

**School Safety Amendments**  
**2025 GENERAL SESSION**  
**STATE OF UTAH**  
**Chief Sponsor: Ryan D. Wilcox**

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**LONG TITLE**

**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 11 voting for 0 voting against 7 absent

**General Description:**

This bill modifies school safety provisions.

**Highlighted Provisions:**

This bill:

- modifies communication device requirements for new construction to post-completion determination;
- amends building standards;
- revises screening and training requirements for school safety personnel;
- adjusts school safety personnel provisions;
- changes safety assessment deadlines and responsibilities;
- establishes a school safety foundation for certain purposes;
- creates compliance supports;
- modifies certain administrative structures within the school safety program;
- amends the procurement code to allow a school safety foundation to use state cooperative contracts; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**15A-5-203 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapters 21, 381

**53-22-102 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 21

**53-22-103 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 21  
**53-22-104.2 (Effective 07/01/25)**, as enacted by Laws of Utah 2024, Chapter 21  
**53-22-105 (Effective 07/01/25)**, as enacted by Laws of Utah 2024, Chapter 21  
**53-22-106 (Effective 07/01/25)**, as enacted by Laws of Utah 2024, Chapter 21  
**53B-28-401 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapters 65,  
378  
**53B-28-403 (Effective 07/01/25)**, as enacted by Laws of Utah 2021, Chapter 332  
**53G-8-701 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 21  
**53G-8-701.5 (Effective 07/01/25)**, as repealed and reenacted by Laws of Utah 2024,  
Chapter 21  
**53G-8-701.6 (Effective 07/01/25)**, as enacted by Laws of Utah 2024, Chapter 21  
**53G-8-701.8 (Effective 07/01/25)**, as enacted by Laws of Utah 2024, Chapter 21  
**53G-8-704 (Effective 07/01/25)**, as enacted by Laws of Utah 2024, Chapter 21  
**53G-8-802 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 23  
**53G-8-805 (Effective 07/01/25)**, as enacted by Laws of Utah 2024, Chapter 21  
**53G-9-207 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 520  
**53G-9-703 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 20  
**63G-6a-103 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapters 291,  
408 and 438  
**63G-6a-2105 (Effective 07/01/25)**, as last amended by Laws of Utah 2016, Chapters  
348, 355

## ENACTS:

**53-22-108 (Effective 07/01/25)**, Utah Code Annotated 1953  
**53-22-109 (Effective 07/01/25)**, Utah Code Annotated 1953  
**53-25-601 (Effective 07/01/25)**, Utah Code Annotated 1953  
**76-5-417 (Effective 07/01/25)**, Utah Code Annotated 1953

## REPEALS:

**53F-4-208 (Effective 07/01/25)**, as enacted by Laws of Utah 2023, Chapter 383

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

Section 1. Section **15A-5-203** is amended to read:

**15A-5-203 (Effective 07/01/25). Amendments and additions to IFC related to  
fire safety, building, and site requirements.**

(1) For IFC, Chapter 5, Fire Service Features:

- (a) In IFC, Chapter 5, a new Section 501.5, Access grade and fire flow, is added as follows: "An authority having jurisdiction over a structure built in accordance with the requirements of the International Residential Code as adopted in the State Construction Code, may require an automatic fire sprinkler system for the structure only by ordinance and only if any of the following conditions exist:
- (i) the structure:
    - (A) is located in an urban-wildland interface area as provided in the Utah Wildland Urban Interface Code adopted as a construction code under the State Construction Code; and
    - (B) does not meet the requirements described in Utah Code, Subsection 65A-8-203 (4)(a) and Utah Administrative Code, R652-122-1300, Minimum Standards for County Wildland Fire Ordinance;
  - (ii) the structure is in an area where a public water distribution system with fire hydrants does not exist as required in Utah Administrative Code, R309-550-5, Water Main Design;
  - (iii) the only fire apparatus access road has a grade greater than 10% for more than 500 continual feet;
  - (iv) the total floor area of all floor levels within the exterior walls of the dwelling unit exceeds 10,000 square feet; or
  - (v) the total floor area of all floor levels within the exterior walls of the dwelling unit is double the average of the total floor area of all floor levels of unsprinkled homes in the subdivision that are no larger than 10,000 square feet.
  - (vi) Exception: A single family dwelling does not require a fire sprinkler system if the dwelling:
    - (A) is located outside the wildland urban interface;
    - (B) is built in a one-lot subdivision; and
    - (C) has 50 feet of defensible space on all sides that limits the propensity of fire spreading from the dwelling to another property."
- (b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as follows: "Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official, after consultation with the building owner, may require a key box to be installed in an approved location. The key box shall contain keys to gain necessary access as required by the fire code official. For

each fire jurisdiction that has at least one building with a required key box, the fire jurisdiction shall adopt an ordinance, resolution, or other operating rule or policy that creates a process to ensure that each key to each key box is properly accounted for and secure."

(c) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings, is added as follows: "Fire flow may be reduced for an isolated one- and two-family dwelling when the authority having jurisdiction over the dwelling determines that the development of a full fire-flow requirement is impractical."

(d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as follows: "507.1.2 Pre-existing subdivision lots.

The requirements for a pre-existing subdivision lot shall not exceed the requirements described in Section 501.5."

(e) In IFC, Chapter 5, Section 507.5.1, here required, a new exception is added: "3. One interior and one detached accessory dwelling unit on a single residential lot."

(f) IFC, Chapter 5, Section 510.1, Emergency responder communication coverage in new buildings, is amended by adding: "When required by the fire code official, unless the new building is a public school as that term is defined in Section 53G-9-205.1 or a private school, [then] if determined by the fire code official to be necessary after construction of the new building is completed, then the fire code official shall require," at the beginning of the first paragraph.

(2) For IFC, Chapter 6, Building Services and Systems:

(a) IFC, Chapter 6, Section 604.6.1, Elevator key location, is deleted and rewritten as follows: "Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key box or similar box with corresponding key system that is adjacent to the elevator for immediate use by the fire department. The key box shall contain one key for each elevator, one key for lobby control, and any other keys necessary for emergency service. The elevator key box shall be accessed using a 6049 numbered key."

(b) IFC, Chapter 6, Section 606.1, General, is amended as follows: On line three, after the word "Code", add the words "and NFPA 96".

(c) IFC, Chapter 6, Section 607.2, a new exception 5 is added as follows: "5. A Type 1 hood is not required for a cooking appliance in a microenterprise home kitchen, as that term is defined in Utah Code, Section 26B-7-401, for which the operator obtains a permit in accordance with Section 26B-7-416."

(3) IFC, Chapter 7, Fire and Smoke Protection Features, Section 702.5, is deleted.

Section 2. Section **53-22-102** is amended to read:

**53-22-102 (Effective 07/01/25). State security chief -- Creation -- Appointment.**

- (1) There is created within the department a state security chief.
- (2) The state security chief:
  - (a) is appointed by the commissioner with the approval of the governor;
  - (b) is subject to the supervision and control of the commissioner;
  - (c) may be removed at the will of the commissioner;
  - (d) shall be qualified by experience and education to:
    - (i) enforce the laws of this state relating to school safety;
    - (ii) perform duties prescribed by the commissioner; and
    - (iii) enforce rules made under this chapter.
- (3) The state security chief shall:
  - (a) establish building and safety standards for all public and private schools, including:
    - (i) coordinating with the State Board of Education to establish the required minimum safety and security standards for all public and private school facilities, including:
      - (A) limited entry points, including, if applicable, secured entry points for specific student grades or groups;
      - (B) internal video surveillance~~[-of entrances when school is in session];~~
      - (C) [ground-level] exterior and interior windows protected by security film or ballistic windows;
      - (D) internal classroom door locks;
      - (E) bleed kits and first aid kits;
      - (F) exterior cameras on entrances, parking areas, and campus grounds; and
      - (G) fencing around playgrounds;
    - (ii) establishing a schedule or timeline for existing buildings to come into compliance with this section;
    - (iii) creating a process to examine plans and specifications for construction or remodeling of a school building, in accordance with Section 53E-3-706;
    - (iv) recommending to the commissioner the denial or revocation a public or private school's occupancy permit for a building if:
      - (A) the building does not meet the standards established in this section; and
      - (B) after consultation with the local governing board, the building remains non-compliant with the standards established in this section;
    - (v) creating minimum standards for radio communication equipment in every school;

- 168 (vi) establishing an incident response method or system that a school shall use; and  
169 [(vi)] (vii) establishing a process to approve the safety and security criteria the state  
170 superintendent of public instruction establishes for building inspectors described  
171 in Section 53E-3-706;
- 172 (b) oversee the implementation of the school safety personnel requirements described in  
173 Section 53G-8-701.5, including:
- 174 (i) in consultation with a county security chief, overseeing the school guardian  
175 program described in Section 53-22-105, including approving and coordinating  
176 the relevant training programs;
- 177 (ii) establishing an application process for approved alternatives to the school safety  
178 personnel requirements described in Section 53G-8-701.5;
- 179 (iii) selecting training requirements for school safety and security specialists in  
180 consultation with the State Board of Education as described in Section  
181 53G-8-701.6;
- 182 (iv) as required by Section 53G-8-701.8, tracking each school safety and security  
183 director for a local education agency and ensuring that the contact information for  
184 the school safety and security directors is readily available to the local law  
185 enforcement agency of relevant jurisdiction; and
- 186 (v) reviewing and approving the State Board of Education's school resource officer  
187 training program as described in Section 53G-8-702;
- 188 (c) oversee the creation of school safety trainings, protocols, and incident responses,  
189 including:
- 190 (i) in consultation with the State Board of Education, defining what constitutes an  
191 "active threat" and "developmentally appropriate" for purposes of the emergency  
192 response training described in Section 53G-8-803;
- 193 (ii) in consultation with the Office of Substance ~~Abuse~~ Use and Mental Health,  
194 establishing or selecting an adolescent mental health and de-escalation training for  
195 school safety personnel;
- 196 (iii) consulting with the School Safety Center to develop the model critical incident  
197 response that all schools and law enforcement will use during a threat, including:
- 198 (A) standardized response protocol terminology for use throughout the state,  
199 including what constitutes a threat;
- 200 (B) protocols for planning and safety drills, including drills required in a school  
201 before the school year begins;

- (C) integration and appropriate use of a panic alert device described in Subsection 53G-8-805;
- (D) the establishment of incident command for a threat or safety incident, including which entity and individual runs the incident command;
- (E) the required components for a communication plan to be followed during an incident or threat;
- (F) reunification plan protocols, including the appropriate design and use of an incident command by others responding to or involved in an incident; and
- (G) recommendations for safety equipment for schools, including amounts and types of first aid supplies;
- (iv) reviewing and suggesting any changes to the response plans and training under Section 53G-8-803;
- (v) creating the official standard response protocol described in Section 53G-8-803 for use by schools and law enforcement for school safety incidents;
- (vi) ensuring a school physically marks doorways and hallways consistent with the incident response method required in Subsection (3)(a); and
- ~~[(vi)]~~ (vii) establishing a manner for any security personnel described in Section 53G-8-701.5 to be quickly identified by law enforcement during an incident;
- (d) in consultation with the School Safety Center established in Section 53G-8-802:
- (i) create a process to receive and analyze the school safety needs assessments described in Section 53G-8-701.5; and
- (ii) establish a required data reporting system for public schools to report serious and non-serious threats and other data related to threat assessment that the state security chief determines to be necessary;
- (e) review, authorize, and oversee foundation activities under Section 53-22-108; and
- ~~[(e)]~~ (f) fulfill any other duties and responsibilities determined by the commissioner.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department, in consultation with the state security chief, shall make rules to fulfill the duties described in this section.
- (5) The state security chief may delegate duties under this section to a sworn department member with the approval of the commissioner.
- Section 3. Section **53-22-103** is amended to read:
- 53-22-103 (Effective 07/01/25). County sheriff responsibilities -- Coordination.**
- (1) Each county sheriff shall identify an individual as a county security chief within the

sheriff's office to coordinate security responsibilities, protocols, and required trainings between the state security chief, the county sheriff's office, and the corresponding police chiefs whose jurisdiction includes a public school within the county.

(2) The county security chief shall:

(a) ~~[in collaboration with]~~ ensure the school safety and security specialist described in Section 53G-8-701.6 and the local law enforcement agency of relevant jurisdiction:

(i) ~~conduct[, or coordinate with a designee from the local law enforcement agency of relevant jurisdiction to conduct]~~ the school safety needs assessment described in Section 53G-8-701.5; and

(ii) conduct a building safety evaluation at least annually using the results of the school safety needs assessment to recommend and implement improvements to school facilities, policies, procedures, protocols, rules, and regulations relating to school safety and security;

(b) collaborate and maintain effective communications regarding school safety with each:

(i) school safety and security specialist in the county security chief's county, as described in Section 53G-8-701.6;

(ii) school safety and security director in the county security chief's county, as described in Section 53G-8-701.8; and

(iii) local law enforcement agency within the county;

(c) administer with the corresponding police chiefs whose jurisdiction includes a public school, the trainings described in Sections 53-22-105 and 53G-8-704, including:

(i) assessing if an individual is capable of the duties and responsibilities that the trainings cover; and

(ii) denying an individual the ability to be a school safety personnel described in Section 53G-8-701.5 if the county security chief finds the individual is not capable of the duties and responsibilities that the trainings cover; and

(d) in conjunction with the state security chief, ~~[administer]~~ ensure a local law enforcement of relevant jurisdiction administers the school guardian program established in Section 53-22-105 at any school participating in the program in the county security chief's county.

