 Section 56. Section **77-11b-104** is amended to read:

5200 **77-11b-104. Venue.**

Notwithstanding [~~Title 78B, Chapter 3, Part 3, Place of Trial -- Venue~~]Title 78B,

Chapter 3a, Venue for Civil Actions, or any other provision of law, a person may bring an
action or proceeding under this chapter in the judicial district in which:

5148 (1) the property is seized;

5149 (2) any part of the property is found; or

5150 (3) a civil or criminal action could be maintained against a claimant for the offense subjecting the
property to forfeiture under this chapter.

5208 Section 57. Section **77-11c-402** is amended to read:

5209 **77-11c-402. Exceptions to preservation of biological evidence.**

5154 (1) As used in this section, "offense concerning driving under the influence" means:

5155 (a) Section 41-6a-502;

5156 (b) Section 41-6a-502.5;

5157 (c) Section 41-6a-517;

5158 (d) Section 41-6a-530;

5159 (e) Section 76-5-102.1;

5160 (f) Section 76-5-207; and

5161 (g) a local ordinance similar to the offenses described in this Subsection (1).

5162 (2) Section [~~77-11c-402~~] 77-11c-401 does not apply to biological evidence obtained during an
investigation or prosecution for an offense concerning driving under the influence solely for
toxicology purposes.

5221 Section 58. Section **77-36-1** is amended to read:

5222 **77-36-1. Definitions.**

As used in this chapter:

5168 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.

5169 (2) "Department" means the Department of Public Safety.

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- (3) "Divorced" means an individual who has obtained a divorce under Title 81, Chapter 4, Part 4, Divorce.
- 5172 (4)
- (a) "Domestic violence" or "domestic violence offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another.
- 5176 (b) "Domestic violence" or "domestic violence offense" includes the commission of or attempt to commit, any of the following offenses by one cohabitant against another:
- 5178 (i) aggravated assault under Section 76-5-103;
- 5179 (ii) aggravated cruelty to an animal under Subsection 76-9-301(4), with the intent to harass or threaten the other cohabitant;
- 5181 (iii) assault under Section 76-5-102;
- 5182 (iv) criminal homicide under Section 76-5-201;
- 5183 (v) harassment under Section 76-5-106;
- 5184 (vi) electronic communication harassment under Section 76-9-201;
- 5185 (vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections 76-5-301, 76-5-301.1, and 76-5-302;
- 5187 (viii) mayhem under Section 76-5-105;
- 5188 (ix) propelling a bodily substance or material, as described in Section 76-5-102.9
- 5189 (x) sexual offenses under Title 76, Chapter 5, Part 4, Sexual Offenses, and sexual exploitation of a minor and aggravated sexual exploitation of a minor, as described in Sections 76-5b-201 and 76-5b-201.1;
- 5192 (xi) stalking under Section 76-5-106.5;
- 5193 (xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;
- 5194 (xiii) violation of a protective order or ex parte protective order under Section 76-5-108;
- 5196 (xiv) an offense against property under Title 76, Chapter 6, Part 1, Property Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76, Chapter 6, Part 3, Robbery;
- 5199 (xv) possession of a deadly weapon with criminal intent under Section 76-10-507;
- 5200 (xvi) discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle under Section 76-10-508;

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- 5202 (xvii) disorderly conduct under Section 76-9-102, if a conviction or adjudication of disorderly conduct is the result of a plea agreement in which the perpetrator was originally charged with a domestic violence offense otherwise described in this Subsection (4), except that a conviction or adjudication of disorderly conduct as a domestic violence offense, in the manner described in this Subsection [(4) (p)] (4)(b), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;
- 5210 (xviii) child abuse under Section 76-5-114;
- 5211 (xix) threatening use of a dangerous weapon under Section 76-10-506;
- 5212 (xx) threatening violence under Section 76-5-107;
- 5213 (xxi) tampering with a witness under Section 76-8-508;
- 5214 (xxii) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 5215 (xxiii) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 5216 (xxiv) unlawful distribution of an intimate image under Section 76-5b-203;
- 5217 (xxv) unlawful distribution of a counterfeit intimate image under Section 76-5b-205;
- 5218 (xxvi) sexual battery under Section 76-9-702.1;
- 5219 (xxvii) voyeurism under Section 76-9-702.7;
- 5220 (xxviii) damage to or interruption of a communication device under Section 76-6-108; or
- 5222 (xxix) an offense under Subsection 78B-7-806(1).
- 5223 (5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
- 5224 (6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- 5225 (7) "Marital status" means married and living together, divorced, separated, or not married.
- 5226 (8) "Married and living together" means a couple whose marriage was solemnized under Section 81-2-305 or 81-2-407 and who are living in the same residence.
- 5228 (9) "Not married" means any living arrangement other than married and living together, divorced, or separated.
- 5230 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).
- 5231 (11) "Pretrial protective order" means a written order:
- 5232 (a) specifying and limiting the contact a person who has been charged with a domestic violence offense may have with an alleged victim or other specified individuals; and
- 5234 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803, pending trial in the criminal case.

