

Ryan D. Wilcox proposes the following substitute bill:

**School Safety Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor:

2

3 **LONG TITLE**

4 **Committee Note:**

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

6 Legislative Vote: 11 voting for 0 voting against 7 absent

7 **General Description:**

8 This bill modifies school safety provisions.

9 **Highlighted Provisions:**

10 This bill:

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

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

- 29        **15A-5-203**, as last amended by Laws of Utah 2024, Chapters 21, 381
- 30        **53-22-102**, as last amended by Laws of Utah 2024, Chapter 21
- 31        **53-22-103**, as last amended by Laws of Utah 2024, Chapter 21
- 32        **53-22-104.1**, as enacted by Laws of Utah 2024, Chapter 21
- 33        **53-22-104.2**, as enacted by Laws of Utah 2024, Chapter 21
- 34        **53-22-105**, as enacted by Laws of Utah 2024, Chapter 21
- 35        **53-22-106**, as enacted by Laws of Utah 2024, Chapter 21
- 36        **53B-28-401**, as last amended by Laws of Utah 2024, Chapters 65, 378
- 37        **53B-28-403**, as enacted by Laws of Utah 2021, Chapter 332
- 38        **53G-8-701**, as last amended by Laws of Utah 2024, Chapter 21
- 39        **53G-8-701.5**, as repealed and reenacted by Laws of Utah 2024, Chapter 21
- 40        **53G-8-701.6**, as enacted by Laws of Utah 2024, Chapter 21
- 41        **53G-8-701.8**, as enacted by Laws of Utah 2024, Chapter 21
- 42        **53G-8-704**, as enacted by Laws of Utah 2024, Chapter 21
- 43        **53G-8-802**, as last amended by Laws of Utah 2024, Chapter 23
- 44        **53G-8-803**, as last amended by Laws of Utah 2024, Chapter 21
- 45        **53G-8-805**, as enacted by Laws of Utah 2024, Chapter 21
- 46        **53G-9-207**, as last amended by Laws of Utah 2024, Chapter 520
- 47        **53G-9-703**, as last amended by Laws of Utah 2024, Chapter 20
- 48        **53G-10-408**, as enacted by Laws of Utah 2022, Chapter 292
- 49        **63G-6a-103**, as last amended by Laws of Utah 2024, Chapters 291, 408 and 438
- 50        **63G-6a-2105**, as last amended by Laws of Utah 2016, Chapters 348, 355
- 51        **63I-1-253**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

52 ENACTS:

- 53        **53-22-104.3**, Utah Code Annotated 1953
- 54        **53-22-108**, Utah Code Annotated 1953
- 55        **53-22-109**, Utah Code Annotated 1953
- 56        **53-25-601**, Utah Code Annotated 1953
- 57        **53B-28-404**, Utah Code Annotated 1953
- 58        **76-5-417**, Utah Code Annotated 1953

59 REPEALS:

- 60        **53F-4-208**, as enacted by Laws of Utah 2023, Chapter 383



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

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

64 **15A-5-203 . Amendments and additions to IFC related to fire safety, building,**  
65 **and site requirements.**

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

67 (a) In IFC, Chapter 5, a new Section 501.5, Access grade and fire flow, is added as  
68 follows: "An authority having jurisdiction over a structure built in accordance with  
69 the requirements of the International Residential Code as adopted in the State  
70 Construction Code, may require an automatic fire sprinkler system for the structure  
71 only by ordinance and only if any of the following conditions exist:

72 (i) the structure:

73 (A) is located in an urban-wildland interface area as provided in the Utah  
74 Wildland Urban Interface Code adopted as a construction code under the State  
75 Construction Code; and

76 (B) does not meet the requirements described in Utah Code, Subsection 65A-8-203  
77 (4)(a) and Utah Administrative Code, R652-122-1300, Minimum Standards for  
78 County Wildland Fire Ordinance;

79 (ii) the structure is in an area where a public water distribution system with fire  
80 hydrants does not exist as required in Utah Administrative Code, R309-550-5,  
81 Water Main Design;

82 (iii) the only fire apparatus access road has a grade greater than 10% for more than  
83 500 continual feet;

84 (iv) the total floor area of all floor levels within the exterior walls of the dwelling unit  
85 exceeds 10,000 square feet; or

86 (v) the total floor area of all floor levels within the exterior walls of the dwelling unit  
87 is double the average of the total floor area of all floor levels of unsprinkled  
88 homes in the subdivision that are no larger than 10,000 square feet.

89 (vi) Exception: A single family dwelling does not require a fire sprinkler system if  
90 the dwelling:

91 (A) is located outside the wildland urban interface;

92 (B) is built in a one-lot subdivision; and

93 (C) has 50 feet of defensible space on all sides that limits the propensity of fire  
94 spreading from the dwelling to another property."

95 (b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as  
96 follows: "Where access to or within a structure or an area is restricted because of

97 secured openings or where immediate access is necessary for life-saving or  
98 fire-fighting purposes, the fire code official, after consultation with the building  
99 owner, may require a key box to be installed in an approved location. The key box  
100 shall contain keys to gain necessary access as required by the fire code official. For  
101 each fire jurisdiction that has at least one building with a required key box, the fire  
102 jurisdiction shall adopt an ordinance, resolution, or other operating rule or policy that  
103 creates a process to ensure that each key to each key box is properly accounted for  
104 and secure."

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

109 (d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as follows:  
110 "507.1.2 Pre-existing subdivision lots.