Section 4. Section **53-22-104.2** is amended to read:

**53-22-104.2 (Effective 07/01/25). The School Security Task Force -- Education Advisory Board.**



- 270 (1) There is created an advisory board to the task force called the Education Advisory  
271 Board.
- 272 (2) The advisory board shall consist of the following members:
- 273 (a) the state security chief, who acts as chair of the advisory board;
- 274 (b) the construction and facility specialist at the State Board of Education;
- 275 (c) a superintendent from a county of the fourth, fifth, or sixth class, whom the state  
276 security chief selects;
- 277 (d) a superintendent from a county of the first, second, or third class, whom the state  
278 security chief selects;
- 279 (e) a charter school director from a county of the fourth, fifth, or sixth class, who  
280 maintains administrative operations within the same county and whom the state  
281 security chief selects;
- 282 (f) a charter school director from a county of the first, second, or third class, whom the  
283 state security chief selects;
- 284 (g) the president of the Utah School Boards Association or the president's designee;
- 285 (h) a parent representative from a school community council or parent teacher  
286 organization, whom the state security chief selects;
- 287 (i) a facilities manager from an LEA in a county of the fourth, fifth, or sixth class, whom  
288 the state security chief selects;
- 289 (j) a facilities manager from an LEA in county of the first, second, or third class, whom  
290 the state security chief selects;
- 291 (k) a representative of private schools, whom the state security chief selects; and
- 292 (l) a member of the Office of Substance Abuse and Mental Health, whom the state  
293 security chief selects.
- 294 (3) The advisory board's purpose is to:
- 295 (a) review and provide input on official business of the task force;
- 296 (b) provide recommendations and suggestions for the task force's consideration; and
- 297 (c) study and evaluate the policies, procedures, and programs implemented for school  
298 safety and provide proactive information regarding the implementation.
- 299 (4)(a) A majority of the members of the advisory board constitutes a quorum.
- 300 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 301 (5)(a) The advisory board shall select two members to serve as co-chairs.
- 302 (b) The co-chairs are responsible for the call and conduct of meetings.
- 303 (6) The staff of the state security chief shall provide staff for the advisory board.

(7) A member of the advisory board who is not a legislator may not receive compensation for the member's work associated with the task force but may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under:

- (a) Sections 63A-3-106 and 63A-3-107; and
- (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

Section 5. Section **53-22-105** is amended to read:

**53-22-105 (Effective 07/01/25). School guardian program.**

(1) As used in this section:

(a) "Annual training" means an annual four-hour training that:

- (i) a ~~[county security chief or a designee administers]~~ local law enforcement of relevant jurisdiction administers;
- (ii) the state security chief approves;
- (iii) can be tailored to local needs;
- (iv) allows an individual to practice and demonstrate firearms proficiency at a firearms range using the firearm the individual carries for self defense and defense of others;
- (v) includes the following components:
  - (A) firearm safety, including safe storage of a firearm;
  - (B) de-escalation tactics;
  - (C) the role of mental health in incidents; and
  - (D) disability awareness and interactions; and
- (vi) contains other training needs as determined by the state security chief.

(b) "Biannual training" means a twice-yearly training that:

- (i) is at least four hours, unless otherwise approved by the state security chief;
- (ii) a ~~[county security chief or a designee administers]~~ local law enforcement of relevant jurisdiction administers;
- (iii) the state security chief approves;
- (iv) can be tailored to local needs; and
- (v) through which a school guardian at a school or simulated school environment:
  - (A) receives training on the specifics of the building or buildings of the school, including the location of emergency supplies and security infrastructure; and
  - (B) participates in a live-action practice plan with school administrators in

- 338                    responding to active threats at the school; and
- 339            (vi) shall be taken with at least three months in between the two trainings.
- 340        (c) "Firearm" means the same as that term is defined in Section 76-10-501.
- 341        (d) "Initial training" means an in-person training that:
- 342            (i) a ~~[county security chief or a designee administers]~~ local law enforcement of
- 343                relevant jurisdiction administers;
- 344            (ii) the state security chief approves;
- 345            (iii) can be tailored to local needs; and
- 346            (iv) provides:
- 347                (A) training on general familiarity with the types of firearms that can be concealed
- 348                    for self-defense and defense of others;
- 349                (B) training on the safe loading, unloading, storage, and carrying of firearms in a
- 350                    school setting;
- 351                (C) training at a firearms range with instruction regarding firearms fundamentals,
- 352                    marksmanship, the demonstration and explanation of the difference between
- 353                    sight picture, sight alignment, and trigger control, and a recognized pistol
- 354                    course;
- 355                (D) current laws dealing with the lawful use of a firearm by a private citizen,
- 356                    including laws on self-defense, defense of others, transportation of firearms,
- 357                    and concealment of firearms;
- 358                (E) coordination with law enforcement officers in the event of an active threat;
- 359                (F) basic trauma first aid;
- 360                (G) the appropriate use of force, emphasizing the de-escalation of force and
- 361                    alternatives to using force;
- 362                (H) situational response evaluations, including:
- 363                    (I) protecting and securing a crime or accident scene;
- 364                    (II) notifying law enforcement;
- 365                    (III) controlling information; and
- 366                    (IV) other training that the county sheriff, designee, or department deems
- 367                    appropriate.
- 368        (e) "Program" means the school guardian program created in this section.
- 369        (f)(i) "School employee" means an employee of a school whose duties and
- 370                responsibilities require the employee to be physically present at a school's campus
- 371                while school is in session.

- 372 (ii) "School employee" does not include a principal, teacher, or individual whose  
373 primary responsibilities require the employee to be primarily present in a  
374 classroom to teach, care for, or interact with students, unless:  
375 (A) the principal, teacher, or individual is employed at a school with 100 or fewer  
376 students;  
377 (B) the principal, teacher, or individual is employed at a school with adjacent  
378 campuses as determined by the state security chief; or  
379 (C) as provided in Subsection 53G-8-701.5(3).

380 (g) "School guardian" means a school employee who meets the requirements of  
381 Subsection (3).

382 (2)(a)(i) There is created within the department the school guardian program[;] .

383 (ii) [the] The state security chief shall oversee the school guardian program[;] .

384 (iii) [the] The applicable county security chief shall administer the school guardian  
385 program in each county.

386 (b) The state security chief shall ensure that the school guardian program includes:

- 387 (i) initial training;  
388 (ii) biannual training; and  
389 (iii) annual training.

390 (c) A county sheriff may partner or contract with:

- 391 (i) another county sheriff to support the respective county security chiefs in jointly  
392 administering the school guardian program in the relevant counties; and  
393 (ii) a local law enforcement agency of relevant jurisdiction to provide the:  
394 (A) initial training;  
395 (B) biannual training; and  
396 (C) annual training.

397 (3)(a) A school employee that volunteers to participate is eligible to join the program as  
398 a school guardian if:

- 399 (i) the school administrator approves the volunteer school employee to be designated  
400 as a school guardian;  
401 (ii) the school employee satisfactorily completes initial training within six months  
402 before the day on which the school employee joins the program;  
403 (iii) the school employee holds a valid concealed carry permit issued under [Title 53;  
404 Chapter 5, Part 7, Concealed Firearm Act;  
405 (iv) the school employee certifies to the sheriff of the county where the school is

- 406 located that the school employee has undergone the training in accordance with  
407 Subsection (3)(a)(ii) and intends to serve as a school guardian; and
- 408 (v) the school employee~~[- successfully completes a mental health screening selected~~  
409 ~~by the state security chief in collaboration with the Office of Substance Abuse and~~  
410 ~~Mental Health established in Section 26B-5-102.] :~~
- 411 (A) completes an initial "fit to carry" assessment the Department of Health and  
412 Human Services approves and a provider administers;
- 413 (B) completes one mental health screening per calendar year thereafter that the  
414 state security chief selects in collaboration with the Office of Substance Use  
415 and Mental Health established in Section 26B-5-102; and
- 416 (C) maintains compliance with mental health screening requirements consistent  
417 with law enforcement standards.
- 418 (b) After joining the program a school guardian shall complete annual training and  
419 biannual training to retain the designation of a school guardian in the program.
- 420 (4) The state security chief shall:
- 421 (a) for each school that participates in the program, track each school guardian at the  
422 school by collecting the photograph and the name and contact information for each  
423 guardian;
- 424 (b) make the information described in Subsection (4)(a) readily available to each law  
425 enforcement agency in the state categorized by school; and
- 426 (c) provide each school guardian with a one-time stipend of \$500.
- 427 (5) A school guardian:
- 428 (a) may store the school guardian's firearm on the grounds of a school only if:
- 429 (i) the firearm is stored in a biometric gun safe;
- 430 (ii) the biometric gun safe is located in the school guardian's office; and
- 431 (iii) the school guardian is physically present on the grounds of the school while the  
432 firearm is stored in the safe;
- 433 (b) shall carry the school guardian's firearm in a concealed manner; and
- 434 (c) may not, unless during an active threat, display or open carry a firearm while on  
435 school grounds.
- 436 (6) Except as provided in Subsection (5)(c), this section does not prohibit an individual who  
437 has a valid concealed carry permit but is not participating in the program from carrying a  
438 firearm on the grounds of a public school or charter school under Subsection 76-10-505.5  
439 (4).

- 440 (7) A school guardian:
- 441 (a) does not have authority to act in a law enforcement capacity; and
- 442 (b) may, at the school where the school guardian is employed:
- 443 (i) take actions necessary to prevent or abate an active threat; and
- 444 (ii) temporarily detain an individual when the school guardian has reasonable cause
- 445 to believe the individual has committed or is about to commit a forcible felony, as
- 446 that term is defined in Section 76-2-402.
- 447 (8) A school may designate a single volunteer or multiple volunteers to participate in the
- 448 school guardian program to satisfy the school safety personnel requirements of Section
- 449 53G-8-701.5.
- 450 (9) The department may adopt, according to Title 63G, Chapter 3, Utah Administrative
- 451 Rulemaking Act, rules to administer this section.
- 452 (10) A school guardian who has active status in the guardian program is not liable for any
- 453 civil damages or penalties if the school guardian:
- 454 (a) when carrying or storing a firearm:
- 455 (i) is acting in good faith; and
- 456 (ii) is not grossly negligent; or
- 457 (b) threatens, draws, or otherwise uses a firearm reasonably believing the action to be
- 458 necessary in compliance with Section 76-2-402.
- 459 (11) A school guardian shall file a report described in Subsection (12) if, during the
- 460 performance of the school guardian's duties, the school guardian points a firearm at an
- 461 individual.
- 462 (12)(a) A report described in Subsection (11) shall include:
- 463 (i) a description of the incident;
- 464 (ii) the identification of the individuals involved in the incident; and
- 465 (iii) any other information required by the state security chief.
- 466 (b) A school guardian shall submit a report required under Subsection (11) to the school
- 467 administrator, school safety and security director, and the state security chief within
- 468 48 hours after the incident.
- 469 (c) The school administrator, school safety and security director, and the state security
- 470 chief shall consult and review the report submitted under Subsection (12)(b).
- 471 (13) The requirements of Subsections (11) and (12) do not apply to a training exercise.
- 472 (14) A school guardian may have the designation of school guardian revoked at any time by
- 473 the school principal, county sheriff, or state security chief.

(15)(a) Any information or record created detailing a school guardian's participation in the program is:

(i) a private, controlled, or protected record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(ii) available only to:

(A) the state security chief;

(B) administrators at the school guardian's school;

(C) if applicable, other school safety personnel described in Section 53G-8-701.5;

(D) a local law enforcement agency that would respond to the school in case of an emergency; and

(E) the individual designated by the county sheriff in accordance with Section 53-22-103 of the county of the school where the school guardian in the program is located.

(b) The information or record described in Subsection (15)(a) includes information related to the school guardian's identity and activity within the program as described in this section and any personal identifying information of a school guardian participating in the program collected or obtained during initial training, annual training, and biannual training.

(c) An individual who intentionally or knowingly provides the information described in Subsection (15)(a) to an individual or entity not listed in Subsection (15)(a)(ii) is guilty of a class B misdemeanor.

Section 6. Section **53-22-106** is amended to read:

**53-22-106 (Effective 07/01/25). Substantial threats against a school reporting requirements -- Exceptions.**

(1) As used in this section, "substantial threat" means a threat made with serious intent to cause harm.

(2) Except as provided in Subsection (3), if a state employee or person in a position of special trust as defined in Section 76-5-404.1, including an individual licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67, Utah Medical Practice Act, has reason to believe a substantial threat against a school, school employee, or student attending a school or is aware of circumstances that would reasonably result in a substantial threat against a school, school employee, or student attending a school, the state employee or person in a position of special trust shall immediately report the suspected substantial threat to:

508       ~~[(a) the state security chief;]~~

509       ~~[(b)]~~ (a) the local education agency that the substantial threat would impact; or

510       ~~[(c)]~~ (b) to the nearest peace officer or law enforcement agency.

511       (3)(a)(i) If the state security chief, a peace officer, or law enforcement agency  
512       receives a report under Subsection (2), the state security chief, peace officer, or  
513       law enforcement agency shall immediately notify the local education agency that  
514       the substantial threat would impact.

515               (ii) If the local education agency that the substantial threat would impact receives a  
516               report under Subsection (2), the local education agency that the substantial threat  
517               would impact shall immediately notify the appropriate local law enforcement  
518               agency and the state security chief.

519       (b)(i) A local education agency that the substantial threat would impact shall  
520       coordinate with the law enforcement agency on the law enforcement agency's  
521       investigation of the report described in Subsection (1).

522               (ii) If a law enforcement agency undertakes an investigation of a report under  
523               Subsection (2), the law enforcement agency shall provide a final investigatory  
524               report to the local education agency that the substantial threat would impact upon  
525               request.