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- 5236 (12) "Sentencing protective order" means a written order of the court as part of sentencing in a domestic
violence case that limits the contact an individual who is convicted or adjudicated of a domestic
violence offense may have with a victim or other specified individuals under Section 78B-7-804.
- 5240 (13) "Separated" means a couple who have had their marriage solemnized under Section 81-2-305 or
81-2-407 and who are not living in the same residence.
- 5242 (14) "Victim" means a cohabitant who has been subjected to domestic violence.
- 5299 Section 59. Section **77-40a-303** is amended to read:
- 5300 **77-40a-303. Requirements for a certificate of eligibility to expunge records of a conviction.**
- 5246 (1) Except as otherwise provided by this section, a petitioner is eligible to receive a certificate of
eligibility from the bureau to expunge the records of a conviction if:
- 5248 (a) the petitioner has paid in full all fines and interest ordered by the court related to the conviction for
which expungement is sought;
- 5250 (b) the petitioner has paid in full all restitution ordered by the court under Section 77-38b-205; and
- 5252 (c) the following time periods have passed after the day on which the petitioner was convicted or
released from incarceration, parole, or probation, whichever occurred last, for the conviction that the
petitioner seeks to expunge:
- 5255 (i) 10 years for the conviction of a misdemeanor under Subsection 41-6a-501(2);
- 5256 (ii) 10 years for the conviction of a felony for operating a motor vehicle with any amount of a controlled
substance in an individual's body and causing serious bodily injury or death, as codified before May
4, 2022, Laws of Utah 2021,
- 5259 Chapter 236, Section 1, Subsection 58-37-8(2)(g);
- 5260 (iii) seven years for the conviction of a felony;
- 5261 (iv) five years for the conviction of a drug possession offense that is a felony;
- 5262 (v) five years for the conviction of a class A misdemeanor;
- 5263 (vi) four years for the conviction of a class B misdemeanor; or
- 5264 (vii) three years for the conviction of a class C misdemeanor or infraction.
- 5265 (2) A petitioner is not eligible to receive a certificate of eligibility from the bureau to expunge the
records of a conviction under Subsection (1) if:
- 5267 (a) except as provided in Subsection (3), the conviction for which expungement is sought is:
- 5269 (i) a capital felony;
- 5270 (ii) a first degree felony;

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- 5271 (iii) a felony conviction of a violent felony as defined in Subsection 76-3-203.5(1)(c)(i);
- 5273 (iv) a felony conviction described in Subsection 41-6a-501(2);
- 5274 (v) an offense, or a combination of offenses, that would require the individual to register as a sex offender, as defined in Section 77-41-102; or
- 5276 (vi) a registerable child abuse offense as defined in Subsection 77-41-102(1);
- 5277 (b) there is a criminal proceeding for a misdemeanor or felony offense pending against the petitioner, unless the criminal proceeding is for a traffic offense;
- 5279 (c) there is a plea in abeyance for a misdemeanor or felony offense pending against the petitioner, unless the plea in abeyance is for a traffic offense;
- 5281 (d) the petitioner is currently incarcerated, on parole, or on probation, unless the petitioner is on probation or parole for an infraction, a traffic offense, or a minor regulatory offense;
- 5284 (e) the petitioner intentionally or knowingly provides false or misleading information on the application for a certificate of eligibility;
- 5286 (f) there is a criminal protective order or a criminal stalking injunction in effect for the case; or
- 5288 (g) the bureau determines that the petitioner's criminal history makes the petitioner ineligible for a certificate of eligibility under Subsection (4) or (5).
- 5290 (3) Subsection (2)(a) does not apply to a conviction for a qualifying sexual offense, as defined in Section 76-3-209, if, at the time of the offense, a petitioner who committed the offense was at least 14 years old but under 18 years old, unless the petitioner was convicted by a district court as an adult in accordance with [~~Title 80, Chapter 6, Part 5, Transfer to District Court~~] Title 80, Chapter 6, Part 5, Minor Tried as an Adult.
- 5295 (4) Subject to Subsections (6), (7), and (8), a petitioner is not eligible to receive a certificate of eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau determines that the petitioner's criminal history, including previously expunged convictions, contains any of the following:
- 5299 (a) two or more felony convictions other than for drug possession offenses, each of which is contained in a separate criminal episode;
- 5301 (b) any combination of three or more convictions other than for drug possession offenses that include two class A misdemeanor convictions, each of which is contained in a separate criminal episode;
- 5304 (c) any combination of four or more convictions other than for drug possession offenses that include three class B misdemeanor convictions, each of which is contained in a separate criminal episode; or

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- 5307 (d) five or more convictions other than for drug possession offenses of any degree whether misdemeanor or felony, each of which is contained in a separate criminal episode.
- 5310 (5) Subject to Subsections (7) and (8), a petitioner is not eligible to receive a certificate of eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau determines that the petitioner's criminal history, including previously expunged convictions, contains any of the following:
- 5314 (a) three or more felony convictions for drug possession offenses, each of which is contained in a separate criminal episode; or
- 5316 (b) any combination of five or more convictions for drug possession offenses, each of which is contained in a separate criminal episode.
- 5318 (6) If the petitioner's criminal history contains convictions for both a drug possession offense and a non-drug possession offense arising from the same criminal episode, the bureau shall count that criminal episode as a conviction under Subsection (4) if any non-drug possession offense in that episode:
- 5322 (a) is a felony or class A misdemeanor; or
- 5323 (b) has the same or a longer waiting period under Subsection (1)(c) than any drug possession offense in that episode.
- 5325 (7) Except as provided in Subsection (8), if at least 10 years have passed after the day on which the petitioner was convicted or released from incarceration, parole, or probation, whichever occurred last, for all convictions:
- 5328 (a) each numerical eligibility limit under Subsections (4)(a) and (b) shall be increased by one; and
- 5330 (b) each numerical eligibility limit under Subsections (4)(c) and (d) is not applicable if the highest level of convicted offense in the criminal episode is:
- 5332 (i) a class B misdemeanor;
- 5333 (ii) a class C misdemeanor;
- 5334 (iii) a drug possession offense if none of the non-drug possession offenses in the criminal episode are a felony or a class A misdemeanor; or
- 5336 (iv) an infraction.
- 5337 (8) When determining whether a petitioner is eligible for a certificate of eligibility under Subsection (4), (5), or (7), the bureau may not consider a petitioner's pending case or prior conviction for:
- 5340 (a) an infraction;
- 5341 (b) a traffic offense;