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

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

115 (f) IFC, Chapter 5, Section 510.1, Emergency responder communication coverage in  
116 new buildings, is amended by adding: "When required by the fire code official,  
117 unless the new building is a public school as that term is defined in Section  
118 53G-9-205.1 or a private school, [~~then~~] if determined by the fire code official to be  
119 necessary after construction of the new building is completed, then the fire code  
120 official shall require," at the beginning of the first paragraph.

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

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

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

130 (c) IFC, Chapter 6, Section 607.2, a new exception 5 is added as follows: "5. A Type 1

131 hood is not required for a cooking appliance in a microenterprise home kitchen, as  
 132 that term is defined in Utah Code, Section 26B-7-401, for which the operator obtains  
 133 a permit in accordance with Section 26B-7-416."

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

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

136 **53-22-102 . State security chief -- Creation -- Appointment.**

137 (1) There is created within the department a state security chief.

138 (2) The state security chief:

139 (a) is appointed by the commissioner with the approval of the governor;

140 (b) is subject to the supervision and control of the commissioner;

141 (c) may be removed at the will of the commissioner;

142 (d) shall be qualified by experience and education to:

143 (i) enforce the laws of this state relating to school safety;

144 (ii) perform duties prescribed by the commissioner; and

145 (iii) enforce rules made under this chapter.

146 (3) The state security chief shall:

147 (a) establish building and safety standards for all public and private schools, including:

148 (i) coordinating with the State Board of Education to establish the required minimum  
 149 safety and security standards for all public and private school facilities, including:

150 (A) limited entry points, including, if applicable, secured entry points for specific  
 151 student grades or groups;

152 (B) internal video surveillance~~[of entrances when school is in session]~~;

153 (C) ~~[ground level]~~ exterior and interior windows protected by security ~~[film]~~ glazing  
 154 or ballistic windows;

155 (D) internal classroom door locks;

156 (E) bleed kits and first aid kits;

157 (F) exterior cameras on entrances, parking areas, and campus grounds; ~~[and]~~

158 (G) fencing around playgrounds; and

159 (H) compliance with universal access key box requirements under Section  
 160 53G-8-305;

161 (ii) establishing a schedule or timeline for existing buildings to come into compliance  
 162 with this section;

163 (iii) creating a process to examine plans and specifications for construction or  
 164 remodeling of a school building, in accordance with Section 53E-3-706;

- 165 (iv) recommending to the commissioner the denial or revocation a public or private  
166 school's occupancy permit for a building if:
- 167 (A) the building does not meet the standards established in this section; and  
168 (B) after consultation with the local governing board, the building remains  
169 non-compliant with the standards established in this section;
- 170 (v) creating minimum standards for radio communication equipment in every school;
- 171 ~~(vi) establishing an incident response method or system that a school shall use; and~~  
172 ~~[(vi)] (vii) establishing a process to approve the safety and security criteria the state~~  
173 ~~superintendent of public instruction establishes for building inspectors described~~  
174 ~~in Section 53E-3-706;~~
- 175 (b) oversee the implementation of the school safety personnel requirements described in  
176 Section 53G-8-701.5, including:
- 177 (i) in consultation with a county security chief, overseeing the school guardian  
178 program described in Section 53-22-105, including approving and coordinating  
179 the relevant training programs;
- 180 (ii) establishing an application process for approved alternatives to the school safety  
181 personnel requirements described in Section 53G-8-701.5;
- 182 (iii) selecting training requirements for school safety and security specialists in  
183 consultation with the State Board of Education as described in Section  
184 53G-8-701.6;
- 185 (iv) as required by Section 53G-8-701.8, tracking each school safety and security  
186 director for a local education agency and ensuring that the contact information for  
187 the school safety and security directors is readily available to the local law  
188 enforcement agency of relevant jurisdiction; and
- 189 (v) reviewing and approving the State Board of Education's school resource officer  
190 training program as described in Section 53G-8-702;
- 191 (c) oversee the creation of school safety trainings, protocols, and incident responses,  
192 including:
- 193 (i) in consultation with the State Board of Education, defining what constitutes an  
194 "active threat" and "developmentally appropriate" for purposes of the emergency  
195 response training described in Section 53G-8-803;
- 196 (ii) in consultation with the Office of Substance ~~[Abuse]~~ Use and Mental Health,  
197 establishing or selecting an adolescent mental health and de-escalation training for  
198 school safety personnel;

- 199 (iii) consulting with the School Safety Center to develop the model critical incident  
200 response that all schools and law enforcement will use during a threat, including:  
201 (A) standardized response protocol terminology for use throughout the state,  
202 including what constitutes a threat;  
203 (B) protocols for planning and safety drills, including drills required in a school  
204 before the school year begins;  
205 (C) integration and appropriate use of a panic alert device described in Subsection  
206 53G-8-805;  
207 (D) the establishment of incident command for a threat or safety incident,  
208 including which entity and individual runs the incident command;  
209 (E) the required components for a communication plan to be followed during an  
210 incident or threat;  
211 (F) reunification plan protocols, including the appropriate design and use of an  
212 incident command by others responding to or involved in an incident; and  
213 (G) recommendations for safety equipment for schools, including amounts and  
214 types of first aid supplies;
- 215 (iv) reviewing and suggesting any changes to the response plans and training under  
216 Section 53G-8-803;
- 217 (v) creating the official standard response protocol described in Section 53G-8-803  
218 for use by schools and law enforcement for school safety incidents;
- 219 (vi) ensuring a school physically marks doorways and hallways consistent with the  
220 incident response method required in Subsection (3)(a); and
- 221 [~~(vi)~~] (vii) establishing a manner for any security personnel described in Section  
222 53G-8-701.5 to be quickly identified by law enforcement during an incident;
- 223 (d) in collaboration with the School Safety Center, create a needs assessment that a local  
224 education agency shall use to ensure compliance with the needs assessment  
225 requirement described in Section 53G-8-701.5;
- 226 (e) in consultation with the School Safety Center, select a system to track relevant data,  
227 including the tracking required in Sections 53-22-105, 53G-8-701.5, 53G-8-701.8,  
228 and 53G-8-704;
- 229 (f) in consultation with the School Safety Center established in Section 53G-8-802:  
230 (i) create a process to receive and analyze the school safety needs assessments  
231 described in Section 53G-8-701.5; and  
232 (ii) establish a required data reporting system for public schools to report serious and