526       (4) Subject to Subsection (5), the reporting requirement described in Subsection (2) does  
527       not apply to:

528       (a) a member of the clergy with regard to any confession an individual makes to the  
529       member of the clergy while functioning in the ministerial capacity of the member of  
530       the clergy if:

531               (i) the individual made the confession directly to the member of the clergy;

532               (ii) the member of the clergy is, under canon law or church doctrine or practice,  
533               bound to maintain the confidentiality of the confession; and

534               (iii) the member of the clergy does not have the consent of the individual making the  
535               confession to disclose the content of the confession; or

536       (b) an attorney, or an individual whom the attorney employs, if:

537               (i) the knowledge or belief of the substantial threat arises from the representation of a  
538               client; and

539               (ii) if disclosure of the substantial threat would not reveal the substantial threat to  
540               prevent reasonably certain death or substantial bodily harm in accordance with  
541               Utah Rules of Professional Conduct, Rule 1.6.



- (5)(a) When a member of the clergy receives information about the substantial threat from any source other than a confession, the member of the clergy shall report the information even if the member of the clergy also received information about the substantial threat from the confession of the perpetrator.
- (b) Exemption of the reporting requirement for an individual described in Subsection (4) does not exempt the individual from any other actions required by law to prevent further substantial threats or actual harm related to the substantial threat.
- (6) The physician-patient privilege does not:
- (a) excuse an individual who is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, from reporting under this section; or
- (b) constitute grounds for excluding evidence in a judicial or administrative proceeding resulting from a report under this section.

Section 7. Section **53-22-108** is enacted to read:

**53-22-108 (Effective 07/01/25). School safety foundation.**

(1) As used in this section:

- (a) "Authorized foundation" means a nonprofit foundation that:
- (i) meets the requirements of this section; and
- (ii) the state security chief authorizes.
- (b) "School safety product" means equipment, technology, service, or material that enhances school safety and security.

(2) The state security chief may approve a nonprofit foundation to be an authorized foundation if the foundation:

- (a) maintains status as a nonprofit organization under 26 U.S.C. Sec. 501(c)(3);
- (b) has operated continuously in the state for three or more years;
- (c) maintains a primary mission focused on school safety;
- (d) operates under a board of directors that includes:
- (i) a law enforcement representative;
- (ii) an educator or school administrator; and
- (iii) an emergency management professional;
- (e) demonstrates financial stability through:
- (i) an annual independent audit;
- (ii) maintained reserves; and
- (iii) a clean financial record; and

- 576 (f) provides evidence of:  
577 (i) successful project management;  
578 (ii) an existing relationship with an educational institution; and  
579 (iii) knowledge of school safety requirements described in federal and state law.
- 580 (3) A foundation seeking authorization shall submit to the state security chief:  
581 (a) a written application that demonstrates compliance with Subsection (2);  
582 (b) a financial record for the previous three years;  
583 (c) a current board member qualification;  
584 (d) a proposed school safety initiative; and  
585 (e) an internal procurement policy.
- 586 (4) The state security chief shall:  
587 (a) review an application within 60 days;  
588 (b) request additional information if needed;  
589 (c) issue a written decision; and  
590 (d) maintain a public record of an authorized foundation.
- 591 (5) An authorized foundation may:  
592 (a) participate in a state cooperative contract in accordance with Section 63G-6a-2105;  
593 (b) make a bulk purchase of a school safety product; and  
594 (c) in coordination with the state security chief and the School Safety Center:  
595 (i) facilitate a donation of a school safety product; and  
596 (ii) distribute a product to a qualifying school.
- 597 (6) An authorized foundation shall:  
598 (a) follow Title 63G, Chapter 6a, Utah Procurement Code, when utilizing a state  
599 contract;  
600 (b) maintain separate accounting for a school safety purchase;  
601 (c) by August 1 of each year, submit an annual report to the state security chief that  
602 includes:  
603 (i) a product procured through a state contract;  
604 (ii) all schools served;  
605 (iii) the total value of a donation facilitated; and  
606 (iv) a compliance certification; and  
607 (d) renew authorization every three years.
- 608 (7) The state security chief:  
609 (a) may revoke authorization if the authorized foundation:

- (i) fails to maintain a requirement of this section;
- (ii) violates Title 63G, Chapter 6a, Utah Procurement Code;
- (iii) engages in financial mismanagement; or
- (iv) submits false information in a report required by this section; and
- (b) shall, before revoking authorization:
  - (i) provide written notice to the foundation;
  - (ii) allow a 30-day period to remedy the violation;
  - (iii) provide an opportunity for a hearing; and
  - (iv) issue a final written decision.

(8) Authorization under this section does not:

- (a) create state liability;
- (b) imply state endorsement;
- (c) override a local procurement requirement; and
- (d) exempt the foundation from an applicable law.

Section 8. Section **53-22-109** is enacted to read:

**53-22-109 (Effective 07/01/25). School safety -- Compliance.**

(1) As used in this section:

- (a) "Compliance issue" means a violation of a school safety requirement under:
  - (i) this chapter; or
  - (ii) rules established in accordance with this chapter.
- (b) "Tiered system of support" means an escalating system of:
  - (i) technical assistance;
  - (ii) intervention; and
  - (iii) corrective action.

(2) The state security chief shall, in collaboration with the School Safety Center:

- (a) establish a tiered system of support for a compliance issue;
- (b) develop implementation procedures for the system; and
- (c) define criteria for:
  - (i) evaluating a compliance issue;
  - (ii) assigning an appropriate tier; and
  - (iii) monitoring progress.

(3) In establishing the system under Subsection (2), the state security chief and School Safety Center shall consider:

- (a) severity of the compliance issue;

- (b) risk to student and staff safety;
- (c) available technical assistance resources;
- (d) local education agency capacity; and
- (e) required corrective action timelines.

Section 9. Section **53-25-601** is enacted to read:

#### **Part 6. Requirements for School Safety**

##### **53-25-601 (Effective 07/01/25). Requirements for school safety.**

(1) As used in this section:

- (a) "Local law enforcement agency" means the law enforcement agency with primary jurisdiction over a school's physical location.
- (b) "School safety needs assessment" means the assessment required under Section 53G-8-701.5.
- (c) "Security camera system" means the system described in Section 53G-8-805.

(2) Each local law enforcement agency shall:

- (a) conduct annual school safety needs assessments as required by Section 53G-8-701.5 for each school within the local law enforcement's jurisdiction;
- (b) ensure the school safety and security specialist for each school submits the completed assessments to the county security chief by October 15 of each year;
- (c) coordinate with each school within the local law enforcement's jurisdiction to obtain and maintain access to school security camera systems as described in Section 53G-8-805; and
- (d) coordinate with the relevant county security chiefs as specified in Section 53-22-103.

Section 10. Section **53B-28-401** is amended to read:

##### **53B-28-401 (Effective 07/01/25). Campus safety plans and training -- Institution duties -- Governing board duties.**

(1) As used in this section:

- (a) "Covered offense" means:
  - (i) sexual assault;
  - (ii) domestic violence;
  - (iii) dating violence; or
  - (iv) stalking.
- (b) "Institution" means an institution of higher education described in Section 53B-1-102.
- (c) "Student organization" means a club, group, sports team, fraternity or sorority, or

other organization:

(i) of which the majority of members is composed of students enrolled in an institution; and

(ii)(A) that is officially recognized by the institution; or

(B) seeks to be officially recognized by the institution.

(2) An institution shall develop a campus safety plan that addresses:

(a) where an individual can locate the institution's policies and publications related to a covered offense;

(b) institution and community resources for a victim of a covered offense;

(c) the rights of a victim of a covered offense, including the measures the institution takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in the reporting and response to a covered offense;

(d) how the institution informs the campus community of a crime that presents a threat to the campus community;

(e) availability, locations, and methods for requesting assistance of security personnel on the institution's campus;

(f) guidance on how a student may contact law enforcement for incidents that occur off campus;

(g) institution efforts related to increasing campus safety, including efforts related to the institution's increased response in providing services to victims of a covered offense, that:

(i) the institution made in the preceding 18 months; and

(ii) the institution expects to make in the upcoming 24 months;

(h) coordination and communication between institution resources and organizations, including campus law enforcement;

(i) institution coordination with local law enforcement or community resources, including coordination related to a student's safety at an off-campus location; and

(j) how the institution requires a student organization to provide the campus safety training as described in Subsection (5).

(3) An institution shall:

(a) prominently post the institution's campus safety plan on the institution's website and each of the institution's campuses; and

(b) annually update the institution's campus safety plan.

(4) An institution shall develop a campus safety training curriculum that addresses:

(a) awareness and prevention of covered offenses, including information on institution and community resources for a victim of a covered offense;

(b) bystander intervention; and

(c) sexual consent.

(5) An institution shall require a student organization, in order for the student organization to receive or maintain official recognition by the institution, to annually provide campus safety training, using the curriculum described in Subsection (4), to the student organization's members.

~~[(6) An institution shall report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committees' November meetings, on crime statistics aggregated by housing facility as described in Subsection 53B-28-403(2).]~~

Section 11. Section **53B-28-403** is amended to read:

**53B-28-403 (Effective 07/01/25). Student housing crime reporting.**

(1) As used in this section:

(a) "Campus law enforcement" means an institution's police department.

(b) "Crime statistics" means the number of each of the crimes in 34 C.F.R. Sec. 668.46(c)(1) that are reported to a local police agency or campus law enforcement, listed by type of crime.

(c) "Institution" means an institution of higher education described in Section 53B-2-101.

(d)(i) "Institution noncampus housing facility" means a building or property that:

(A) is used for housing students;

(B) is not part of the institution's campus; and

(C) the institution owns, manages, controls, or leases;

(ii) "Institution noncampus housing facility" includes real property that is adjacent to, and is used in direct support of, the building or property described in Subsection (1)(d)(i).

(e) "Local law enforcement agency" means a state or local law enforcement agency other than campus law enforcement.

(f)(i) "On-campus housing facility" means a building or property that is:

(A) used for housing students; and

(B) part of the institution's campus.

(ii) "On-campus housing facility" includes real property that is:

(A) adjacent to the on-campus housing facility; and

- 745 (B) used in direct support of the on-campus housing facility.
- 746 (g) "Student housing" means:
- 747 (i) an institution noncampus housing facility;
- 748 (ii) an on-campus housing facility; or
- 749 (iii) a student organization noncampus housing facility.
- 750 (h) "Student organization" means the same as that term is defined in Section 53B-28-401.
- 751 (i) "Student organization noncampus housing facility" means a building or property that:
- 752 (i) is used for housing students;
- 753 (ii) is not part of the institution's campus; and
- 754 (iii)(A) a student organization owns, manages, controls, or leases; or
- 755 (B) is real property that is adjacent to the student organization noncampus housing
- 756 facility and is used in direct support of the noncampus housing facility.
- 757 (2) An institution with the types of housing facilities described in this Subsection (2) shall:
- 758 (a) create a report of crime statistics aggregated by:
- 759 (i) on-campus housing facility, identified and listed individually using the institution's
- 760 system for inventorying institution facilities;
- 761 (ii) institution noncampus housing facility, identified and listed individually using the
- 762 institution's system for inventorying institution facilities; and
- 763 (iii) student organization noncampus housing facilities, identified and listed
- 764 individually using the institution's system for identifying student organization
- 765 noncampus housing facilities; and
- 766 (b) ~~[include the report described in Subsection (2)(a) in the report described in~~
- 767 ~~Subsection 53B-28-401(6).]~~ report annually to the Education Interim Committee and
- 768 the Law Enforcement and Criminal Justice Interim Committee, at or before the
- 769 committee's November meetings, on crime statistics aggregated by housing facility
- 770 as described in Subsection(2)(a).
- 771 (3) An institution that does not have the types of housing described in Subsection (2) shall
- 772 report the crime statistics as required by 20 U.S.C. Section 1092(f), the Jeanne Clery
- 773 Disclosure of Campus Security Policy and Campus Crime Statistics Act, to the entities
- 774 specified in Subsection (2).
- 775 (4) Upon request from an institution, a local law enforcement agency shall provide to the
- 776 institution crime statistics for each student housing facility over which the local law
- 777 enforcement agency has jurisdiction.
- 778 [(4)] (5) Except as provided in Section 53B-28-303, when campus law enforcement receives

a complaint or report of a crime that campus law enforcement reasonably determines occurred outside of campus law enforcement's jurisdiction, campus law enforcement shall share any record of the complaint or report with the local law enforcement agency with jurisdiction.

Section 12. Section **53G-8-701** is amended to read:

**53G-8-701 (Effective 07/01/25). Definitions.**

As used in this part:

- (1) "Armed school security guard" means the same as that term is defined in Section [53G-8-804] 53G-8-704.
- (2) "County security chief" means the same as that term is defined in Section 53-22-101.
- (3) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
- (4) "Public school" means the same as that term is defined in Section 53G-9-205.1.
- (5) "School guardian" means the same as that term is defined in Section 53-22-106.
- (6) "School is in session" means the same as that term is defined in Section 53E-3-516.
- (7) "School resource officer" means a law enforcement officer, as defined in Section 53-13-103, who contracts with or whose law enforcement agency contracts with an LEA to provide law enforcement services for the LEA.
- (8) "School safety and security director" means an individual whom an LEA designates in accordance with Section 53G-8-701.8.
- (9) "School safety and security specialist" means a school employee designated under Section 53G-8-701.6 who is responsible for supporting school safety initiatives.
- (10) "School [~~safety center~~] Safety Center" means the same as that term is defined in Section 53G-8-801.
- (11) "State security chief" means the same as that term is defined in Section 53-22-101.