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- 5342 (c) a minor regulatory offense; or
- 5343 (d) a clean slate eligible case that was automatically expunged.
- 5344 (9) If the petitioner received a pardon before May 14, 2013, from the Utah Board of Pardons and Parole, the petitioner is entitled to an expungement order for all pardoned crimes in accordance with Section 77-27-5.1.
- 5403 Section 60. Section **78A-6-103** is amended to read:
- 5404 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions -- Findings -- Transfer of a case from another court.**
- 5350 (1) Except as provided in Subsection (3), the juvenile court has original jurisdiction over:
- 5351 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal, state, or federal law, that was committed by a child;
- 5353 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal, state, or federal law, that was committed by an individual:
- 5355 (i) who is under 21 years old at the time of all court proceedings; and
- 5356 (ii) who was under 18 years old at the time the offense was committed; and
- 5357 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law, that was committed:
- 5359 (i) by an individual:
- 5360 (A) who was 18 years old and enrolled in high school at the time of the offense; and
- 5362 (B) who is under 21 years old at the time of all court proceedings; and
- 5363 (ii) on school property where the individual was enrolled:
- 5364 (A) when school was in session; or
- 5365 (B) during a school-sponsored activity, as defined in Section 53G-8-211.
- 5366 (2) The juvenile court has original jurisdiction over:
- 5367 (a) any proceeding concerning:
- 5368 (i) a child who is an abused child, neglected child, or dependent child;
- 5369 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child Protective Orders;
- 5371 (iii) the appointment of a guardian of the individual or other guardian of a minor who comes within the court's jurisdiction under other provisions of this section;
- 5373 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;

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- 5375 (v) the termination of parental rights in accordance with Title 80, Chapter 4, Termination and Restoration of Parental Rights, including termination of residual parental rights and duties;
- 5378 (vi) the treatment or commitment of a minor who has an intellectual disability;
- 5379 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in accordance with Section 81-2-304;
- 5381 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
- 5382 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- 5383 (x) the treatment or commitment of a child with a mental illness;
- 5384 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with Section 26B-5-204;
- 5386 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6, Part 4, Competency;
- 5388 (xiii) de novo review of final agency actions resulting from an informal adjudicative proceeding as provided in Section 63G-4-402;
- 5390 (xiv) adoptions conducted in accordance with the procedures described in Title 78B, Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order terminating the rights of a parent and finds that adoption is in the best interest of the child;
- 5394 (xv) an ungovernable or runaway child who is referred to the juvenile court by the Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:
- 5398 (A) is beyond the control of the child's parent, guardian, or custodian to the extent that the child's behavior or condition endangers the child's own welfare or the welfare of others; or
- 5401 (B) has run away from home; and
- 5402 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to comply with a promise to appear and bring a child to the juvenile court;
- 5405 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and Expungement;
- 5407 (c) the extension of a nonjudicial adjustment under Section 80-6-304;
- 5408 (d) a petition for special findings under Section 80-3-305; and
- 5409 (e) a referral of a minor for being a habitual truant as defined in Section 53G-8-211.
- 5410

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- (3) The juvenile court does not have original jurisdiction over an offense committed by a minor as described in Subsection (1) if:
- 5412 (a) the district court has original jurisdiction over the offense under Section 78A-5-102.5;
- 5413 (b) the district court has original jurisdiction over the offense under Subsection 78A-5-102(8), unless the juvenile court has exclusive jurisdiction over the offense under Section 78A-6-103.5; or
- 5416 (c) the justice court has original jurisdiction over the offense under Subsection 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense under Section 78A-6-103.5.
- 5419 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection (2)(a)(xvi), (b), or (c).
- 5422 (5) This section does not restrict the right of access to the juvenile court by private agencies or other persons.
- 5424 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising under [~~Title 80, Chapter 6, Part 5, Transfer to District Court~~] Title 80, Chapter 6, Part 5, Minor Tried as an Adult.
- 5427 (7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated, or without merit, in accordance with Section 80-3-404.
- 5429 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by another trial court in accordance with Subsection 78A-7-106(6) and Section 80-6-303.
- 5431 (9) The juvenile court has jurisdiction to enforce foreign protection orders as described in Subsection 78B-7-303(8).
- 5489 Section 61. Section **78B-5-618** is amended to read:
- 5490 **78B-5-618. Patient access to medical records -- Third-party access to medical records --
Medical records services -- Fees -- Standard form.**
- 5436 (1) As used in this section:
- 5437 (a) "Force majeure event" means an event or circumstance beyond the control of the health care provider or the health care provider's third-party service, including fires, floods, earthquakes, acts of God, lockouts, ransomware, or strikes.
- 5440 (b) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 5441 (c) "History of poor payment" means three or more invoices where payment is more than 30 days late within a 12-month period.
- 5443

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- (d) "Indigent individual" means an individual whose household income is at or below 100% of the federal poverty level as defined in Section 26B-3-113.
- 5445 (e) "Inflation" means the unadjusted Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, that measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers.
- 5449 (f) "Payment and balance information" means:
- 5450 (i) all payments the health care provider has received for providing health care to the patient; and
- 5452 (ii) the total balance owed to the health care provider for providing the health care to the patient.
- 5454 (g) "Qualified claim or appeal" means a claim or appeal under any:
- 5455 (i) provision of the Social Security Act as defined in Section 67-11-2; or
- 5456 (ii) federal or state financial needs-based benefit program.
- 5457 (h) "Third-party service" means a service that has entered into a contract with a health care provider to provide patient records on behalf of a health care provider.
- 5459 (2) Pursuant to Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R., Parts 160 and 164, a patient or a patient's personal representative may inspect or receive a copy of the patient's records from a health care provider when that health care provider is governed by the provisions of 45 C.F.R., Parts 160 and 164.
- 5463 (3) When a health care provider is not governed by Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R., Parts 160 and 164, a patient or a patient's personal representative may inspect or receive a copy of the patient's records unless access to the records is restricted by law or judicial order.
- 5467 (4) A health care provider who provides a paper or electronic copy of a patient's records to the patient or the patient's personal representative:
- 5469 (a) shall provide the copy within the deadlines required by the Health Insurance Portability and Accountability Act of 1996, Administrative Simplification rule, 45 C.F.R. Sec. 164.524(b); and
- 5472 (b) may charge a reasonable cost-based fee provided that the fee includes only the cost of:
- 5474 (i) copying, including the cost of supplies for and labor of copying; and
- 5475 (ii) postage, when the patient or patient's personal representative has requested the copy be mailed.
- 5477 (5)