- 233 non-serious threats and other data related to threat assessment that the state  
 234 security chief determines to be necessary;
- 235 (g) establish, in collaboration with the Utah Education and Telehealth Network created  
 236 in Section 53B-17-105 and the School Safety Center established in Section  
 237 53G-8-802, minimum cybersecurity standards for local education agencies, including:
- 238 (i) adoption of nationally recognized cybersecurity framework;  
 239 (ii) requirements for regular cybersecurity assessments that may be part of the needs  
 240 assessment described in Section 53G-8-701.5;  
 241 (iii) cybersecurity incident response protocols; and  
 242 (iv) additional data protection standards;
- 243 (h) review, authorize, and oversee foundation activities under Section 53-22-108; and  
 244 [(e)] (i) fulfill any other duties and responsibilities determined by the commissioner.
- 245 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 246 department, in consultation with the state security chief, shall make rules to fulfill the  
 247 duties described in this section.
- 248 (5) The state security chief may delegate duties under this section to a sworn department  
 249 member with the approval of the commissioner.
- 250 Section 3. Section **53-22-103** is amended to read:
- 251 **53-22-103 . County sheriff responsibilities -- Coordination.**
- 252 (1) Each county sheriff shall identify an individual as a county security chief within the  
 253 sheriff's office to coordinate security responsibilities, protocols, and required trainings  
 254 between the state security chief, the county sheriff's office, and the corresponding police  
 255 chiefs whose jurisdiction includes a public school within the county.
- 256 (2) The county security chief shall:
- 257 (a) in collaboration with the school safety and security specialist described in Section  
 258 53G-8-701.6 and a member of the local law enforcement agency of relevant  
 259 jurisdiction as described in Section 53-25-601:
- 260 (i) [~~conduct, or coordinate-~~] administer or coordinate with a designee from the local  
 261 law enforcement agency of relevant jurisdiction to [~~conduct~~] participate in, by any  
 262 appropriate means the county security chief determines, the school safety needs  
 263 assessment described in Section 53G-8-701.5; and
- 264 (ii) conduct a building safety evaluation at least annually using the results of the  
 265 school safety needs assessment to recommend and implement improvements to  
 266 school facilities, policies, procedures, protocols, rules, and regulations relating to



- 267 school safety and security;
- 268 (b) collaborate and maintain effective communications regarding school safety with  
269 each:
- 270 (i) school safety and security specialist in the county security chief's county, as  
271 described in Section 53G-8-701.6;
- 272 (ii) school safety and security director in the county security chief's county, as  
273 described in Section 53G-8-701.8; and
- 274 (iii) local law enforcement agency within the county;
- 275 (c) administer with the corresponding police chiefs whose jurisdiction includes a public  
276 school, the trainings described in Sections 53-22-105 and 53G-8-704, including:
- 277 (i) assessing if an individual is capable of the duties and responsibilities that the  
278 trainings cover; and
- 279 (ii) denying an individual the ability to be a school safety personnel described in  
280 Section 53G-8-701.5 if the county security chief finds the individual is not  
281 capable of the duties and responsibilities that the trainings cover; and
- 282 (d) in conjunction with the state security chief, administer the school guardian program  
283 established in Section 53-22-105 at any school participating in the program in the  
284 county security chief's county.

285 Section 4. Section **53-22-104.1** is amended to read:

286 **53-22-104.1 . School Security Task Force -- Membership -- Duties -- Per diem --**  
287 **Report -- Expiration.**

- 288 (1) There is created a School Security Task Force composed of the following members:
- 289 (a) the House chair and vice chair of the House Law Enforcement and Criminal Justice  
290 Standing Committee during the 2024 General Session, with the House chair serving  
291 as the co-chair of the task force;
- 292 (b) two members from the Senate, whom the president of the Senate selects and one of  
293 whom the president of the Senate appoints as co-chair of the task force;
- 294 (c) the state security chief;
- 295 (d) one member of the State Board of Education, whom the chair of State Board of  
296 Education selects;
- 297 (e) a member of the School Safety Center or designee, whom the state security chief  
298 selects;
- 299 (f) the director of the Utah Division of Juvenile Justice Youth Services or the director's  
300 designee;