Section 13. Section **53G-8-701.5** is amended to read:

**53G-8-701.5 (Effective 07/01/25). School safety needs assessment -- School safety personnel -- Alternative requirements.**

- (1)(a) No later than [~~December 31, 2024~~] October 15 of each year, an LEA shall:
  - (i) ensure a school safety needs assessment is conducted in accordance with Subsection (1)(b) for each school within the LEA to determine the needs and deficiencies regarding:
    - (A) appropriate school safety personnel, including necessary supports, training, and policy creation for the personnel;
    - (B) physical building security and safety, including required upgrades to facilities



- 813 and safety technology, and a list of current deferred maintenance; and
- 814 (C) a school's current threat and emergency response protocols, including any
- 815 emergency response agreements with local law enforcement; and
- 816 (ii) report the results of the school safety needs assessment for each school within the
- 817 LEA to the state security chief and the School Safety Center.
- 818 (b) The school safety specialist described in Section 53G-8-701.6 in collaboration with
- 819 the ~~[county security chief or designee described in Section 53-22-103]~~ local law
- 820 enforcement of relevant jurisdiction over the school shall conduct the school safety
- 821 needs assessment for each school.
- 822 (c) In collaboration with the School Safety Center described in Section 53G-8-802, the
- 823 state security chief described in Section 53-22-102 shall create a school safety needs
- 824 assessment that an LEA shall use to ensure compliance with this Subsection (1).
- 825 (d) The state board shall use the results of the school safety needs assessment for each
- 826 school within an LEA to award a grant to an LEA in accordance with Section
- 827 53F-5-220.
- 828 (e) Any information or record detailing a school's needs assessment results is:
- 829 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government
- 830 Records Access and Management Act; and
- 831 (ii) available only to:
- 832 (A) the state security chief;
- 833 (B) the School Safety Center;
- 834 (C) members of an LEA governing board;
- 835 (D) administrators of the LEA and school the needs assessment concerns;
- 836 (E) only to the extent necessary to award a grant under Section 53F-5-220, the
- 837 state board;
- 838 (F) the applicable school safety personnel described in Subsection (2);
- 839 (G) a local law enforcement agency that would respond to the school in case of an
- 840 emergency; and
- 841 (H) the county security chief.
- 842 (f) An individual who intentionally or knowingly provides the information described in
- 843 Subsection (1)(e) to an individual or entity not listed in Subsection (1)(e)(ii) is guilty
- 844 of a class B misdemeanor.
- 845 (2)(a) An LEA shall ensure each school within the LEA has the following school safety
- 846 personnel:

- 847 (i) a school safety and security specialist described in Section 53G-8-701.6; and  
848 (ii) based on the results of the needs assessment described in Subsection (1), at least  
849 one of the following:  
850 (A) a school resource officer;  
851 (B) a school guardian; or  
852 (C) an armed school security guard.
- 853 (b) In addition to the school safety personnel described in Subsection (2)(a), an LEA  
854 shall designate a school safety and security director described in Section 53G-8-701.8.
- 855 (c) ~~[If a school has more than 350 students enrolled at the school, the]~~ The same  
856 individual may [not] serve in more than one of the roles listed in Subsections (2)(a)  
857 and (b) if the school notifies the School Safety Center and the state security chief of  
858 the decision to have the same individual serve in multiple roles as described in this  
859 Subsection (2).
- 860 (d) An LEA may implement the requirements of Subsection (2)(a)(ii) before the LEA  
861 has completed the school safety needs assessment described in Subsection (1).
- 862 (e) The state security chief in consultation with the School Safety Center shall establish  
863 a timeline for an LEA to comply with the school safety personnel requirements of  
864 this Subsection (2).
- 865 (3)(a) An LEA, school administrator, or private school may apply to the state security  
866 chief for an approved alternative to the requirements described in:  
867 (i) Section 53-22-105;  
868 (ii) this section;  
869 (iii) Section 53G-8-701.6;  
870 (iv) Section 53G-8-701.8; and  
871 (v) Section 53G-8-704.
- 872 (b) In approving or denying an application described in Subsection (3)(a), the state  
873 security chief may consider factors that impact a school or LEA's ability to adhere to  
874 the requirements of this section, including the school or LEA's:  
875 (i) population size;  
876 (ii) staffing needs or capacity;  
877 (iii) geographic location;  
878 (iv) available funding; or  
879 (v) general demonstration of need for an alternative to the requirements of this  
880 section.

- (4) A private school shall identify an individual at the private school to serve as the safety liaison with the local law enforcement of relevant jurisdiction and the state security chief.

Section 14. Section **53G-8-701.6** is amended to read:

**53G-8-701.6 (Effective 07/01/25). School safety and security specialist.**

- (1) As used in this section, "principal" means the chief administrator at a public school, including:
- (a) a school principal;
  - (b) a charter school director; or
  - (c) the superintendent of the Utah Schools for the Deaf and the Blind.
- (2)(a) Subject to Subsection (2)(b) and except as provided in Subsection 53G-8-701.5(3), every campus within an LEA shall designate a school safety and security specialist from the employees of the relevant campus.
- (b) The school safety and security specialist:
- (i) may not be a principal; and
  - (ii) may be the school safety and security director at one campus within the LEA.
- (3) The school safety and security specialist shall:
- (a) report directly to the principal;
  - (b) oversee school safety and security practices to ensure a safe and secure school environment for students and staff;
  - (c) ensure adherence with all policies, procedures, protocols, rules, and regulations relating to school safety and security through collaborating and maintaining effective communications with the following as applicable:
    - (i) the principal;
    - (ii) school staff;
    - (iii) the school resource officer;
    - (iv) the armed school security guard;
    - (v) the school guardian;
    - (vi) local law enforcement;
    - (vii) the county security chief;
    - (viii) the school safety and security director;
    - (ix) the LEA; and
    - (x) school-based behavioral and mental health professionals;
  - (d) in collaboration with the ~~[county security chief or designee described in Section 53-22-103]~~ local law enforcement of relevant jurisdiction over the school:

- 915 (i) conduct the school safety needs assessment described in Section 53G-8-701.5; and
- 916 (ii) conduct a building safety evaluation at least annually using the results of the
- 917 school safety needs assessment to recommend and implement improvements to
- 918 school facilities, policies, procedures, protocols, rules, and regulations relating to
- 919 school safety and security;
- 920 (e) ~~[if the specialist is also an employee of an LEA, ]~~participate on the multidisciplinary
- 921 team that the ~~[LEA]~~ school establishes;
- 922 (f) conduct a behavioral threat assessment when the school safety and security specialist
- 923 deems necessary using an evidence-based tool the state security chief recommends in
- 924 consultation with the school safety center and the Office of Substance ~~[Abuse]~~ Use
- 925 and Mental Health;
- 926 (g) regularly monitor and report to the principal, local law enforcement, and, if
- 927 applicable, the LEA superintendent or designee, security risks for the school resulting
- 928 from:
- 929 (i) issues with school facilities; or
- 930 (ii) the implementation of practices, policies, procedures, and protocols relating to
- 931 school safety and security;
- 932 (h) coordinate with local first responder agencies to implement and monitor safety and
- 933 security drills in accordance with policy and applicable procedures and protocols;
- 934 (i) ensure that school staff, and, when appropriate, students, receive training on and
- 935 remain current on the school's safety and security procedures and protocols;
- 936 (j) following an event where security of the school has been significantly compromised,
- 937 organize a debriefing with the individuals listed in Subsection (3)(c) following the
- 938 recommendations from the state security chief, in collaboration with the School
- 939 Safety Center, regarding strengthening school safety and security practices, policies,
- 940 procedures, and protocols;
- 941 (k) abide by any LEA, school, or law enforcement agency policy outlining the chain of
- 942 command;
- 943 (l) during an emergency, coordinate with the following individuals as applicable, the:
- 944 (i) school resource officer;
- 945 (ii) school guardians;
- 946 (iii) armed school security guards;
- 947 (iv) school administrators; and
- 948 (v) responding law enforcement officers;

- (m) follow any LEA, school, or law enforcement agency student privacy policies, including state and federal privacy laws;
- (n) participate in an annual training the state security chief selects in consultation with the School Safety Center; and
- (o) remain current on:
  - (i) a comprehensive school guideline the state security chief selects;
  - (ii) the duties of a school safety and security specialist described in this Subsection (3); and
  - (iii) the school's emergency response plan.

- (4) During an active emergency at the school, the school safety and security specialist is subordinate to any responding law enforcement officers.

Section 15. Section **53G-8-701.8** is amended to read:

**53G-8-701.8 (Effective 07/01/25). School safety and security director.**

- (1) Except as provided in Subsection 53G-8-701.5(3), an LEA shall designate a school safety and security director as the LEA point of contact for the county security chief, local law enforcement, and the state security chief.
- (2) A school safety and security director shall:
  - (a) participate in and satisfy the training requirements~~[-, including the annual and biannual requirements, described in]~~ as follows:
    - (i) only once, the training requirements described in Section 53-22-105 for school guardians;
    - (ii) ~~[Section 53G-8-702 for]~~ the school resource [officers] officer and administrator training the School Safety Center provides described in Section 53G-8-702; and
    - ~~[(iii) Section 53G-8-704 for armed school security guards;]~~
  - (b) if serving as a backup school guardian, have a valid concealed carry permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act;
  - (c) if the designee is an employee of an LEA, participate on the multidisciplinary team the LEA establishes;
  - (d) coordinate security responses among, if applicable, the following individuals in the LEA that employs the school safety and security director:
    - (i) school safety and security specialists;
    - (ii) school resource officers;
    - (iii) armed school security guards; and
    - (iv) school guardians; and

- (e) collaborate and maintain effective communications with local law enforcement, a county security chief, the LEA, and school-based behavioral and mental health professionals to ensure adherence with all policies, procedures, protocols, rules, and regulations relating to school safety and security.

(3) A school safety and security director:

- (a) does not have authority to act in a law enforcement capacity; and
- (b) may, at the LEA that employs the director:
- (i) take actions necessary to prevent or abate an active threat; and
- (ii) temporarily detain an individual when the school safety and security director has reasonable cause to believe the individual has committed or is about to commit a forcible felony, as that term is defined in Section 76-2-402[;] .

(4) Notwithstanding Subsection 76-10-505.5(4), if a school safety and security director is carrying a firearm, the school safety and security director shall carry the school safety and security director's firearm in a concealed manner and may not, unless during an active threat, display or open carry a firearm while on school grounds.

(5) A school may use the services of the school safety and security director on a temporary basis to satisfy the school safety personnel requirement of Subsection 53G-8-701.5(2).

(6) The state security chief shall:

- (a) for each school safety and security director, track each school safety and security director by collecting the photograph and the name and contact information for each school safety and security director; and
- (b) make the information described in Subsection (6)(a) readily available to each law enforcement agency in the state categorized by LEA.

Section 16. Section **53G-8-704** is amended to read:

**53G-8-704 (Effective 07/01/25). Contracts between an LEA and a contract security company for armed school security guards.**

(1) As used in this section:

- (a) "Armed private security officer" means the same as that term is defined in Section 58-63-102.
- (b) "Armed school security guard" means an armed private security officer who~~-is~~:
- (i) is licensed as an armed private security officer under Title 58, Chapter 63, Security Personnel Licensing Act; and
- (ii) has met the requirements described in Subsection (4)(a).
- (c) "Contract security company" means the same as that term is defined in Section

1017 58-63-102.

1018 (d) "State security chief" means the same as that term is defined in Section 53-22-102.

1019 (2)(a) An LEA may use an armed school security guard to satisfy the school safety  
1020 personnel requirements of Section 53G-8-701.5.

1021 (b) An LEA that uses an armed school security guard under Subsection (2)(a) shall  
1022 contract with a contract security company to provide armed school security guards at  
1023 each school within the LEA.

1024 (3) The contract described in Subsection (2)(b) shall include a detailed description of:

1025 (a) the rights of a student under state and federal law with regard to:

1026 (i) searches;

1027 (ii) questioning;

1028 (iii) arrests; and

1029 (iv) information privacy;

1030 (b) job assignment and duties of an armed school security guard, including:

1031 (i) the school to which an armed school security guard will be assigned;

1032 (ii) the hours an armed school security guard is present at the school;

1033 (iii) the point of contact at the school that an armed school security guard will contact  
1034 in case of an emergency;

1035 (iv) specific responsibilities for providing and receiving information;

1036 (v) types of records to be kept, and by whom; and

1037 (vi) training requirements; and

1038 (c) other expectations of the contract security company in relation to school security at  
1039 the LEA.