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- (a) Except for records provided under Section 26B-8-411, a health care provider or a health care provider's third-party service that provides a copy of a patient's records to a patient's attorney, legal representative, or other third party authorized to receive records:
- 5481 (i) shall provide the copy within 30 days after receipt of notice;
- 5482 (ii) may charge a reasonable fee for paper or electronic copies, but may not exceed the following rates:
- 5484 (A) \$30 per request for locating a patient's records;
- 5485 (B) reproduction charges may not exceed 53 cents per page for the first 40 pages and 32 cents per page for each additional page;
- 5487 (C) the cost of postage when the requester has requested the copy be mailed;
- 5488 (D) if requested, the person fulfilling the request will certify the record as a duplicate of the original for a fee of \$20; and
- 5490 (E) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act; and
- 5491 (iii) may charge an expedition fee of \$20 if:
- 5492 (A) the requester's notice explicitly requests an expedited response; and
- 5493 (B) the person fulfilling the request postmarks or otherwise makes the record available electronically within 15 days from the day the person fulfilling the request receives notice of the request.
- 5496 (b) Notwithstanding the provisions of Subsection (5)(a)(ii) and subject to Subsection (5)(c), in the event the requested records are not postmarked or otherwise made available electronically by the person fulfilling the request:
- 5499 (i) within 30 days after the day on which notice is received by the person fulfilling the request, the person fulfilling the request shall waive 50% of the fee; or
- 5501 (ii) within 60 days after the day on which notice is received by the person fulfilling the request, the person fulfilling the request shall provide the requested records free of charge to the requester.
- 5504 (c) Performance under Subsection (5)(b) shall be extended in accordance with Subsection (5)(d) if the person fulfilling the request notifies the requester of:
- 5506 (i) the occurrence of a force majeure event within 10 days from the day:
- 5507 (A) the force majeure event occurs; or
- 5508 (B) the person fulfilling the request receives notice of the request; and
- 5509 (ii) the termination of the force majeure event within 10 days from the day the force majeure event terminates.

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- 5511 (d) In accordance with Subsection (5)(c), for a force majeure event:
- 5512 (i) that lasts less than eight days, the person fulfilling the request shall, if the records are not postmarked
or otherwise made available electronically within:
- 5514 (A) 30 days of the day the force majeure event ends, waive 50% of the fee for providing the records;
and
- 5516 (B) 60 days of the day the force majeure event ends, waive the entire fee for providing the records;
- 5518 (ii) that lasts at least eight days but less than 30 days, the person fulfilling the request shall, if the
records are not postmarked or otherwise made available electronically within:
- 5521 (A) 60 days of the day the force majeure event ends, waive 50% of the fee for providing the records;
and
- 5523 (B) 90 days of the day the force majeure event ends, waive the entire fee for providing the records; and
- 5525 (iii) that lasts more than 30 days, the person fulfilling the request shall, if the records are not
postmarked or otherwise made available electronically within:
- 5527 (A) 90 days of the day the force majeure event ends, waive 50% of the fee for providing the records;
and
- 5529 (B) 120 days of the day the force majeure event ends, waive the entire fee for providing the records.
- 5531 (e)
- (i) A third-party service may require prepayment before sending records for a request under this
Subsection (5) if the third-party service:
- 5533 (A) determines the requester has a history of poor payment; and
- 5534 (B) notifies the requester, within the time periods described in Subsections (5)(b)(i) and (ii), that the
records will be sent as soon as the request has been prepaid.
- 5537 (ii) The fee reductions described in Subsection (5)(d) do not apply if a third-party service complies with
Subsection (5)(e)(i).
- 5539 (f) If a third-party service does not possess or have access to the data necessary to fulfill a request, the
third-party service shall notify:
- 5541 (i) the requester that the request cannot be fulfilled; and
- 5542 (ii) state the reasons for the third-party service's inability to fulfill the request within 30 days from the
day on which the request is received by the third-party service.
- 5544 (g) A patient's attorney, legal representative, or other third party authorized to receive records may
request patient records directly from a third-party service.

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- 5546 (6)
- (a) A separate notice of request for payment and balance information shall:
- 5547 (i) clearly indicate that the request is only for payment and balance information; and
- 5548 (ii) indicate the name, telephone number, email address, and address of the requester.
- 5549 (b) A health care provider or third-party service fulfilling a request for payment and balance information from a patient's attorney, legal representative, or other third-party representative, shall fulfill the request within 30 days after the day on which notice is received by the health care provider or by the third-party service, whichever is fulfilling the request, by:
- 5554 (i) mailing a postmarked copy of the information to the requester; or
- 5555 (ii) providing the information electronically or telephonically.
- 5556 (c) A health care provider or third-party service that is responsible for fulfilling a request for payment and balance information but fails to:
- 5558 (i) fulfill the request within 30 days, in accordance with Subsection (6)(b), shall pay, as a penalty, \$50; and
- 5560 (ii) fulfill the request within 60 days shall pay, as a penalty, an additional \$150.
- 5561 (d) A health care provider or third-party service obligated to pay a penalty under Subsection (6)(c) shall pay the amount owed:
- 5563 (i) to reduce any amount the patient owes to the health care provider for the provision of health care, after any third-party obligations to pay, if the amount owed is more than the penalty;
- 5566 (ii) directly to the patient, if the requested payment and balance information reflects that the patient owes no amount to the health care provider for the provision of health care services; or
- 5569 (iii) allocated between:
- 5570 (A) a payment to satisfy the amount the patient owes to the health care provider for the provision of health care, as indicated on the payment and balance information; and
- 5573 (B) a payment in the amount of any remaining penalty obligation to the patient.
- 5574 (e) A third-party service may satisfy any obligation to pay a penalty under Subsection (6)(c) by remitting the penalty amount to the health care provider to be allocated in accordance with Subsection (6)(d).
- 5577 (7) A health care provider or third-party service shall, if the health care provider or the third-party service responding to a request for payment and balance information is unable to comply with Subsection (6)(b), provide a written response that includes:

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- 5580 (a) contact information, if known, for the individual who the requester may contact to fulfill the request;
and
- 5582 (b) the reason for not complying with Subsection (6)(b).
- 5583 (8)
- (a) Subject to Subsection (8)(b), a health care provider that contracts with a third-party service to fulfill the health care provider's medical record requests shall file a statement with the Division of Professional Licensing containing:
- 5586 (i) the name of the third-party service;
- 5587 (ii) the phone number of the third-party service;
- 5588 (iii) the fax number, email address, website portal address, if applicable, and mailing address for the third-party service where medical record requests can be sent for fulfillment; and
- 5591 (iv) beginning January 1, 2025, whether the third-party service is authorized to fulfill requests for patient medical records for patient payment and balance information.
- 5593 (b) If an individual health care provider is an employee or contractor of an organization that is a health care provider and that contracts with a third-party service to fulfill the medical record requests for the individual health care provider, the organization may file the statement under Subsection (8)(a) on behalf of the organization's employees and contractors.
- 5598 (c) A health care provider described in Subsection (8)(a) shall update the filing described in Subsection (8)(a) as necessary to ensure that the information is accurate.
- 5600 (d) The Division of Professional Licensing shall develop a form for a health care provider to complete that provides the information required by Subsection (8)(a).
- 5602 (e) The Division of Professional Licensing shall:
- 5603 (i) maintain an index of statements described in Subsection (8)(a) arranged alphabetically by entity; and
- 5605 (ii) make the index available to the public electronically on the Division of Professional Licensing's website.
- 5607 (9) A health care provider or the health care provider's third-party service shall deliver the medical records in the electronic medium customarily used by the person fulfilling the request or in a universally readable image such as portable document format:
- 5610 (a) if the patient, patient's personal representative, or a third party authorized to receive the records requests the records be delivered in an electronic medium; and
- 5612 (b) the original medical record is readily producible in an electronic medium.

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- 5613 (10)
- (a) Except as provided in Subsections (10)(b) through (d), the per page fee in Subsections (4) and (5) applies to medical records reproduced electronically or on paper.
- 5616 (b) The per page fee for producing a copy of records in an electronic medium shall be 50% of the per page fee otherwise provided in this section, regardless of whether the original medical records are stored in electronic format.
- 5619 (c)
- (i) A health care provider or a health care provider's third-party service shall deliver the medical records in the electronic medium customarily used by the health care provider or the health care provider's third-party service or in a universally readable image, such as portable document format, if the patient, patient's personal representative, patient's attorney, legal representative, or a third party authorized to receive the records, requests the records be delivered in an electronic medium.
- 5626 (ii) A person fulfilling the request under Subsection (10)(c)(i):
- 5627 (A) shall provide the requested information within 30 days; and
- 5628 (B) may not charge a fee for the electronic copy that exceeds \$150 regardless of the number of pages and regardless of whether the original medical records are stored in electronic format.
- 5631 (d) Subject to Subsection (10)(e), in the event the requested records under Subsection (10)(c)(i) are not postmarked or otherwise made available electronically by the person fulfilling the request:
- 5634 (i) within 30 days after the day notice is received by the person fulfilling the request, the person fulfilling the request may not charge a fee for the electronic copy that exceeds \$75 regardless of the number of pages and regardless of whether the original medical records are stored in electronic format; or
- 5638 (ii) within 60 days after the day notice is received by the person fulfilling the request, the person fulfilling the request shall provide the requested records free of charge to the requester.
- 5641 (e) Performance under Subsection (10)(d) shall be extended in accordance with Subsection (10)(f) if the person fulfilling the request notifies the requester of:
- 5643 (i) the occurrence of a force majeure event within 10 days from the day:
- 5644 (A) the force majeure event occurs; or
- 5645 (B) the person fulfilling the request receives notice of the request; and
- 5646 (ii) the termination of the force majeure event within 10 days from the day the force majeure event terminates.

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- 5648 (f) In accordance with Subsection (10)(e), for a force majeure event:
- 5649 (i) that lasts less than eight days, the person fulfilling the request, if the records are not postmarked or otherwise made available electronically within:
- 5651 (A) 30 days of the day the force majeure event ends, may not charge a fee for an electronic copy that exceeds \$75 regardless of the number of pages and regardless of whether the original medical records are stored in electronic format; and
- 5655 (B) 60 days of the day the force majeure event ends, shall waive the entire fee for providing the records;
- 5657 (ii) that lasts at least eight days but less than 30 days, the person fulfilling the request, if the records are not postmarked or otherwise made available electronically within:
- 5660 (A) 60 days of the day the force majeure event ends, may not charge a fee for an electronic copy that exceeds \$75 regardless of the number of pages and regardless of whether the original medical records are stored in electronic format; and
- 5664 (B) 90 days of the day the force majeure event ends, shall waive the entire fee for providing the records; and
- 5666 (iii) that lasts more than 30 days, the person fulfilling the request, if the records are not postmarked or otherwise made available electronically within:
- 5668 (A) 90 days of the day the force majeure event ends, may not charge a fee for an electronic copy that exceeds \$75 regardless of the number of pages and regardless of whether the original medical records are stored in electronic format; and
- 5672 (B) 120 days of the day the force majeure event ends, shall waive the entire fee for providing the records.
- 5674 (11)
- (a) On January 1 of each year, the state treasurer shall adjust the following fees for inflation:
- 5676 (i) the fee for providing patient's records under Subsections [~~(5)(a)(iii)(A)~~] (5)(a)(ii)(A) and (B); and
- 5678 (ii) the maximum amount that may be charged for an electronic copy under Subsection (10)(c)(ii) (B).
- 5680 (b) On or before January 30 of each year, the state treasurer shall:
- 5681 (i) certify the inflation-adjusted fees and maximum amounts calculated under this section; and
- 5683 (ii) notify the Administrative Office of the Courts of the information described in Subsection (11)(b)(i) for posting on the court's website.