- 301 (g) a member of the Utah School Superintendents Association, whom the chairs select;  
302 (h) the Commissioner of Higher Education or designee;  
303 (i) a school security expert, whom the state security chief selects;  
304 (j) a cybersecurity expert, whom the state security chief selects in consultation with the  
305 director of the Utah Education Telehealth Network created in Section 53B-17-105;  
306 (k) the director of a school safety foundation established under Section 53-22-108 or the  
307 director's designee;  
308 [~~(h)~~] (l) one member of the Chiefs of Police Association from a county of the first or  
309 second class;  
310 [~~(i)~~] (m) one member of the Sheriff's Association from a county of the third, fourth, fifth,  
311 or sixth class, whom the president of the association selects;  
312 [~~(j)~~] (n) one county security chief, whom the state security chief selects;  
313 [~~(k)~~] (o) a school safety and security director, whom the chairs select;  
314 [~~(l)~~] (p) a school resource officer, whom the state security chief selects; and  
315 [~~(m)~~] (q) a member of the SafeUT and School Safety Commission, whom the chairs  
316 select.
- 317 (2) The task force shall:
- 318 (a) review school safety updates;
- 319 (b) consult with the Education Advisory Board created in Section 53-22-104.2; and
- 320 (c) develop legislation recommendations as necessary.
- 321 (3)(a) A majority of the members of the task force constitutes a quorum.
- 322 (b) The action of a majority of a quorum constitutes an action of the task force.
- 323 (4) The Office of Legislative Research and General Counsel shall provide staff for the task  
324 force.
- 325 (5)(a) Salaries and expenses of the members of the task force who are legislators shall be  
326 paid in accordance with:
- 327 (i) Section 36-2-2;
- 328 (ii) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation  
329 Expenses; and
- 330 (iii) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
- 331 (b) A member of the task force who is not a legislator may not receive compensation for  
332 the member's work associated with the task force but may receive per diem and  
333 reimbursement for travel expenses incurred as a member of the task force at the rates  
334 established by the Division of Finance under:

- 335 (i) Sections 63A-3-106 and 63A-3-107; and  
 336 (ii) rules made by the Division of Finance in accordance with Sections 63A-3-106  
 337 and 63A-3-107.

338 Section 5. Section **53-22-104.2** is amended to read:

339 **53-22-104.2 . The School Security Task Force -- Public Education Advisory**  
 340 **Board.**

- 341 (1) There is created an advisory board to the task force called the Public Education  
 342 Advisory Board.
- 343 (2) The advisory board shall consist of the following members:
- 344 (a) the state security chief, who acts as chair of the advisory board;
- 345 (b) the construction and facility specialist at the State Board of Education;
- 346 (c) the Director of School Safety and Student Services at the State Board of Education or  
 347 the director's designee;
- 348 (d) a school nurse, whom the state security chief selects;
- 349 [~~(e)~~] (e) a superintendent from a county of the fourth, fifth, or sixth class, whom the state  
 350 security chief selects;
- 351 [~~(f)~~] (f) a superintendent from a county of the first, second, or third class, whom the state  
 352 security chief selects;
- 353 [~~(g)~~] (g) a charter school director who is employed in [~~from~~] a county of the fourth, fifth,  
 354 or sixth class, whom the state security chief selects;
- 355 [~~(h)~~] (h) a charter school director from a county of the first, second, or third class, whom  
 356 the state security chief selects;
- 357 [~~(i)~~] (i) the president of the Utah School Boards Association or the president's designee;
- 358 [~~(j)~~] (j) a parent representative from a school community council or parent teacher  
 359 organization, whom the state security chief selects;
- 360 [~~(k)~~] (k) a facilities manager from an LEA in a county of the fourth, fifth, or sixth class,  
 361 whom the state security chief selects;
- 362 [~~(l)~~] (l) a facilities manager from an LEA in county of the first, second, or third class,  
 363 whom the state security chief selects;
- 364 [~~(m)~~] (m) a representative of private schools, whom the state security chief selects; and
- 365 [~~(n)~~] (n) a member of the Office of Substance Abuse and Mental Health, whom the state  
 366 security chief selects.
- 367 (3) The advisory board's purpose is to:
- 368 (a) review and provide input on official business of the task force;

369 (b) provide recommendations and suggestions for the task force's consideration; and  
 370 (c) study and evaluate the policies, procedures, and programs implemented for school  
 371 safety and provide proactive information regarding the implementation.

372 (4)(a) A majority of the members of the advisory board constitutes a quorum.

373 (b) The action of a majority of a quorum constitutes an action of the advisory board.

374 (5)(a) The advisory board shall select two members to serve as co-chairs.

375 (b) The co-chairs are responsible for the call and conduct of meetings.

376 (6) The staff of the state security chief shall provide staff for the advisory board.

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

381 (a) Sections 63A-3-106 and 63A-3-107; and

382 (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
 383 63A-3-107.

384 Section 6. Section **53-22-104.3** is enacted to read:

385 **53-22-104.3 . The School Security Task Force -- Higher Education Advisory**  
 386 **Board.**

387 (1) There is created an advisory board to the task force called the Higher Education  
 388 Advisory Board.

389 (2) The advisory board shall consist of the following members:

390 (a) the state security chief, who acts as chair of the advisory board;

391 (b) the Commissioner of Higher Education or the commissioner's designee;

392 (c) one representative from a Utah higher education institution, whom the state security  
 393 chief and commissioner jointly select from either:

394 (i) a degree-granting institution; or

395 (ii) a technical college;

396 (d) a facilities management director from a higher education institution, whom the state  
 397 security chief selects;

398 (e) a campus security director from a higher education institution, whom the state  
 399 security chief selects;

400 (f) a Title IX coordinator from a higher education institution, whom the state security  
 401 chief selects; and

402 (g) additional members as the state security chief and the commissioner determine

403           necessary.

404   (3) The advisory board's purpose is to:

405       (a) review and provide input on official business of the task force;

406       (b) provide recommendations and suggestions for the task force's consideration,  
407           including potential higher education campus use of the standard response protocol  
408           described in Section 5G-8-803; and

409       (c) study and evaluate the policies, procedures, and programs implemented for campus  
410           safety and provide proactive information regarding implementation.

411   (4)(a) A majority of the members of the advisory board constitutes a quorum.

412       (b) The action of a majority of a quorum constitutes an action of the advisory board.

413   (5) The chair is responsible for the call and conduct of meetings.

414   (6) The staff of the state security chief shall provide staff for the advisory board.