1040 (4)(a) In addition to the requirements for licensure under Title 58, Chapter 63, Security  
1041 Personnel Licensing Act, an armed private security officer may only serve as an  
1042 armed school security guard under a contract described in Subsection (2)(b) if the  
1043 armed private security officer:

1044 (i) has a valid concealed carry permit issued under Title 53, Chapter 5, Part 7,  
1045 Concealed Firearm Act; ~~and~~

1046 (ii) has undergone training from a county security chief regarding:

1047 (A) the safe loading, unloading, storage, and carrying of firearms in a school  
1048 setting;

1049 (B) the role of armed security guards in a school setting; and

1050 (C) coordination with law enforcement and school officials during an active threat[.];

- 1051            (iii) completes an initial "fit to carry" assessment the Department of Health and  
1052            Human Services approves and a provider administers;  
1053            (iv) completes one mental health screening per calendar year thereafter; and  
1054            (v) maintains compliance with mental health screening requirements consistent with  
1055            law enforcement standards.
- 1056        (b) An armed school security guard that meets the requirements of Subsection (4)(a)  
1057            shall, in order to remain eligible to be assigned as an armed school security guard at  
1058            any school under a contract described in Subsection (2)(b), participate in and satisfy  
1059            the training requirements of the initial, annual, and biannual trainings as defined in  
1060            Section 53-22-105.
- 1061        (5) An armed school security guard may conceal or openly carry a firearm at the school at  
1062            which the armed school security guard is employed under the contract described in  
1063            Subsection (2)(b).
- 1064        (6) An LEA that enters a contract under this section shall inform the state security chief and  
1065            the relevant county security chief of the contract and provide the contact information of  
1066            the contract security company employing the armed security guard for use during an  
1067            emergency.
- 1068        (7) The state security chief shall:
- 1069            (a) for each LEA that contracts with a contract security company under this section,  
1070            track each contract security company providing armed school security guards by  
1071            name and the contact information for use in case of an emergency; and  
1072            (b) make the information described in Subsection (7)(a) readily available to each law  
1073            enforcement agency in the state by school.
- 1074        (8) An armed school security guard shall file a report described in Subsection (9) if, during  
1075            the performance of the armed school security guard's duties, the armed school security  
1076            guard:
- 1077            (a) points a firearm at an individual; or  
1078            (b) aims a conductive energy device at an individual and displays the electrical current.
- 1079        (9)(a) A report described in Subsection (8) shall include:
- 1080            (i) a description of the incident;  
1081            (ii) the identification of the individuals involved in the incident; and  
1082            (iii) any other information required by the state security chief.
- 1083        (b) An armed school security guard shall submit a report required under Subsection (8)  
1084            to the school administrator, school safety and security director, and the state security



- 1085 chief within 48 hours after the incident.
- 1086 (c) The school administrator, school safety and security director, and the state security  
1087 chief shall consult and review the report submitted under Subsection (9)(b).
- 1088 Section 17. Section **53G-8-802** is amended to read:
- 1089 **53G-8-802 (Effective 07/01/25). State Safety and Support Program -- State**  
1090 **board duties -- LEA duties.**
- 1091 (1) There is created the School Safety Center.
- 1092 (2) The School Safety Center shall:
- 1093 (a) develop in conjunction with the Office of Substance Use and Mental Health and the  
1094 state security chief model student safety and support policies for an LEA, including:
- 1095 (i) requiring an evidence-based behavior threat assessment that includes:
- 1096 (A) recommended interventions with an individual whose behavior poses a threat  
1097 to school safety; and
- 1098 (B) establishes defined roles for a multidisciplinary team and school safety  
1099 personnel described in Title 53G, Chapter 8, Part 7, School Safety Personnel,  
1100 including:
- 1101 (ii) procedures for referrals to law enforcement; and
- 1102 (iii) procedures for referrals to a community services entity, a family support  
1103 organization, or a health care provider for evaluation or treatment;
- 1104 (b) provide training in consultation with the state security chief:
- 1105 (i) in school safety;
- 1106 (ii) in evidence-based approaches to improve school climate and address and correct  
1107 bullying behavior;
- 1108 (iii) in evidence-based approaches in identifying an individual who may pose a threat  
1109 to the school community;
- 1110 (iv) in evidence-based approaches in identifying an individual who may be showing  
1111 signs or symptoms of mental illness;
- 1112 (v) on permitted disclosures of student data to law enforcement and other support  
1113 services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec.  
1114 1232g;
- 1115 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections  
1116 53E-9-203 and 53E-9-305; and
- 1117 (vii) for administrators on rights and prohibited acts under:
- 1118 (A) Chapter 9, Part 6, Bullying and Hazing;

- 1119 (B) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.;
- 1120 (C) Title IX of Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;
- 1121 (D) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.; and
- 1122 (E) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.;
- 1123 (c) conduct and disseminate evidence-based research on school safety concerns;
- 1124 (d) disseminate information on effective school safety initiatives;
- 1125 (e) encourage partnerships between public and private sectors to promote school safety;
- 1126 (f) provide technical assistance to an LEA in the development and implementation of
- 1127 school safety initiatives;
- 1128 (g) in conjunction with the state security chief, make available to an LEA the model
- 1129 critical incident response training program a school and law enforcement agency
- 1130 shall use during a threat;
- 1131 (h) provide space for the public safety liaison described in Section 53-1-106 and the
- 1132 school-based mental health specialist described in Section 26B-5-102;
- 1133 (i) collaborate with the state security chief to determine appropriate application of school
- 1134 safety requirements in Utah Code to an online school;
- 1135 (j) create a model school climate survey that may be used by an LEA to assess
- 1136 stakeholder perception of a school environment;
- 1137 (k) establish a charter school liaison including defined responsibilities for charter school
- 1138 communication and coordination with the School Safety Center;
- 1139 (l) assist a foundation described in Section 53-22-108 in distributing school safety
- 1140 products if a foundation seeks assistance; and
- 1141 ~~[(k)]~~ (m) collect aggregate data and school climate survey results from an LEA that
- 1142 administers the model school climate survey described in Subsection ~~[(2)(i)]~~ (2)(j).
- 1143 (3) Nothing in this section requires:
- 1144 (a) an individual to respond to a school climate survey; or
- 1145 (b) an LEA to use the model school climate survey or any specified questions in the
- 1146 model school climate survey described in Subsection ~~[(2)(i)]~~ (2)(j).
- 1147 (4) The state board shall require an LEA to:
- 1148 (a)(i) if an LEA administers a school climate survey, review school climate data for
- 1149 each school within the LEA; and
- 1150 (ii) based on the review described in Subsection (4)(a)(i):
- 1151 (A) revise practices, policies, and training to eliminate harassment and
- 1152 discrimination in each school within the LEA;

- 1153 (B) adopt a plan for harassment- and discrimination-free learning; and  
 1154 (C) host outreach events or assemblies to inform students and parents of the plan  
 1155 adopted under Subsection (4)(a)(ii)(B);
- 1156 (b) no later than September 1 of each school year, send a notice to each student, parent,  
 1157 and LEA staff member stating the LEA's commitment to maintaining a school  
 1158 climate that is free of harassment and discrimination; and
- 1159 (c) report to the state board annually on the LEA's implementation of the plan under  
 1160 Subsection (4)(a)(ii)(B) and progress.

1161 Section 18. Section **53G-8-805** is amended to read:

1162 **53G-8-805 (Effective 07/01/25). Panic alert device -- Security cameras.**

- 1163 (1) In accordance with the results of the school safety needs assessment described in  
 1164 Section 53G-8-701.5, an LEA shall provide ~~[a staff person]~~ the lead teacher in each  
 1165 classroom with a wearable panic alert device that ~~[allows for immediate contact with~~  
 1166 ~~emergency services or emergency services agencies, law enforcement agencies, health~~  
 1167 ~~departments, and fire departments]~~ shall communicate directly with public safety  
 1168 answering points.
- 1169 (2) An LEA shall ensure, before the school year begins, all school building personnel  
 1170 receive training on the protocol and appropriate use of the panic alert device described in  
 1171 Subsection (1).
- 1172 (3) An LEA shall:
- 1173 (a) ensure all security cameras within a school building are accessible by:  
 1174 (i) a local law enforcement agency; and  
 1175 (ii) public safety answering points;
- 1176 (b) coordinate with a local law enforcement agency to establish appropriate access  
 1177 protocols[-] ; and
- 1178 (c) physically mark all hallways and doorways consistent with the incident response  
 1179 method or system the state security chief creates pursuant to Section 53-22-102(3).
- 1180 (4) This section is not subject to the restrictions in Section 41-6a-2003.

1181 Section 19. Section **53G-9-207** is amended to read:

1182 **53G-9-207 (Effective 07/01/25). Child sexual abuse prevention.**

- 1183 (1) As used in this section:
- 1184 (a)(i) "Age-appropriate instructional material" means materials that provide  
 1185 instruction on:
- 1186 (A) the responsibility of adults for the safety of children;

- 1187 (B) how to recognize uncomfortable inner feelings;  
1188 (C) how to say no and leave an uncomfortable situation;  
1189 (D) how to set clear boundaries; and  
1190 (E) the importance of discussing uncomfortable situations with parents and other  
1191 trusted adults.
- 1192 (ii) "Age-appropriate instructional material" does not include materials that:  
1193 (A) invites a student to share personal experiences about abuse during instruction;  
1194 (B) gives instruction regarding consent as described in Section 76-5-406; or  
1195 (C) includes sexually explicit language or depictions.
- 1196 (b) "Alternative provider" means a provider other than the provider selected by the state  
1197 board under Subsection (8) that provides the training and instruction described in  
1198 Subsection (4) with instructional materials approved under Subsection (2).
- 1199 (c) "School personnel" means the same as that term is defined in Section 53G-9-203.
- 1200 (2) The state board shall approve, in partnership with the Department of Health and Human  
1201 Services, age-appropriate instructional materials for the training and instruction  
1202 described in Subsections (3)(a) and (4).
- 1203 (3)(a) An LEA shall provide~~[, once every three years,]~~ annual training and instruction  
1204 on child sexual abuse and human trafficking prevention and awareness to:
- 1205 (i) school personnel in elementary and secondary schools on:  
1206 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate  
1207 manner;  
1208 (B) identifying children who are victims or may be at risk of becoming victims of  
1209 human trafficking or commercial sexual exploitation; and  
1210 (C) the mandatory reporting requirements described in Sections 53E-6-701 and  
1211 80-2-602; and
- 1212 (ii) parents of elementary school students on:  
1213 (A) recognizing warning signs of a child who is being sexually abused or who is a  
1214 victim or may be at risk of becoming a victim of human trafficking or  
1215 commercial sexual exploitation; and  
1216 (B) effective, age-appropriate methods for discussing the topic of child sexual  
1217 abuse with a child.
- 1218 (b) An LEA:  
1219 (i) shall use the instructional materials approved by the state board under Subsection  
1220 (2) to provide the training and instruction under Subsections (3)(a) and (4); or

- 1221 (ii) may use instructional materials the LEA creates to provide the instruction and  
1222 training described in Subsections (3)(a) and (4), if the LEA's instructional  
1223 materials are approved by the state board under Subsection (2).
- 1224 (4)(a) In accordance with Subsections (4)(b) and (5), an LEA may provide instruction  
1225 on child sexual abuse and human trafficking prevention and awareness to elementary  
1226 school students using age-appropriate curriculum.
- 1227 (b) An LEA that provides the instruction described in Subsection (4)(a) shall use the  
1228 instructional materials approved by the state board under Subsection (2) to provide  
1229 the instruction.
- 1230 (5)(a) An elementary school student may not be given the instruction described in  
1231 Subsection (4) unless the parent of the student is:
- 1232 (i) notified in advance of the:
- 1233 (A) instruction and the content of the instruction; and  
1234 (B) parent's right to have the student excused from the instruction;
- 1235 (ii) given an opportunity to review the instructional materials before the instruction  
1236 occurs; and
- 1237 (iii) allowed to be present when the instruction is delivered.
- 1238 (b) Upon the written request of the parent of an elementary school student, the student  
1239 shall be excused from the instruction described in Subsection (4).
- 1240 (c) Participation of a student requires compliance with Sections 53E-9-202 and  
1241 53E-9-203.
- 1242 (6) An LEA may determine the mode of delivery for the training and instruction described  
1243 in Subsections (3) and (4).
- 1244 (7) Upon request of the state board, an LEA shall provide evidence of compliance with this  
1245 section.
- 1246 (8) The state board shall select a provider to provide the training and instruction described  
1247 in Subsection (4), including requiring the provider selected to:
- 1248 (a) engage in outreach efforts to support more schools to participate in the training and  
1249 instruction;
- 1250 (b) provide materials for the instruction involving students in accordance with  
1251 Subsection (4);
- 1252 (c) provide an outline of how many LEAs, schools, and students the provider could  
1253 service; and
- 1254 (d) submit a report to the state board that includes:

- 1255 (i) information on the LEAs the provider engaged with in the outreach efforts,  
1256 including:  
1257 (A) how many schools within an LEA increased instructional offerings for  
1258 training and instruction; and  
1259 (B) the reasons why an LEA chose to participate or not in the offered training or  
1260 instruction;  
1261 (ii) the number of schools and students that received the training and instruction;  
1262 (iii) budgetary information regarding how the provider utilized any funds the state  
1263 board allocated; and  
1264 (iv) additional information the state board requests.
- 1265 (9) Subject to legislative appropriation, there is created a grant program to support an LEA  
1266 that chooses to use an alternative provider other than the provider selected by the state  
1267 board under Subsection (8) to provide the training and instruction described in  
1268 Subsection (4).
- 1269 (10) The state board shall:  
1270 (a) establish a process to select alternative providers for an LEA to use, including:  
1271 (i) an application process for a provider to become an alternative provider;  
1272 (ii) required criteria for a provider to become an alternative provider; and  
1273 (iii) relevant timelines;  
1274 (b) create a process for an LEA to receive a grant award described in Subsection (9),  
1275 including:  
1276 (i) an application process;  
1277 (ii) relevant timelines; and  
1278 (iii) a scoring rubric and corresponding formula for determining a grant amount; and  
1279 (c) make grant awards on a first come first served basis until the state board distributes  
1280 all appropriated funds.
- 1281 (11) An LEA that receives a grant award described in Subsection (10)(b) shall:  
1282 (a) use the grant award to cover the costs needed for implementation of the training or  
1283 instruction described in Subsection (4); and  
1284 (b) upon request of the state board, provide an itemized list of the uses of the grant  
1285 award.