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- 5685 (12) Notwithstanding Subsections (4) through (8), if a request for a medical record is accompanied by
documentation of a qualified claim or appeal, a health care provider or the health care provider's
third-party service:
- 5688 (a) may not charge a fee for the first copy of the record for each date of service that is necessary to
support the qualified claim or appeal in each calendar year;
- 5690 (b) for a second or subsequent copy in a calendar year of a date of service that is necessary to support
the qualified claim or appeal, may charge a reasonable fee that may not:
- 5693 (i) exceed 60 cents per page for paper photocopies;
- 5694 (ii) exceed a reasonable cost for copies of X-ray photographs and other health care records produced by
similar processes;
- 5696 (iii) include an administrative fee or additional service fee related to the production of the medical
record; or
- 5698 (iv) exceed the fee provisions for an electronic copy under Subsection (10)(c); and
- 5699 (c) shall provide the health record within 30 days after the day on which the request is received by the
health care provider.
- 5701 (13)
- (a) Except as otherwise provided in Subsections (4) through (8), a health care provider or the health
care provider's third-party service shall waive all fees under this section for an indigent individual.
- 5704 (b) A health care provider or the health care provider's third-party service may require the indigent
individual or the indigent individual's authorized representative to provide proof that the individual
is an indigent individual by executing an affidavit.
- 5707 (c)
- (i) An indigent individual that receives copies of a medical record at no charge under this Subsection
(13) is limited to one copy for each date of service for each health care provider, or the health care
provider's third-party service, in each calendar year.
- 5711 (ii) Any request for additional copies in addition to the one copy allowed under Subsection (13)(c) is
subject to the fee provisions described in Subsection (12).
- 5713 (14) By January 1, 2023, a health care provider and all of the health care provider's contracted third
party health related services shall accept a properly executed form described in Section 26B-8-514.
- 5772 Section 62. Section **78B-6-501** is amended to read:
- 5773

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78B-6-501. Eminent domain -- Uses for which right may be exercised -- Limitations on eminent domain.

- 5719 (1) As used in this section:
- 5720 (a) "Century farm" means real property that is:
- 5721 (i) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act; and
- 5722 (ii) owned or held by the same family for a continuous period of 100 years or more.
- 5723 (b) "Mineral or element" means the same as that term is defined in Section 65A-17-101.
- 5724 (c)
- (i) "Mining use" means:
- 5725 (A) the full range of permitted or active activities, from prospecting and exploration to reclamation and closure, associated with the exploitation of a mineral deposit; and
- 5728 (B) the use of the surface, subsurface, groundwater, and surface water of an area in connection with the activities described in Subsection (1)(c)(i)(A) that have been, are being, or will be conducted.
- 5731 (ii) "Mining use" includes, whether conducted on-site or off-site:
- 5732 (A) sampling, staking, surveying, exploration, or development activity;
- 5733 (B) drilling, blasting, excavating, or tunneling;
- 5734 (C) the removal, transport, treatment, deposition, and reclamation of overburden, development rock, tailings, and other waste material;
- 5736 (D) the recovery of sand and gravel;
- 5737 (E) removal, transportation, extraction, beneficiation, or processing of ore;
- 5738 (F) use of solar evaporation ponds and other facilities for the recovery of minerals in solution;
- 5740 (G) smelting, refining, autoclaving, or other primary or secondary processing operation;
- 5742 (H) the recovery of any mineral left in residue from a previous extraction or processing operation;
- 5744 (I) a mining activity that is identified in a work plan or permitting document;
- 5745 (J) the use, operation, maintenance, repair, replacement, construction, or alteration of a building, structure, facility, equipment, machine, tool, or other material or property that results from or is used in a surface or subsurface mining operation or activity;
- 5749 (K) an accessory, incidental, or ancillary activity or use, both active and passive, including a utility, private way or road, pipeline, land excavation, working, embankment, pond, gravel excavation,

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mining waste, conveyor, power line, trackage, storage, reserve, passive use area, buffer zone, and power production facility;

- 5754 (L) the construction of a storage, factory, processing, or maintenance facility; and
- 5755 (M) an activity described in Subsection [~~40-8-4(17)(a)~~] 40-8-4(19)(a).
- 5756 (2) Except as provided in Subsections (3), (4), and (5) and subject to the provisions of this part, the right of eminent domain may be exercised on behalf of the following public uses:
- 5759 (a) all public uses authorized by the federal government;
- 5760 (b) public buildings and grounds for the use of the state, and all other public uses authorized by the Legislature;
- 5762 (c)
- (i) public buildings and grounds for the use of any county, city, town, or board of education;
- 5764 (ii) reservoirs, canals, aqueducts, flumes, ditches, or pipes for conducting water or sewage, including to or from a development, for the use of the inhabitants of any county, city, or town, or for the draining of any county, city, or town;
- 5767 (iii) the raising of the banks of streams, removing obstructions from streams, and widening, deepening, or straightening their channels;
- 5769 (iv) bicycle paths and sidewalks adjacent to paved roads;
- 5770 (v) roads, byroads, streets, and alleys for public vehicular use, including for access to a development; and
- 5772 (vi) all other public uses for the benefit of any county, city, or town, or its inhabitants;
- 5773 (d) wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or road locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation;
- 5777 (e) reservoirs, dams, watergates, canals, ditches, flumes, tunnels, aqueducts and pipes for the supplying of persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic or other uses, or for irrigation purposes, or for the draining and reclaiming of lands, or for solar evaporation ponds and other facilities for the recovery of minerals or elements in solution;
- 5782 (f)
- (i) roads, railroads, tramways, tunnels, ditches, flumes, pipes, and dumping places to access or facilitate the milling, smelting, or other reduction of ores, or the working of mines, quarries, coal mines, or mineral deposits including oil, gas, and minerals or elements in solution;