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

419       (a) Sections 63A-3-106 and 63A-3-107; and

420       (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
421           63A-3-107.

422       Section 7. Section **53-22-105** is amended to read:

423       **53-22-105 . School guardian program.**

424   (1) As used in this section:

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

426           (i) a county security chief or a designee administers in coordination with personnel  
427               from local law enforcement of relevant jurisdiction as described in Section  
428               53-25-601(2)(b);

429           (ii) the state security chief approves;

430           (iii) can be tailored to local needs;

431           (iv) allows an individual to practice and demonstrate firearms proficiency at a  
432               firearms range using the firearm the individual carries for self defense and defense  
433               of others;

434           (v) includes the following components:

435               (A) firearm safety, including safe storage of a firearm;

436               (B) de-escalation tactics;

- 437 (C) the role of mental health in incidents; and  
438 (D) disability awareness and interactions; and  
439 (vi) contains other training needs as determined by the state security chief.
- 440 (b) "Biannual training" means a twice-yearly training that:
- 441 (i) is at least four hours, unless otherwise approved by the state security chief;  
442 (ii) a county security chief or a designee administers in coordination with personnel  
443 from local law enforcement of relevant jurisdiction as described in Section  
444 53-25-601(2)(b);  
445 (iii) the state security chief approves;  
446 (iv) can be tailored to local needs; and  
447 (v) through which a school guardian at a school or simulated school environment:  
448 (A) receives training on the specifics of the building or buildings of the school,  
449 including the location of emergency supplies and security infrastructure; and  
450 (B) participates in a live-action practice plan with school administrators in  
451 responding to active threats at the school; and  
452 (vi) shall be taken with at least three months in between the two trainings.
- 453 (c) "Firearm" means the same as that term is defined in Section 76-10-501.
- 454 (d) "Initial training" means an in-person training that:
- 455 (i) a county security chief or a designee administers in coordination with personnel  
456 from local law enforcement of relevant jurisdiction as described in Section  
457 53-25-601(2)(b);  
458 (ii) the state security chief approves;  
459 (iii) can be tailored to local needs; and  
460 (iv) provides:  
461 (A) training on general familiarity with the types of firearms that can be concealed  
462 for self-defense and defense of others;  
463 (B) training on the safe loading, unloading, storage, and carrying of firearms in a  
464 school setting;  
465 (C) training at a firearms range with instruction regarding firearms fundamentals,  
466 marksmanship, the demonstration and explanation of the difference between  
467 sight picture, sight alignment, and trigger control, and a recognized pistol  
468 course;  
469 (D) current laws dealing with the lawful use of a firearm by a private citizen,  
470 including laws on self-defense, defense of others, transportation of firearms,

- 471 and concealment of firearms;
- 472 (E) coordination with law enforcement officers in the event of an active threat;
- 473 (F) basic trauma first aid;
- 474 (G) the appropriate use of force, emphasizing the de-escalation of force and
- 475 alternatives to using force;
- 476 (H) situational response evaluations, including:
- 477 (I) protecting and securing a crime or accident scene;
- 478 (II) notifying law enforcement;
- 479 (III) controlling information; and
- 480 (IV) other training that the county sheriff, designee, or department deems
- 481 appropriate.
- 482 (e) "Program" means the school guardian program created in this section.
- 483 (f)(i) "School employee" means an employee of a school whose duties and
- 484 responsibilities require the employee to be physically present at a school's campus
- 485 while school is in session.
- 486 (ii) "School employee" does not include a principal, teacher, or individual whose
- 487 primary responsibilities require the employee to be primarily present in a
- 488 classroom to teach, care for, or interact with students, unless:
- 489 (A) the principal, teacher, or individual is employed at a school with ~~[400]~~ 350 or
- 490 fewer students;
- 491 (B) the principal, teacher, or individual is employed at a school with adjacent
- 492 campuses as determined by the state security chief; or
- 493 (C) as provided in Subsection 53G-8-701.5(3).
- 494 (g) "School guardian" means a school employee who meets the requirements of
- 495 Subsection (3).
- 496 (2)(a)(i) There is created within the department the school guardian program[;] .
- 497 (ii) ~~[the]~~ The state security chief shall oversee the school guardian program[;] .
- 498 (iii) ~~[the]~~ The applicable county security chief shall administer the school guardian
- 499 program in each county.
- 500 (b) The state security chief shall ensure that the school guardian program includes:
- 501 (i) initial training;
- 502 (ii) biannual training; and
- 503 (iii) annual training.
- 504 (c) A county sheriff may partner or contract with:

- 505 (i) another county sheriff to support the respective county security chiefs in jointly  
506 administering the school guardian program in the relevant counties; and
- 507 (ii) a local law enforcement agency of relevant jurisdiction to provide the:
- 508 (A) initial training;
- 509 (B) biannual training; and
- 510 (C) annual training.
- 511 (3)(a) A school employee that volunteers to participate is eligible to join the program as  
512 a school guardian if:
- 513 (i) the school administrator approves the volunteer school employee to be designated  
514 as a school guardian;
- 515 (ii) the school employee satisfactorily completes initial training within six months  
516 before the day on which the school employee joins the program;
- 517 (iii) the school employee holds a valid concealed carry permit issued under [~~Title 53,~~]  
518 Chapter 5, Part 7, Concealed Firearm Act;
- 519 (iv) the school employee certifies to the sheriff of the county where the school is  
520 located that the school employee has undergone the training in accordance with  
521 Subsection (3)(a)(ii) and intends to serve as a school guardian; and
- 522 (v) the school employee [~~successfully completes a mental health screening selected~~  
523 ~~by the state security chief in collaboration with the Office of Substance Abuse and~~  
524 ~~Mental Health established in Section 26B-5-102.~~]:
- 525 (A) completes an initial "fit to carry" assessment the Department of Health and  
526 Human Services approves and a provider administers; and
- 527 (B) maintains compliance with mental health screening requirements consistent  
528 with law enforcement standards.
- 529 (b) After joining the program a school guardian shall complete annual training and  
530 biannual training to retain the designation of a school guardian in the program.
- 531 (4) The state security chief shall:
- 532 (a) for each school that participates in the program, track each school guardian at the  
533 school by collecting the photograph and the name and contact information for each  
534 guardian;
- 535 (b) make the information described in Subsection (4)(a) readily available to each law  
536 enforcement agency in the state categorized by school; and
- 537 (c) provide each school guardian with a one-time stipend of \$500.
- 538 (5) A school guardian:



- 539 (a) may store the school guardian's firearm on the grounds of a school only if:
- 540 (i) the firearm is stored in a biometric gun safe;
- 541 (ii) the biometric gun safe is located in the school guardian's office; and
- 542 (iii) the school guardian is physically present on the grounds of the school while the
- 543 firearm is stored in the safe;
- 544 (b) shall carry the school guardian's firearm in a concealed manner; and
- 545 (c) may not, unless during an active threat, display or open carry a firearm while on
- 546 school grounds.
- 547 (6) Except as provided in Subsection (5)(c), this section does not prohibit an individual who
- 548 has a valid concealed carry permit but is not participating in the program from carrying a
- 549 firearm on the grounds of a public school or charter school under Subsection 76-10-505.5
- 550 (4).
- 551 (7) A school guardian:
- 552 (a) does not have authority to act in a law enforcement capacity; and
- 553 (b) may, at the school where the school guardian is employed:
- 554 (i) take actions necessary to prevent or abate an active threat; and
- 555 (ii) temporarily detain an individual when the school guardian has reasonable cause
- 556 to believe the individual has committed or is about to commit a forcible felony, as
- 557 that term is defined in Section 76-2-402.
- 558 (8) A school may designate a single volunteer or multiple volunteers to participate in the
- 559 school guardian program to satisfy the school safety personnel requirements of Section
- 560 53G-8-701.5.
- 561 (9) The department may adopt, according to Title 63G, Chapter 3, Utah Administrative
- 562 Rulemaking Act, rules to administer this section.
- 563 (10) A school guardian who has active status in the guardian program is not liable for any
- 564 civil damages or penalties if the school guardian:
- 565 (a) when carrying or storing a firearm:
- 566 (i) is acting in good faith; and
- 567 (ii) is not grossly negligent; or
- 568 (b) threatens, draws, or otherwise uses a firearm reasonably believing the action to be
- 569 necessary in compliance with Section 76-2-402.
- 570 (11) A school guardian shall file a report described in Subsection (12) if, during the
- 571 performance of the school guardian's duties, the school guardian points a firearm at an
- 572 individual.

- 573 (12)(a) A report described in Subsection (11) shall include:  
574 (i) a description of the incident;  
575 (ii) the identification of the individuals involved in the incident; and  
576 (iii) any other information required by the state security chief.
- 577 (b) A school guardian shall submit a report required under Subsection (11) to the school  
578 administrator, school safety and security director, and the state security chief within  
579 48 hours after the incident.
- 580 (c) The school administrator, school safety and security director, and the state security  
581 chief shall consult and review the report submitted under Subsection (12)(b).
- 582 (13) The requirements of Subsections (11) and (12) do not apply to a training exercise.
- 583 (14) A school guardian may have the designation of school guardian revoked at any time by  
584 the school principal, county sheriff, or state security chief.
- 585 (15)(a) Any information or record created detailing a school guardian's participation in  
586 the program is:
- 587 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government  
588 Records Access and Management Act; and  
589 (ii) available only to:  
590 (A) the state security chief;  
591 (B) administrators at the school guardian's school;  
592 (C) if applicable, other school safety personnel described in Section 53G-8-701.5;  
593 (D) a local law enforcement agency that would respond to the school in case of an  
594 emergency; and  
595 (E) the individual designated by the county sheriff in accordance with Section  
596 53-22-103 of the county of the school where the school guardian in the  
597 program is located.
- 598 (b) The information or record described in Subsection (15)(a) includes information  
599 related to the school guardian's identity and activity within the program as described  
600 in this section and any personal identifying information of a school guardian  
601 participating in the program collected or obtained during initial training, annual  
602 training, and biannual training.
- 603 (c) An individual who intentionally or knowingly provides the information described in  
604 Subsection (15)(a) to an individual or entity not listed in Subsection (15)(a)(ii) is  
605 guilty of a class B misdemeanor.

606 Section 8. Section **53-22-106** is amended to read:

607 **53-22-106 . Substantial threats against a school reporting requirements --**608 **Exceptions.**

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

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

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

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

621 [~~(c)~~] (b) to the nearest peace officer or law enforcement agency[-] ; and

622 (c) the state security chief.

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

627 (ii) If the local education agency that the substantial threat would impact receives a  
628 report under Subsection (2), the local education agency that the substantial threat  
629 would impact shall immediately notify the appropriate local law enforcement  
630 agency and the state security chief.

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

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

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

640 (a) a member of the clergy with regard to any confession an individual makes to the

641 member of the clergy while functioning in the ministerial capacity of the member of  
642 the clergy if:

- 643 (i) the individual made the confession directly to the member of the clergy;
- 644 (ii) the member of the clergy is, under canon law or church doctrine or practice,  
645 bound to maintain the confidentiality of the confession; and
- 646 (iii) the member of the clergy does not have the consent of the individual making the  
647 confession to disclose the content of the confession; or
- 648 (b) an attorney, or an individual whom the attorney employs, if:
  - 649 (i) the knowledge or belief of the substantial threat arises from the representation of a  
650 client; and
  - 651 (ii) if disclosure of the substantial threat would not reveal the substantial threat to  
652 prevent reasonably certain death or substantial bodily harm in accordance with  
653 Utah Rules of Professional Conduct, Rule 1.6.