1286 Section 20. Section **53G-9-703** is amended to read:

1287 **53G-9-703 (Effective 07/01/25). Parent education -- Mental health -- Bullying --**  
1288 **Safety.**

- 1289 (1)(a) Except as provided in Subsection (3), a school district shall offer a seminar for  
1290 parents of students who attend school in the school district that:
- 1291 (i) is offered at no cost to parents;
- 1292 (ii)(A) if in person, begins at or after 6 p.m.;~~[-or]~~
- 1293 (B) if in person, takes place on a Saturday; or
- 1294 (C) may be conducted at anytime online and recorded if the recording is made  
1295 available on the school district's website.
- 1296 (iii)(A) is held in at least one school located in the school district; or
- 1297 (B) is provided through a virtual platform; and
- 1298 (iv) covers the topics described in Subsection (2).
- 1299 (b)(i) A school district shall annually offer one parent seminar for each 11,000  
1300 students enrolled in the school district.
- 1301 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to  
1302 offer more than three seminars.
- 1303 (c) A school district may:
- 1304 (i) develop the district school's own curriculum for the seminar described in  
1305 Subsection (1)(a); or
- 1306 (ii) use the curriculum developed by the state board under Subsection (2).
- 1307 (d) A school district shall notify each charter school located in the attendance boundaries  
1308 of the school district of the date and time of a parent seminar, so the charter school  
1309 may inform parents of the seminar.
- 1310 (2) The state board shall:
- 1311 (a) develop a curriculum for the parent seminar described in Subsection (1) that includes  
1312 information on:
- 1313 (i) substance abuse, including illegal drugs and prescription drugs and prevention;
- 1314 (ii) bullying;
- 1315 (iii) mental health, depression, suicide awareness, and suicide prevention, including  
1316 education on limiting access to fatal means;
- 1317 (iv) Internet safety, including pornography addiction;~~[-and]~~
- 1318 (v) the SafeUT Crisis Line established in Section 53B-17-1202; and
- 1319 (vi) resources related to the topics described in this Subsection (2); and
- 1320 (b) provide the curriculum, including resources and training, to school districts upon  
1321 request.
- 1322 (3)(a) A school district is not required to offer the parent seminar if the local school

board determines that the topics described in Subsection (2) are not of significant interest or value to families in the school district.

(b) If a local school board chooses not to offer the parent seminar, the local school board shall notify the state board and provide the reasons why the local school board chose not to offer the parent seminar.

Section 21. Section **63G-6a-103** is amended to read:

**63G-6a-103 (Effective 07/01/25). Definitions.**

As used in this chapter:

- (1) "Approved vendor" means a person who has been approved for inclusion on an approved vendor list through the approved vendor list process.
- (2) "Approved vendor list" means a list of approved vendors established under Section 63G-6a-507.
- (3) "Approved vendor list process" means the procurement process described in Section 63G-6a-507.
- (4) "Authorized school safety foundation" means a foundation authorized under Section 53-22-108.
- ~~[(4)]~~ (5) "Bidder" means a person who submits a bid or price quote in response to an invitation for bids.
- ~~[(5)]~~ (6) "Bidding process" means the procurement process described in Part 6, Bidding.
- ~~[(6)]~~ (7) "Board" means the Utah State Procurement Policy Board, created in Section 63G-6a-202.
- ~~[(7)]~~ (8) "Change directive" means a written order signed by the procurement officer that directs the contractor to suspend work or make changes, as authorized by contract, without the consent of the contractor.
- ~~[(8)]~~ (9) "Change order" means a written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual agreement of the parties to the contract.
- ~~[(9)]~~ (10) "Chief procurement officer" means the individual appointed under Section 63A-2-102.
- ~~[(10)]~~ (11) "Conducting procurement unit" means a procurement unit that conducts all aspects of a procurement:
  - (a) except:
    - (i) reviewing a solicitation to verify that it is in proper form; and
    - (ii) causing the publication of a notice of a solicitation; and



- 1357 (b) including:
- 1358 (i) preparing any solicitation document;
- 1359 (ii) appointing an evaluation committee;
- 1360 (iii) conducting the evaluation process, except the process relating to scores
- 1361 calculated for costs of proposals;
- 1362 (iv) selecting and recommending the person to be awarded a contract;
- 1363 (v) negotiating the terms and conditions of a contract, subject to the issuing
- 1364 procurement unit's approval; and
- 1365 (vi) contract administration.
- 1366 ~~[(11)]~~ (12) "Conservation district" means the same as that term is defined in Section
- 1367 17D-3-102.
- 1368 ~~[(12)]~~ (13) "Construction project":
- 1369 (a) means a project for the construction, renovation, alteration, improvement, or repair of
- 1370 a public facility on real property, including all services, labor, supplies, and materials
- 1371 for the project; and
- 1372 (b) does not include services and supplies for the routine, day-to-day operation, repair,
- 1373 or maintenance of an existing public facility.
- 1374 ~~[(13)]~~ (14) "Construction manager/general contractor":
- 1375 (a) means a contractor who enters into a contract:
- 1376 (i) for the management of a construction project; and
- 1377 (ii) that allows the contractor to subcontract for additional labor and materials that are
- 1378 not included in the contractor's cost proposal submitted at the time of the
- 1379 procurement of the contractor's services; and
- 1380 (b) does not include a contractor whose only subcontract work not included in the
- 1381 contractor's cost proposal submitted as part of the procurement of the contractor's
- 1382 services is to meet subcontracted portions of change orders approved within the
- 1383 scope of the project.
- 1384 ~~[(14)]~~ (15) "Construction subcontractor":
- 1385 (a) means a person under contract with a contractor or another subcontractor to provide
- 1386 services or labor for the design or construction of a construction project;
- 1387 (b) includes a general contractor or specialty contractor licensed or exempt from
- 1388 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
- 1389 (c) does not include a supplier who provides only materials, equipment, or supplies to a
- 1390 contractor or subcontractor for a construction project.

- 1391    ~~[(15)]~~ (16) "Contract" means an agreement for a procurement.
- 1392    ~~[(16)]~~ (17) "Contract administration" means all functions, duties, and responsibilities
- 1393       associated with managing, overseeing, and carrying out a contract between a
- 1394       procurement unit and a contractor, including:
- 1395       (a) implementing the contract;
- 1396       (b) ensuring compliance with the contract terms and conditions by the conducting
- 1397       procurement unit and the contractor;
- 1398       (c) executing change orders;
- 1399       (d) processing contract amendments;
- 1400       (e) resolving, to the extent practicable, contract disputes;
- 1401       (f) curing contract errors and deficiencies;
- 1402       (g) terminating a contract;
- 1403       (h) measuring or evaluating completed work and contractor performance;
- 1404       (i) computing payments under the contract; and
- 1405       (j) closing out a contract.
- 1406    ~~[(17)]~~ (18) "Contractor" means a person who is awarded a contract with a procurement unit.
- 1407    ~~[(18)]~~ (19) "Cooperative procurement" means procurement conducted by, or on behalf of:
- 1408       (a) more than one procurement unit; or
- 1409       (b) a procurement unit and a cooperative purchasing organization.
- 1410    ~~[(19)]~~ (20) "Cooperative purchasing organization" means an organization, association, or
- 1411       alliance of purchasers established to combine purchasing power in order to obtain the
- 1412       best value for the purchasers by engaging in procurements in accordance with Section
- 1413       63G-6a-2105.
- 1414    ~~[(20)]~~ (21) "Cost-plus-a-percentage-of-cost contract" means a contract under which the
- 1415       contractor is paid a percentage of the total actual expenses or costs in addition to the
- 1416       contractor's actual expenses or costs.
- 1417    ~~[(21)]~~ (22) "Cost-reimbursement contract" means a contract under which a contractor is
- 1418       reimbursed for costs which are allowed and allocated in accordance with the contract
- 1419       terms and the provisions of this chapter, and a fee, if any.
- 1420    ~~[(22)]~~ (23) "Days" means calendar days, unless expressly provided otherwise.
- 1421    ~~[(23)]~~ (24) "Definite quantity contract" means a fixed price contract that provides for a
- 1422       specified amount of supplies over a specified period, with deliveries scheduled
- 1423       according to a specified schedule.
- 1424    ~~[(24)]~~ (25) "Design professional" means:

- 1425 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects  
1426 Licensing Act;
- 1427 (b) an individual licensed as a professional engineer or professional land surveyor under  
1428 Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors  
1429 Licensing Act;
- 1430 (c) an individual licensed under Title 58, Chapter 53, Landscape Architects Licensing  
1431 Act, to engage in the practice of landscape architecture, as defined in Section  
1432 58-53-102; or
- 1433 (d) an individual certified as a commercial interior designer under Title 58, Chapter 86,  
1434 State Certification of Commercial Interior Designers Act.
- 1435 ~~[(25)]~~ (26) "Design professional procurement process" means the procurement process  
1436 described in Part 15, Design Professional Services.
- 1437 ~~[(26)]~~ (27) "Design professional services" means:
- 1438 (a) professional services within the scope of the practice of architecture as defined in  
1439 Section 58-3a-102;
- 1440 (b) professional engineering as defined in Section 58-22-102;
- 1441 (c) master planning and programming services;
- 1442 (d) professional services within the scope of the practice of landscape architecture, as  
1443 defined in Section 58-53-102; or
- 1444 (e) services within the scope of the practice of commercial interior design, as defined in  
1445 Section 58-86-102.
- 1446 ~~[(27)]~~ (28) "Design-build" means the procurement of design professional services and  
1447 construction by the use of a single contract.
- 1448 ~~[(28)]~~ (29) "Division" means the Division of Purchasing and General Services, created in  
1449 Section 63A-2-101.
- 1450 ~~[(29)]~~ (30) "Educational procurement unit" means:
- 1451 (a) a school district;
- 1452 (b) a public school, including a local school board or a charter school;
- 1453 (c) the Utah Schools for the Deaf and the Blind;
- 1454 (d) the Utah Education and Telehealth Network;
- 1455 (e) an institution of higher education of the state described in Section 53B-1-102; or
- 1456 (f) the State Board of Education.
- 1457 ~~[(30)]~~ (31) "Established catalogue price" means the price included in a catalogue, price list,  
1458 schedule, or other form that:

- 1459 (a) is regularly maintained by a manufacturer or contractor;  
1460 (b) is published or otherwise available for inspection by customers; and  
1461 (c) states prices at which sales are currently or were last made to a significant number of  
1462 any category of buyers or buyers constituting the general buying public for the  
1463 supplies or services involved.
- 1464 [(31)] (32)(a) "Executive branch procurement unit" means a department, division, office,  
1465 bureau, agency, or other organization within the state executive branch.
- 1466 (b) "Executive branch procurement unit" does not include the Colorado River Authority  
1467 of Utah as provided in Section 63M-14-210.
- 1468 [(32)] (33) "Facilities division" means the Division of Facilities Construction and  
1469 Management, created in Section 63A-5b-301.
- 1470 [(33)] (34) "Fixed price contract" means a contract that provides a price, for each  
1471 procurement item obtained under the contract, that is not subject to adjustment except to  
1472 the extent that:
- 1473 (a) the contract provides, under circumstances specified in the contract, for an  
1474 adjustment in price that is not based on cost to the contractor; or  
1475 (b) an adjustment is required by law.
- 1476 [(34)] (35) "Fixed price contract with price adjustment" means a fixed price contract that  
1477 provides for an upward or downward revision of price, precisely described in the  
1478 contract, that:
- 1479 (a) is based on the consumer price index or another commercially acceptable index,  
1480 source, or formula; and  
1481 (b) is not based on a percentage of the cost to the contractor.
- 1482 [(35)] (36) "Grant" means an expenditure of public funds or other assistance, or an  
1483 agreement to expend public funds or other assistance, for a public purpose authorized by  
1484 law, without acquiring a procurement item in exchange.
- 1485 [(36)] (37) "Human services procurement item" means a procurement item used to provide  
1486 services or support to a child, youth, adult, or family.
- 1487 [(37)] (38) "Immaterial error":
- 1488 (a) means an irregularity or abnormality that is:
- 1489 (i) a matter of form that does not affect substance; or  
1490 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,  
1491 or a trivial effect on the procurement process and that is not prejudicial to other  
1492 vendors; and

- 1493 (b) includes:
- 1494 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of
- 1495 a professional license, bond, or insurance certificate;
- 1496 (ii) a typographical error;
- 1497 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
- 1498 (iv) any other error that the procurement official reasonably considers to be
- 1499 immaterial.
- 1500 ~~[(38)]~~ (39) "Indefinite quantity contract" means a fixed price contract that:
- 1501 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
- 1502 procurement unit; and
- 1503 (b)(i) does not require a minimum purchase amount; or
- 1504 (ii) provides a maximum purchase limit.
- 1505 ~~[(39)]~~ (40) "Independent procurement unit" means:
- 1506 (a)(i) a legislative procurement unit;
- 1507 (ii) a judicial branch procurement unit;
- 1508 (iii) an educational procurement unit;
- 1509 (iv) a local government procurement unit;
- 1510 (v) a conservation district;
- 1511 (vi) a local building authority;
- 1512 (vii) a special district;
- 1513 (viii) a public corporation;
- 1514 (ix) a special service district; or
- 1515 (x) the Utah Communications Authority, established in Section 63H-7a-201;
- 1516 (b) the facilities division, but only to the extent of the procurement authority provided
- 1517 under Title 63A, Chapter 5b, Administration of State Facilities;
- 1518 (c) the attorney general, but only to the extent of the procurement authority provided
- 1519 under Title 67, Chapter 5, Attorney General;
- 1520 (d) the Department of Transportation, but only to the extent of the procurement authority
- 1521 provided under Title 72, Transportation Code;
- 1522 (e) the Department of Health and Human Services, but only for the procurement of a
- 1523 human services procurement item; or
- 1524 (f) any other executive branch department, division, office, or entity that has statutory
- 1525 procurement authority outside this chapter, but only to the extent of that statutory
- 1526 procurement authority.