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- 5786 (ii) outlets, natural or otherwise, for the deposit or conduct of tailings, refuse or water from mills, smelters or other works for the reduction of ores, or from mines, quarries, coal mines or mineral deposits including minerals or elements in solution;
- 5789 (iii) mill dams;
- 5790 (iv) gas, oil or coal pipelines, tanks or reservoirs, including any subsurface stratum or formation in any land for the underground storage of natural gas, and in connection with that, any other interests in property which may be required to adequately examine, prepare, maintain, and operate underground natural gas storage facilities;
- 5795 (v) subject to Subsection (6), solar evaporation ponds and other facilities for the recovery of minerals in solution; and
- 5797 (vi) any occupancy in common by the owners or possessors of different mines, quarries, coal mines, mineral deposits, mills, smelters, or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter;
- 5801 (g) byroads leading from a highway to:
- 5802 (i) a residence; or
- 5803 (ii) a farm;
- 5804 (h) telecommunications, electric light and electric power lines, sites for electric light and power plants, or sites for the transmission of broadcast signals from a station licensed by the Federal Communications Commission in accordance with 47 C.F.R. Part 73 and that provides emergency broadcast services;
- 5808 (i) sewage service for:
- 5809 (i) a city, a town, or any settlement of not fewer than 10 families;
- 5810 (ii) a public building belonging to the state; or
- 5811 (iii) a college or university;
- 5812 (j) canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes for supplying and storing water for the operation of machinery for the purpose of generating and transmitting electricity for power, light or heat;
- 5815 (k) cemeteries and public parks; and
- 5816 (l) sites for mills, smelters or other works for the reduction of ores and necessary to their successful operation, including the right to take lands for the discharge and natural distribution of smoke, fumes, and dust, produced by the operation of works, provided that the powers granted by this

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section may not be exercised in any county where the population exceeds 20,000, or within one mile of the limits of any city or incorporated town nor unless the proposed condemner has the right to operate by purchase, option to purchase or easement, at least 75% in value of land acreage owned by persons or corporations situated within a radius of four miles from the mill, smelter or other works for the reduction of ores; nor beyond the limits of the four-mile radius; nor as to lands covered by contracts, easements, or agreements existing between the condemner and the owner of land within the limit and providing for the operation of such mill, smelter, or other works for the reduction of ores; nor until an action shall have been commenced to restrain the operation of such mill, smelter, or other works for the reduction of ores.

- 5830 (3) The right of eminent domain may not be exercised on behalf of the following uses:
- 5831 (a) except as provided in Subsection (2)(c)(iv), trails, paths, or other ways for walking, hiking, bicycling, equestrian use, or other recreational uses, or whose primary purpose is as a foot path, equestrian trail, bicycle path, or walkway;
- 5834 (b)
- (i) a public park whose primary purpose is:
- 5835 (A) as a trail, path, or other way for walking, hiking, bicycling, or equestrian use; or
- 5837 (B) to connect other trails, paths, or other ways for walking, hiking, bicycling, or equestrian use; or
- 5839 (ii) a public park established on real property that is:
- 5840 (A) a century farm; and
- 5841 (B) located in a county of the first class.
- 5842 (4)
- (a) The right of eminent domain may not be exercised within a migratory bird production area created on or before December 31, 2020, under Title 23A, Chapter 13, Migratory Bird Production Area, except as follows:
- 5845 (i) subject to Subsection (4)(b), an electric utility may condemn land within a migratory bird production area located in a county of the first class only for the purpose of installing buried power lines;
- 5848 (ii) an electric utility may condemn land within a migratory bird production area in a county other than a county of the first class to install:
- 5850 (A) buried power lines; or
- 5851

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- (B) a new overhead transmission line that is parallel to and abutting an existing overhead transmission line or collocated within an existing overhead transmission line right of way; or
- 5854 (iii) the Department of Transportation may exercise eminent domain for the purpose of the construction of the West Davis Highway.
- 5856 (b) Before exercising the right of eminent domain under Subsection (4)(a)(i), the electric utility shall demonstrate that:
- 5858 (i) the proposed condemnation would not have an unreasonable adverse effect on the preservation, use, and enhancement of the migratory bird production area; and
- 5860 (ii) there is no reasonable alternative to constructing the power line within the boundaries of a migratory bird production area.
- 5862 (5) If the intended public purpose is for a mining use, a private person may not exercise the power of eminent domain over property, or an interest in property, that is already used for a mining use within the boundary of:
- 5865 (a) a permit area, as defined in Section 40-8-4;
- 5866 (b) an area for which a permit has been issued by the Division of Water Quality, as part of the underground injection control program, under rules made by the Water Quality Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 5869 (c) private property; or
- 5870 (d) an area under a state or federal lease.
- 5871 (6)
- (a) For the purpose of solar evaporation ponds and other facilities for the recovery of minerals or elements in solution on or from the Great Salt Lake, a public use includes removal or extinguishment, by a state entity, in whole or in part, on Great Salt Lake Sovereign lands of:
- 5875 (i) a solar evaporation pond;
- 5876 (ii) improvements, property, easements, or rights-of-way appurtenant to a solar evaporation pond, including a lease hold; or
- 5878 (iii) other facilities for the recovery of minerals or elements in solution.
- 5879 (b) The public use under this Subsection (6) is in the furtherance of the benefits to public trust assets attributable to the Great Salt Lake under Section 65A-1-1.

5937 Section 63. Section **78B-7-805** is amended to read:

5938

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78B-7-805. Sentencing protective orders and continuous protective orders for an offense that is not domestic violence -- Modification -- Expiration.