654 (5)(a) When a member of the clergy receives information about the substantial threat  
655 from any source other than a confession, the member of the clergy shall report the  
656 information even if the member of the clergy also received information about the  
657 substantial threat from the confession of the perpetrator.

658 (b) Exemption of the reporting requirement for an individual described in Subsection (4)  
659 does not exempt the individual from any other actions required by law to prevent  
660 further substantial threats or actual harm related to the substantial threat.

661 (6) The physician-patient privilege does not:

- 662 (a) excuse an individual who is licensed under Title 58, Chapter 67, Utah Medical  
663 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, from  
664 reporting under this section; or
- 665 (b) constitute grounds for excluding evidence in a judicial or administrative proceeding  
666 resulting from a report under this section.

667 Section 9. Section **53-22-108** is enacted to read:

668 **53-22-108 . School safety foundation.**

669 (1) As used in this section:

- 670 (a) "Authorized foundation" means a nonprofit foundation that:
  - 671 (i) meets the requirements of this section; and
  - 672 (ii) the state security chief authorizes in consultation with the School Safety Center  
673 created in Section 53G-8-802.
- 674 (b) "School safety product" means equipment, technology, service, or material that

- 675 enhances school safety and security.
- 676 (2) The state security chief may approve a nonprofit foundation to be an authorized  
677 foundation if the foundation:
- 678 (a) maintains status as a nonprofit organization under 26 U.S.C. Sec. 501(c)(3);  
679 (b) has operated continuously in the state for three or more years;  
680 (c) maintains a primary mission focused on school safety;  
681 (d) operates under a board of directors that includes:  
682 (i) a law enforcement representative;  
683 (ii) an educator or school administrator; and  
684 (iii) an emergency management professional;  
685 (e) demonstrates financial stability through:  
686 (i) an annual independent audit;  
687 (ii) maintained reserves; and  
688 (iii) a clean financial record; and  
689 (f) provides evidence of:  
690 (i) successful project management;  
691 (ii) an existing relationship with an educational institution; and  
692 (iii) knowledge of school safety requirements described in federal and state law.
- 693 (3) A foundation seeking authorization shall submit to the state security chief:
- 694 (a) a written application that demonstrates compliance with Subsection (2);  
695 (b) a financial record for the previous three years;  
696 (c) a current board member qualification;  
697 (d) a proposed school safety initiative; and  
698 (e) an internal procurement policy.
- 699 (4) The state security chief shall:
- 700 (a) review an application within 60 days;  
701 (b) request additional information if needed;  
702 (c) issue a written decision; and  
703 (d) maintain a public record of an authorized foundation, including records related to the  
704 approval process of an authorized foundation.
- 705 (5) An authorized foundation may:
- 706 (a) participate in a state cooperative contract in accordance with Section 63G-6a-2105;  
707 (b) make a bulk purchase of a school safety product; and  
708 (c) in coordination with the state security chief and the School Safety Center:

- 709           (i) facilitate a donation of a school safety product; and  
 710           (ii) distribute a product to a school.
- 711 (6) An authorized foundation shall:
- 712       (a) follow Title 63G, Chapter 6a, Utah Procurement Code, when utilizing a state  
 713           contract;
- 714       (b) maintain separate accounting for a school safety purchase;
- 715       (c) by August 1 of each year, submit an annual report to the state security chief that  
 716           includes:
- 717           (i) a product procured through a state contract;  
 718           (ii) the annual independent audit required in Subsection (2)(e);  
 719           (iii) all schools served;  
 720           (iv) the total value of a donation facilitated; and  
 721           (v) a compliance certification; and
- 722       (d) renew authorization every three years.
- 723 (7) The state security chief:
- 724       (a) may revoke authorization if the authorized foundation:
- 725           (i) fails to maintain a requirement of this section;  
 726           (ii) violates Title 63G, Chapter 6a, Utah Procurement Code;  
 727           (iii) engages in financial mismanagement; or  
 728           (iv) submits false information in a report required by this section; and
- 729       (b) shall, before revoking authorization:
- 730           (i) provide written notice to the foundation;  
 731           (ii) allow a 30-day period to remedy the violation;  
 732           (iii) provide an opportunity for a hearing; and  
 733           (iv) issue a final written decision.
- 734 (8) Authorization under this section does not:
- 735       (a) create state liability;  
 736       (b) imply state endorsement;  
 737       (c) override a local procurement requirement; and  
 738       (d) exempt the foundation from an applicable law.
- 739       Section 10. Section **53-22-109** is enacted to read:
- 740       **53-22-109 . School safety -- Compliance.**
- 741 (1) As used in this section:
- 742       (a) "Compliance issue" means a violation of a school safety requirement under:

- 743 (i) this chapter; or
- 744 (ii) rules established in accordance with this chapter.
- 745 (b) "Tiered system of support" means an escalating system of:
- 746 (i) technical assistance;
- 747 (ii) intervention; and
- 748 (iii) corrective action.
- 749 (2) The state security chief shall, in collaboration with the School Safety Center:
- 750 (a) establish a tiered system of support for a compliance issue;
- 751 (b) develop implementation procedures for the system; and
- 752 (c) define criteria for:
- 753 (i) evaluating a compliance issue;
- 754 (ii) assigning an appropriate tier; and
- 755 (iii) monitoring progress.
- 756 (3) In establishing the system under Subsection (2), the state security chief and School
- 757 Safety Center shall consider:
- 758 (a) severity of the compliance issue;
- 759 (b) risk to student and staff safety;
- 760 (c) available technical assistance resources;
- 761 (d) local education agency capacity; and
- 762 (e) required corrective action timelines.