- 1527    ~~[(40)]~~ (41)(a) "Interlocal entity" means a separate political subdivision created under  
1528           Title 11, Chapter 13, Interlocal Cooperation Act.
- 1529           (b) "Interlocal entity" does not include a project entity.
- 1530    ~~[(41)]~~ (42) "Invitation for bids":
- 1531           (a) means a document used to solicit:
- 1532                 (i) bids to provide a procurement item to a procurement unit; or
- 1533                 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
- 1534           (b) includes all documents attached to or incorporated by reference in a document  
1535                 described in Subsection ~~[(41)(a)]~~ (42)(a).
- 1536    ~~[(42)]~~ (43) "Issuing procurement unit" means a procurement unit that:
- 1537           (a) reviews a solicitation to verify that it is in proper form;
- 1538           (b) causes the notice of a solicitation to be published; and
- 1539           (c) negotiates and approves the terms and conditions of a contract.
- 1540    ~~[(43)]~~ (44) "Judicial procurement unit" means:
- 1541           (a) the Utah Supreme Court;
- 1542           (b) the Utah Court of Appeals;
- 1543           (c) the Judicial Council;
- 1544           (d) a state judicial district; or
- 1545           (e) an office, committee, subcommittee, or other organization within the state judicial  
1546                 branch.
- 1547    ~~[(44)]~~ (45) "Labor hour contract" is a contract under which:
- 1548           (a) the supplies and materials are not provided by, or through, the contractor; and
- 1549           (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit  
1550                 for a specified number of labor hours or days.
- 1551    ~~[(45)]~~ (46) "Legislative procurement unit" means:
- 1552           (a) the Legislature;
- 1553           (b) the Senate;
- 1554           (c) the House of Representatives;
- 1555           (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
- 1556           (e) a committee, subcommittee, commission, or other organization:
- 1557                 (i) within the state legislative branch; or
- 1558                 (ii)(A) that is created by statute to advise or make recommendations to the  
1559                         Legislature;
- 1560                 (B) the membership of which includes legislators; and

1561 (C) for which the Office of Legislative Research and General Counsel provides  
1562 staff support.

1563 ~~[(46)]~~ (47) "Local building authority" means the same as that term is defined in Section  
1564 17D-2-102.

1565 ~~[(47)]~~ (48) "Local government procurement unit" means:

1566 (a) a county, municipality, interlocal entity, or project entity, and each office of the  
1567 county, municipality, interlocal entity, or project entity, unless:

1568 (i) the county or municipality adopts a procurement code by ordinance;

1569 (ii) the interlocal entity adopts procurement rules or policies as provided in  
1570 Subsection 11-13-226(2); or

1571 (iii) the project entity adopts a procurement code through the process described in  
1572 Section 11-13-316;

1573 (b)(i) a county or municipality that has adopted this entire chapter by ordinance, and  
1574 each office or agency of that county or municipality; and

1575 (ii) a project entity that has adopted this entire chapter through the process described  
1576 in Subsection 11-13-316; or

1577 (c) a county, municipality, or project entity, and each office of the county, municipality,  
1578 or project entity that has adopted a portion of this chapter to the extent that:

1579 (i) a term in the ordinance is used in the adopted chapter; or

1580 (ii) a term in the ordinance is used in the language a project entity adopts in its  
1581 procurement code through the process described in Section 11-13-316.

1582 ~~[(48)]~~ (49) "Multiple award contracts" means the award of a contract for an indefinite  
1583 quantity of a procurement item to more than one person.

1584 ~~[(49)]~~ (50) "Multiyear contract" means a contract that extends beyond a one-year period,  
1585 including a contract that permits renewal of the contract, without competition, beyond  
1586 the first year of the contract.

1587 ~~[(50)]~~ (51) "Municipality" means a city or town.

1588 ~~[(51)]~~ (52) "Nonadopting local government procurement unit" means:

1589 (a) a county or municipality that has not adopted Part 16, Protests, Part 17, Procurement  
1590 Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,  
1591 General Provisions Related to Protest or Appeal; and

1592 (b) each office or agency of a county or municipality described in Subsection ~~[(51)(a)]~~  
1593 (52)(a).

1594 ~~[(52)]~~ (53) "Offeror" means a person who submits a proposal in response to a request for

1595 proposals.

1596 [(53)] (54) "Preferred bidder" means a bidder that is entitled to receive a reciprocal  
1597 preference under the requirements of this chapter.

1598 [(54)] (55) "Procure" means to acquire a procurement item through a procurement.

1599 [(55)] (56) "Procurement" means the acquisition of a procurement item through an  
1600 expenditure of public funds, or an agreement to expend public funds, including an  
1601 acquisition through a public-private partnership.

1602 [(56)] (57) "Procurement item" means an item of personal property, a technology, a service,  
1603 or a construction project.

1604 [(57)] (58) "Procurement official" means:

- 1605 (a) for a procurement unit other than an independent procurement unit, the chief  
1606 procurement officer;
- 1607 (b) for a legislative procurement unit, the individual, individuals, or body designated in a  
1608 policy adopted by the Legislative Management Committee;
- 1609 (c) for a judicial procurement unit, the Judicial Council or an individual or body  
1610 designated by the Judicial Council by rule;
- 1611 (d) for a local government procurement unit:
- 1612 (i) the legislative body of the local government procurement unit; or
- 1613 (ii) an individual or body designated by the local government procurement unit;
- 1614 (e) for a special district, the board of trustees of the special district or the board of  
1615 trustees' designee;
- 1616 (f) for a special service district, the governing body of the special service district or the  
1617 governing body's designee;
- 1618 (g) for a local building authority, the board of directors of the local building authority or  
1619 the board of directors' designee;
- 1620 (h) for a conservation district, the board of supervisors of the conservation district or the  
1621 board of supervisors' designee;
- 1622 (i) for a public corporation, the board of directors of the public corporation or the board  
1623 of directors' designee;
- 1624 (j) for a school district or any school or entity within a school district, the board of the  
1625 school district or the board's designee;
- 1626 (k) for a charter school, the individual or body with executive authority over the charter  
1627 school or the designee of the individual or body;
- 1628 (l) for an institution of higher education described in Section 53B-2-101, the president of



- the institution of higher education or the president's designee;
- (m) for the State Board of Education, the State Board of Education or the State Board of Education's designee;
- (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or the designee of the Commissioner of Higher Education;
- (o) for the Utah Communications Authority, established in Section 63H-7a-201, the executive director of the Utah Communications Authority or the executive director's designee; or
- (p)(i) for the facilities division, and only to the extent of procurement activities of the facilities division as an independent procurement unit under the procurement authority provided under Title 63A, Chapter 5b, Administration of State Facilities, the director of the facilities division or the director's designee;
- (ii) for the attorney general, and only to the extent of procurement activities of the attorney general as an independent procurement unit under the procurement authority provided under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's designee;
- (iii) for the Department of Transportation created in Section 72-1-201, and only to the extent of procurement activities of the Department of Transportation as an independent procurement unit under the procurement authority provided under Title 72, Transportation Code, the executive director of the Department of Transportation or the executive director's designee;
- (iv) for the Department of Health and Human Services, and only to the extent of the procurement activities of the Department of Health and Human Services as an independent procurement unit, the executive director of the Department of Health and Human Services or the executive director's designee; or
- (v) for any other executive branch department, division, office, or entity that has statutory procurement authority outside this chapter, and only to the extent of the procurement activities of the department, division, office, or entity as an independent procurement unit under the procurement authority provided outside this chapter for the department, division, office, or entity, the chief executive officer of the department, division, office, or entity or the chief executive officer's designee.

[(58)] (59) "Procurement unit" means:

- (a) a legislative procurement unit;

- 1663 (b) an executive branch procurement unit;
- 1664 (c) a judicial procurement unit;
- 1665 (d) an educational procurement unit;
- 1666 (e) the Utah Communications Authority, established in Section 63H-7a-201;
- 1667 (f) a local government procurement unit;
- 1668 (g) a special district;
- 1669 (h) a special service district;
- 1670 (i) a local building authority;
- 1671 (j) a conservation district; or
- 1672 (k) a public corporation.
- 1673 ~~[(59)]~~ (60) "Professional service" means labor, effort, or work that requires specialized
- 1674 knowledge, expertise, and discretion, including labor, effort, or work in the field of:
- 1675 (a) accounting;
- 1676 (b) administrative law judge service;
- 1677 (c) architecture;
- 1678 (d) construction design and management;
- 1679 (e) engineering;
- 1680 (f) financial services;
- 1681 (g) information technology;
- 1682 (h) the law;
- 1683 (i) medicine;
- 1684 (j) psychiatry; or
- 1685 (k) underwriting.
- 1686 ~~[(60)]~~ (61) "Project entity" means the same as that term is defined in Section 11-13-103.
- 1687 ~~[(61)]~~ (62) "Protest officer" means:
- 1688 (a) for the division or an independent procurement unit:
- 1689 (i) the procurement official;
- 1690 (ii) the procurement official's designee who is an employee of the procurement unit;
- 1691 or
- 1692 (iii) a person designated by rule made by the rulemaking authority; or
- 1693 (b) for a procurement unit other than an independent procurement unit, the chief
- 1694 procurement officer or the chief procurement officer's designee who is an employee
- 1695 of the division .
- 1696 ~~[(62)]~~ (63) "Public corporation" means the same as that term is defined in Section 63E-1-102.

1697    ~~[(63)]~~ (64) "Public entity" means the state or any other government entity within the state  
1698           that expends public funds.

1699    ~~[(64)]~~ (65) "Public facility" means a building, structure, infrastructure, improvement, or  
1700           other facility of a public entity.

1701    ~~[(65)]~~ (66) "Public funds" means money, regardless of its source, including from the federal  
1702           government, that is owned or held by a procurement unit.

1703    ~~[(66)]~~ (67) "Public transit district" means a public transit district organized under Title 17B,  
1704           Chapter 2a, Part 8, Public Transit District Act.

1705    ~~[(67)]~~ (68) "Public-private partnership" means an arrangement or agreement, occurring on  
1706           or after January 1, 2017, between a procurement unit and one or more contractors to  
1707           provide for a public need through the development or operation of a project in which the  
1708           contractor or contractors share with the procurement unit the responsibility or risk of  
1709           developing, owning, maintaining, financing, or operating the project.

1710    ~~[(68)]~~ (69) "Qualified vendor" means a vendor who:

1711           (a) is responsible; and

1712           (b) submits a responsive statement of qualifications under Section 63G-6a-410 that  
1713               meets the minimum mandatory requirements, evaluation criteria, and any applicable  
1714               score thresholds set forth in the request for statement of qualifications.

1715    ~~[(69)]~~ (70) "Real property" means land and any building, fixture, improvement,  
1716           appurtenance, structure, or other development that is permanently affixed to land.

1717    ~~[(70)]~~ (71) "Request for information" means a nonbinding process through which a  
1718           procurement unit requests information relating to a procurement item.

1719    ~~[(71)]~~ (72) "Request for proposals" means a document used to solicit proposals to provide a  
1720           procurement item to a procurement unit, including all other documents that are attached  
1721           to that document or incorporated in that document by reference.

1722    ~~[(72)]~~ (73) "Request for proposals process" means the procurement process described in Part  
1723           7, Request for Proposals.

1724    ~~[(73)]~~ (74) "Request for statement of qualifications" means a document used to solicit  
1725           information about the qualifications of a person interested in responding to a potential  
1726           procurement, including all other documents attached to that document or incorporated in  
1727           that document by reference.

1728    ~~[(74)]~~ (75) "Requirements contract" means a contract:

1729           (a) under which a contractor agrees to provide a procurement unit's entire requirements  
1730               for certain procurement items at prices specified in the contract during the contract

1731 period; and

1732 (b) that:

1733 (i) does not require a minimum purchase amount; or

1734 (ii) provides a maximum purchase limit.

1735 ~~[(75)]~~ (76) "Responsible" means being capable, in all respects, of:

1736 (a) meeting all the requirements of a solicitation; and

1737 (b) fully performing all the requirements of the contract resulting from the solicitation,

1738 including being financially solvent with sufficient financial resources to perform the

1739 contract.

1740 ~~[(76)]~~ (77) "Responsive" means conforming in all material respects to the requirements of a

1741 solicitation.

1742 ~~[(77)]~~ (78) "Rule" includes a policy or regulation adopted by the rulemaking authority, if

1743 adopting a policy or regulation is the method the rulemaking authority uses to adopt

1744 provisions that govern the applicable procurement unit.