- 5884 (1) Before a perpetrator has been convicted of or adjudicated for an offense that is not domestic violence is placed on probation, the court may consider the safety and protection of the victim and any member of the victim's family or household.
- 5887 (2) The court may condition probation or a plea in abeyance on the perpetrator's compliance with a sentencing protective order that includes:
- 5889 (a) an order enjoining the perpetrator from threatening to commit or committing acts of domestic violence against the victim or other family or household member;
- 5891 (b) an order prohibiting the perpetrator from harassing, telephoning, contacting, or otherwise communicating with the victim, directly or indirectly;
- 5893 (c) an order requiring the perpetrator to stay away from the victim's residence, school, place of employment, and the premises of any of these, or a specified place frequented regularly by the victim or any designated family or household member;
- 5896 (d) an order prohibiting the perpetrator from purchasing, using, or possessing a firearm or other specified weapon;
- 5898 (e) an order directing the perpetrator to surrender any weapons the perpetrator owns or possesses; and
- 5900 (f) an order imposing any other condition necessary to protect the victim and any other designated family or household member or to rehabilitate the perpetrator.
- 5902 (3)
- (a) If a perpetrator is convicted of an offense that is not domestic violence resulting in a sentence of imprisonment that is to be served after conviction, the court may issue a continuous protective order at the time of the conviction or sentencing limiting the contact between the perpetrator and the victim if the court determines by clear and convincing evidence that the victim has a reasonable fear of future harm or abuse.
- 5907 (b)
- (i) The court shall notify the perpetrator of the right to request a hearing.
- 5908 (ii) If the perpetrator requests a hearing under this Subsection (3), the court shall hold the hearing at the time determined by the court and the continuous protective order shall be in effect while the hearing is being scheduled and while the hearing is pending.

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- (c) Except as provided in Subsection (6), a continuous protective order is permanent in accordance with this Subsection (3)(c) and may include any order described in Subsection [78B-7-804(3)(e)] 78B-7-804(3)(d).
- 5915 (4) A continuous protective order issued under this section may be modified or dismissed only in accordance with Subsection 78B-7-804(4).
- 5917 (5) Except as provided in Subsection (6), in addition to the process of issuing a continuous protective order described in Subsection (3)(a), a district court may issue a continuous protective order at any time in accordance with Subsection 78B-7-804(5).
- 5920 (6)
- (a) Unless the juvenile court transfers jurisdiction of the offense to the district court under Section 80-6-504, a continuous protective order may not be issued under this section against a perpetrator who is a minor.
- 5923 (b) Unless the court sets an earlier date for expiration, a sentencing protective order issued under this section against a perpetrator who is a minor expires on the earlier of:
- 5925 (i) the day on which the juvenile court terminates jurisdiction; or
- 5926 (ii) in accordance with Section 80-6-807, the day on which the Division of Juvenile Justice and Youth Services discharges the perpetrator.
- 5984 Section 64. Section **80-6-601** is amended to read:
- 5985 **80-6-601. Minors' cases considered civil proceedings -- Minor not to be charged with crime -- Exception for a prior adjudication -- Traffic violation cases.**
- 5931 (1) Except as provided in [~~Part 5, Transfer to District Court~~] Part 5, Minor Tried as an Adult, a proceeding in a minor's case under this chapter is a civil proceeding with the juvenile court exercising equitable powers.
- 5934 (2)
- (a) An adjudication by a juvenile court of a minor under this chapter is not considered a conviction of a crime, except in cases involving traffic violations.
- 5936 (b) An adjudication may not:
- 5937 (i) operate to impose any civil disabilities upon the minor; or
- 5938 (ii) disqualify the minor for any civil service or military service or appointment.
- 5939 (3)

HB0496 compared with HB0496S01

- (a) Except in cases involving traffic violations, and as provided in [~~Part 5, Transfer to District Court~~] Part 5, Minor Tried as an Adult, a minor may not be charged with a crime and convicted in any court.
- 5942 (b) Except as provided in Section 80-6-504 , if a petition is filed in the juvenile court, the minor may not later be subject to criminal prosecution based on the same facts.
- 5944 (c) Except as provided in Section 80-6-305, an individual may not be subject to a proceeding under this chapter for an offense that the individual is alleged to have committed before the individual was 12 years old.
- 5947 (4)
- (a) An adjudication by a juvenile court of a minor under this chapter is considered a conviction for the purposes of determining the level of offense for which a minor may be charged and enhancing the level of an offense in the juvenile court.
- 5950 (b) A prior adjudication may be used to enhance the level or degree of an offense committed by an adult only as otherwise specifically provided.
- 6008 Section 65. Section **80-7-105** is amended to read:
- 6009 **80-7-105. Emancipation.**
- 5954 (1) A minor who is emancipated may:
- 5955 (a) enter into contracts;
- 5956 (b) buy and sell property;
- 5957 (c) sue or be sued;
- 5958 (d) retain the minor's own earnings;
- 5959 (e) borrow money for any purpose, including for education; and
- 5960 (f) obtain healthcare without parental consent.
- 5961 (2) A minor who is emancipated may not be considered an adult:
- 5962 (a) under the criminal laws of the state, unless the requirements of [~~Chapter 6, Part 5, Transfer to District Court~~] Chapter 6, Part 5, Minor Tried as an Adult, have been met;
- 5964 (b) under the criminal laws of the state when the minor is a victim and the age of the victim is an element of the offense; and
- 5966 (c) for specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, possession of tobacco or firearms, and other health and safety regulations relevant to the minor because of the minor's age.

HB0496 compared with HB0496S01

5969 (3)

(a) An order of emancipation prospectively terminates parental responsibilities that accrue based on the minor's status as a minor under the custody and control of a parent, guardian, or custodian, including parental tort liability for the acts of the minor.

5973 (b) Nothing in this chapter shall be construed to interfere with the integrity of the family or to minimize the rights of parents or children.

6031 Section 66. **Repealer.**

This Bill Repeals:

6032 This bill repeals:

6033 Section **26-29-2, Purpose of chapter.**

6034 Section **26-29-3, Basis for standards.**

6035 Section **26-29-4, Enforcement of chapter.**

6036 Section **26B-1-305, Department of Health and Human Services Transition Restricted**
6037 **Account.**

6038 Section 67. **Effective date.**

This bill takes effect on May 7, 2025.

6040 Section 68. **Coordinating H.B. 496 with other 2025 General Session legislation.**

The Legislature intends that, on May 7, 2025, any 2025 General Session legislation amending the Utah Code that conflicts with amendments made in H.B. 496, Revisor's Technical Corrections to Utah Code, and that passes and becomes law, supersedes the conflicting amendments in H.B. 496.

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