1745 ~~[(78)]~~ (79) "Rulemaking authority" means:

1746 (a) for a legislative procurement unit, the Legislative Management Committee;

1747 (b) for a judicial procurement unit, the Judicial Council;

1748 (c)(i) only to the extent of the procurement authority expressly granted to the

1749 procurement unit by statute:

1750 (A) for the facilities division, the facilities division;

1751 (B) for the Office of the Attorney General, the attorney general;

1752 (C) for the Department of Transportation created in Section 72-1-201, the

1753 executive director of the Department of Transportation;

1754 (D) for the Department of Health and Human Services, the executive director of

1755 the Department of Health and Human Services; and

1756 (E) for any other executive branch department, division, office, or entity that has

1757 statutory procurement authority outside this chapter, the governing authority of

1758 the department, division, office, or entity; and

1759 (ii) for each other executive branch procurement unit, the board;

1760 (d) for a local government procurement unit:

1761 (i) the governing body of the local government unit; or

1762 (ii) an individual or body designated by the local government procurement unit;

1763 (e) for a school district or a public school, the board, except to the extent of a school

1764 district's own nonadministrative rules that do not conflict with the provisions of this

- 1765 chapter;
- 1766 (f) for a state institution of higher education, the Utah Board of Higher Education;
- 1767 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
- 1768 State Board of Education;
- 1769 (h) for a public transit district, the chief executive of the public transit district;
- 1770 (i) for a special district other than a public transit district or for a special service district,
- 1771 the board, except to the extent that the board of trustees of the special district or the
- 1772 governing body of the special service district makes its own rules:
- 1773 (i) with respect to a subject addressed by board rules; or
- 1774 (ii) that are in addition to board rules;
- 1775 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah
- 1776 Board of Higher Education;
- 1777 (k) for the School and Institutional Trust Lands Administration, created in Section
- 1778 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
- 1779 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201, the
- 1780 School and Institutional Trust Fund Board of Trustees;
- 1781 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the
- 1782 Utah Communications Authority board, created in Section 63H-7a-203; or
- 1783 (n) for any other procurement unit, the board.
- 1784 ~~[(79)]~~ (80) "Service":
- 1785 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
- 1786 unit;
- 1787 (b) includes a professional service; and
- 1788 (c) does not include labor, effort, or work provided under an employment agreement or a
- 1789 collective bargaining agreement.
- 1790 ~~[(80)]~~ (81) "Small purchase process" means the procurement process described in Section
- 1791 63G-6a-506.
- 1792 ~~[(81)]~~ (82) "Sole source contract" means a contract resulting from a sole source procurement.
- 1793 ~~[(82)]~~ (83) "Sole source procurement" means a procurement without competition pursuant to
- 1794 a determination under Subsection 63G-6a-802(1)(a) that there is only one source for the
- 1795 procurement item.
- 1796 ~~[(83)]~~ (84) "Solicitation" means an invitation for bids, request for proposals, or request for
- 1797 statement of qualifications.
- 1798 ~~[(84)]~~ (85) "Solicitation response" means:

- 1799 (a) a bid submitted in response to an invitation for bids;  
1800 (b) a proposal submitted in response to a request for proposals; or  
1801 (c) a statement of qualifications submitted in response to a request for statement of  
1802 qualifications.
- 1803 ~~[(85)]~~ (86) "Special district" means the same as that term is defined in Section 17B-1-102.  
1804 ~~[(86)]~~ (87) "Special service district" means the same as that term is defined in Section  
1805 17D-1-102.
- 1806 ~~[(87)]~~ (88) "Specification" means any description of the physical or functional  
1807 characteristics or of the nature of a procurement item included in an invitation for bids  
1808 or a request for proposals, or otherwise specified or agreed to by a procurement unit,  
1809 including a description of:  
1810 (a) a requirement for inspecting or testing a procurement item; or  
1811 (b) preparing a procurement item for delivery.
- 1812 ~~[(88)]~~ (89) "Standard procurement process" means:  
1813 (a) the bidding process;  
1814 (b) the request for proposals process;  
1815 (c) the approved vendor list process;  
1816 (d) the small purchase process; or  
1817 (e) the design professional procurement process.
- 1818 ~~[(89)]~~ (90) "State cooperative contract" means a contract awarded by the division for and in  
1819 behalf of all public entities.
- 1820 ~~[(90)]~~ (91) "Statement of qualifications" means a written statement submitted to a  
1821 procurement unit in response to a request for statement of qualifications.
- 1822 ~~[(91)]~~ (92) "Subcontractor":  
1823 (a) means a person under contract to perform part of a contractual obligation under the  
1824 control of the contractor, whether the person's contract is with the contractor directly  
1825 or with another person who is under contract to perform part of a contractual  
1826 obligation under the control of the contractor; and  
1827 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services to  
1828 a contractor.
- 1829 ~~[(92)]~~ (93) "Technology" means the same as "information technology," as defined in Section  
1830 63A-16-102.
- 1831 ~~[(93)]~~ (94) "Tie bid" means that the lowest responsive bids of responsible bidders are  
1832 identical in price.

1833    ~~[(94)]~~ (95) "Time and materials contract" means a contract under which the contractor is  
1834       paid:

- 1835       (a) the actual cost of direct labor at specified hourly rates;  
1836       (b) the actual cost of materials and equipment usage; and  
1837       (c) an additional amount, expressly described in the contract, to cover overhead and  
1838       profit, that is not based on a percentage of the cost to the contractor.

1839    ~~[(95)]~~ (96) "Transitional costs":

- 1840       (a) means the costs of changing:  
1841           (i) from an existing provider of a procurement item to another provider of that  
1842           procurement item; or  
1843           (ii) from an existing type of procurement item to another type;  
1844       (b) includes:  
1845           (i) training costs;  
1846           (ii) conversion costs;  
1847           (iii) compatibility costs;  
1848           (iv) costs associated with system downtime;  
1849           (v) disruption of service costs;  
1850           (vi) staff time necessary to implement the change;  
1851           (vii) installation costs; and  
1852           (viii) ancillary software, hardware, equipment, or construction costs; and  
1853       (c) does not include:  
1854           (i) the costs of preparing for or engaging in a procurement process; or  
1855           (ii) contract negotiation or drafting costs.

1856    ~~[(96)]~~ (97) "Vendor":

- 1857       (a) means a person who is seeking to enter into a contract with a procurement unit to  
1858       provide a procurement item; and  
1859       (b) includes:  
1860           (i) a bidder;  
1861           (ii) an offeror;  
1862           (iii) an approved vendor;  
1863           (iv) a design professional; and  
1864           (v) a person who submits an unsolicited proposal under Section 63G-6a-712.

1865       Section 22. Section **63G-6a-2105** is amended to read:

1866       **63G-6a-2105 (Effective 07/01/25). Cooperative procurements -- Contracts with**

1867 **federal government -- Regional solicitations.**

1868 (1) The chief procurement officer may, in accordance with the requirements of this chapter,  
1869 enter into a cooperative procurement, and a contract that is awarded as a result of a  
1870 cooperative procurement, with:

- 1871 (a) another state;  
1872 (b) a cooperative purchasing organization; or  
1873 (c) a public entity inside or outside the state.

1874 (2)(a) A public entity, nonprofit organization, or, as permitted under federal law, an  
1875 agency of the federal government, may obtain a procurement item from a state  
1876 cooperative contract or a contract awarded by the chief procurement officer under  
1877 Subsection (1), without signing a participating addendum if the solicitation issued by  
1878 the chief procurement officer to obtain the contract includes a statement indicating  
1879 that the resulting contract will be issued for the benefit of public entities and, as  
1880 applicable, nonprofit organizations and agencies of the federal government.

1881 (b) An authorized school safety foundation under Section 53-22-108 may participate in,  
1882 sponsor, conduct, or administer a cooperative procurement for school safety products.

1883 (3) Except as provided in Section 63G-6a-506, or as otherwise provided in this chapter, an  
1884 executive branch procurement unit may not obtain a procurement item from a source  
1885 other than a state cooperative contract or a contract awarded by the chief procurement  
1886 officer under Subsection (1), if the procurement item is available under a state  
1887 cooperative contract or a contract awarded by the chief procurement officer under  
1888 Subsection (1).

1889 (4) A Utah procurement unit may:

1890 (a) contract with the federal government without going through a standard procurement  
1891 process or an exception to a standard procurement process, described in Part 8,  
1892 Exceptions to Procurement Requirements, if the procurement item obtained under the  
1893 contract is provided:

1894 (i) directly by the federal government and not by a person contracting with the  
1895 federal government; or

1896 (ii) by a person under contract with the federal government that obtained the contract  
1897 in a manner that substantially complies with the provisions of this chapter;

1898 (b) participate in, sponsor, conduct, or administer a cooperative procurement with  
1899 another Utah procurement unit or another public entity in Utah, if:

1900 (i) each party unit involved in the cooperative procurement enters into an agreement



- 1901 describing the rights and duties of each party;
- 1902 (ii) the procurement is conducted, and the contract awarded, in accordance with the
- 1903 requirements of this chapter;
- 1904 (iii) the solicitation:
- 1905 (A) clearly indicates that the procurement is a cooperative procurement; and
- 1906 (B) identifies each party that may purchase under the resulting contract; and
- 1907 (iv) each party involved in the cooperative procurement signs a participating
- 1908 addendum describing its rights and obligations in relation to the resulting contract;
- 1909 or
- 1910 (c) purchase under, or otherwise participate in, an agreement or contract of a cooperative
- 1911 purchasing organization, if:
- 1912 (i) each party involved in the cooperative procurement enters into an agreement
- 1913 describing the rights and duties of each party;
- 1914 (ii) the procurement was conducted in accordance with the requirements of this
- 1915 chapter;
- 1916 (iii) the solicitation:
- 1917 (A) clearly indicates that the procurement is a cooperative procurement; and
- 1918 (B) identifies each party that may purchase under the resulting contract; and
- 1919 (iv) each party involved in the cooperative procurement signs a participating
- 1920 addendum describing its rights and obligations in relation to the resulting contract.
- 1921 (5) A procurement unit may not obtain a procurement item under a contract that results
- 1922 from a cooperative procurement described in Subsection (4), unless the procurement
- 1923 unit:
- 1924 (a) is identified under Subsection (4)(b)(iii)(B) or (4)(c)(iii)(B); and
- 1925 (b) signs a participating addendum to the contract as required by this section.
- 1926 (6) A procurement unit, other than a legislative procurement unit or a judicial procurement
- 1927 unit, may not obtain a procurement item under a contract held by the United States
- 1928 General Services Administration, unless, based upon documentation provided by the
- 1929 procurement unit, the Director of the State Division of Purchasing and General Services
- 1930 determines in writing that the United States General Services Administration procured
- 1931 the contract in a manner that substantially complies with the provisions of this chapter.
- 1932 (7)(a) As used in this Subsection (7), "regional solicitation" means a solicitation issued
- 1933 by the chief procurement officer for the procurement of a procurement item within a
- 1934 specified geographical region of the state.

- 1935 (b) In addition to any other duty or authority under this section, the chief procurement  
 1936 officer shall:
- 1937 (i) after considering board recommendations, develop a plan for issuing regional  
 1938 solicitations; and
- 1939 (ii) after developing a plan, issue regional solicitations for procurement items in  
 1940 accordance with the plan and this chapter.
- 1941 (c) A plan under Subsection (7)(b) shall:
- 1942 (i) define the proposed regional boundaries for regional solicitations;
- 1943 (ii) specify the types of procurement items for which a regional solicitation may be  
 1944 issued; and
- 1945 (iii) identify the regional solicitations that the chief procurement officer plans to issue.
- 1946 (d) A regional solicitation shall require that a person responding to the solicitation offer  
 1947 similar warranties and submit to similar obligations as are standard under other state  
 1948 cooperative contracts.
- 1949 (e) Except as authorized by the chief procurement officer, a procurement item that is  
 1950 available under a state cooperative contract may not be provided under a contract  
 1951 pursuant to a regional solicitation until after the expiration of the state cooperative  
 1952 contract.

1953 Section 23. Section **76-5-417** is enacted to read:

1954 **76-5-417 (Effective 07/01/25). Sexual relations with an adult high school student.**

1955 (1) As used in this section:

- 1956 (a) "Actor" means an individual who is 21 years old or older.
- 1957 (b) "Adult high school student" means an individual who is 18 to 21 years old and  
 1958 enrolled at a high school.
- 1959 (c) "High school" means a district, charter, or private school that is comprised of grade  
 1960 9, 10, 11, or 12.
- 1961 (d) "Position of special trust" means the following positions in a high school:
- 1962 (i) a teacher;
- 1963 (ii) an administrator;
- 1964 (iii) a coach;
- 1965 (iv) a counselor; or
- 1966 (v) an individual other than an individual listed in this Subsections (1)(d) who  
 1967 occupies a position of authority that enables the individual to exercise undue  
 1968 influence over an adult high school student.

- 1969 (e) "Sexual intercourse" means any penetration, however slight, of:  
 1970 (i) the genitals or anus of an individual by another individual using any body part,  
 1971 object, or substance; or  
 1972 (ii) the mouth of an individual by another individual's genitals.  
 1973 (f) Terms defined in Section 76-1-101.5 apply to this section.  
 1974 (2) An actor commits sexual relations with an adult high school student if the actor:  
 1975 (a)(i) has sexual intercourse with an adult high school student; or  
 1976 (ii) with the intent to cause substantial emotional or bodily pain to any individual or  
 1977 with the intent to arouse or gratify the sexual desire of any individual:  
 1978 (A) touches the anus, buttocks, pubic area, or any part of the genitals of an adult  
 1979 high school student;  
 1980 (B) touches the breast of a female adult high school student; or  
 1981 (C) otherwise takes indecent liberties with an adult high school student;  
 1982 (b) occupies a position of special trust in relation to the adult high school student  
 1983 described in Subsection (2)(a); and  
 1984 (c) knows or should have known that the individual with which the actor committed the  
 1985 acts described in Subsection (2)(a) was an adult high school student.  
 1986 (3) A violation of Subsection (2) is a third degree felony.  
 1987 (4) Any touching, even if accomplished through clothing, is sufficient to constitute the  
 1988 relevant element of a violation of Subsection (2)(a)(ii).  
 1989 (5) Consent of an adult high school student to an act described in Subsection (2) is not a  
 1990 defense to prosecution under this section.  
 1991 Section 24. **Repealer.**  
 1992 This bill repeals:  
 1993 Section **53F-4-208, State board procurement for school security software.**  
 1994 Section 25. **Effective Date.**  
 1995 This bill takes effect on July 1, 2025.