763 Section 11. Section **53-25-601** is enacted to read:

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

765 **53-25-601 . Requirements for school safety.**

- 766 (1) As used in this section:
- 767 (a) "Local law enforcement agency" means the law enforcement agency with primary
- 768 jurisdiction over a school's physical location.
- 769 (b) "School safety needs assessment" means the assessment required under Section
- 770 53G-8-701.5.
- 771 (c) "Security camera system" means the system described in Section 53G-8-805.
- 772 (2) Each local law enforcement agency shall:
- 773 (a) as coordinated with the county security chief described in Section 53-22-103,
- 774 allocate adequate personnel to participate in the annual school safety needs
- 775 assessments with a school's school safety and security specialist as required by
- 776 Section 53G-8-701.5 for each school within the local law enforcement's jurisdiction;

- 777 (b) if a school within the local law enforcement agency's jurisdiction elects to satisfy the  
 778 requirements described in Subsection 53G-8-701.5(2)(a)(ii) by employing school  
 779 guardians, assign adequate personnel time as the the county security chief determines  
 780 to assist the county security chief in administering the trainings required under  
 781 Section 53-22-105;
- 782 (c) ensure the school safety and security specialist for each school has all relevant  
 783 information collected by the county security chief or the local law enforcement  
 784 agency to submit the completed assessments to the School Safety Center created in  
 785 Section 53G-8-802 by October 15 of each year;
- 786 (d) coordinate with each school within the local law enforcement's jurisdiction to obtain  
 787 and maintain access to school security camera systems as described in Section  
 788 53G-8-805; and
- 789 (e) coordinate with the relevant county security chiefs as specified in Sections 53-22-103  
 790 and 53-22-105.

791 Section 12. Section **53B-28-401** is amended to read:

792 **53B-28-401 . Campus safety plans and training -- Institution duties -- Governing**  
 793 **board duties.**

794 (1) As used in this section:

795 (a) "Covered offense" means:

- 796 (i) sexual assault;  
 797 (ii) domestic violence;  
 798 (iii) dating violence; or  
 799 (iv) stalking.

800 (b) "Institution" means an institution of higher education described in Section 53B-1-102.

801 (c) "Student organization" means a club, group, sports team, fraternity or sorority, or  
 802 other organization:

- 803 (i) of which the majority of members is composed of students enrolled in an  
 804 institution; and  
 805 (ii)(A) that is officially recognized by the institution; or  
 806 (B) seeks to be officially recognized by the institution.

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

- 808 (a) where an individual can locate the institution's policies and publications related to a  
 809 covered offense;  
 810 (b) institution and community resources for a victim of a covered offense;



- 811 (c) the rights of a victim of a covered offense, including the measures the institution  
812 takes to ensure, unless otherwise provided by law, victim confidentiality throughout  
813 all steps in the reporting and response to a covered offense;
- 814 (d) how the institution informs the campus community of a crime that presents a threat  
815 to the campus community;
- 816 (e) availability, locations, and methods for requesting assistance of security personnel on  
817 the institution's campus;
- 818 (f) guidance on how a student may contact law enforcement for incidents that occur off  
819 campus;
- 820 (g) institution efforts related to increasing campus safety, including efforts related to the  
821 institution's increased response in providing services to victims of a covered offense,  
822 that:
- 823 (i) the institution made in the preceding 18 months; and  
824 (ii) the institution expects to make in the upcoming 24 months;
- 825 (h) coordination and communication between institution resources and organizations,  
826 including campus law enforcement;
- 827 (i) institution coordination with local law enforcement or community resources,  
828 including coordination related to a student's safety at an off-campus location; and
- 829 (j) how the institution requires a student organization to provide the campus safety  
830 training as described in Subsection (5).
- 831 (3) An institution shall:
- 832 (a) prominently post the institution's campus safety plan on the institution's website and  
833 each of the institution's campuses; and
- 834 (b) annually update the institution's campus safety plan.
- 835 (4) An institution shall develop a campus safety training curriculum that addresses:
- 836 (a) awareness and prevention of covered offenses, including information on institution  
837 and community resources for a victim of a covered offense;
- 838 (b) bystander intervention; and
- 839 (c) sexual consent.
- 840 (5) An institution shall require a student organization, in order for the student organization  
841 to receive or maintain official recognition by the institution, to annually provide campus  
842 safety training, using the curriculum described in Subsection (4), to the student  
843 organization's members.
- 844 ~~[(6) An institution shall report annually to the Education Interim Committee and the Law~~

845 Enforcement and Criminal Justice Interim Committee, at or before the committees'  
 846 November meetings, on crime statistics aggregated by housing facility as described in  
 847 Subsection ~~53B-28-403(2)~~.]

848 Section 13. Section **53B-28-403** is amended to read:

849 **53B-28-403 . Student housing crime reporting.**

850 (1) As used in this section:

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

852 (b) "Crime statistics" means the number of each of the crimes in 34 C.F.R. Sec.  
 853 668.46(c)(1) that are reported to a local police agency or campus law enforcement,  
 854 listed by type of crime.

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

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

857 (A) is used for housing students;

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

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

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

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

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

866 (A) used for housing students; and

867 (B) part of the institution's campus.

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

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

870 (B) used in direct support of the on-campus housing facility.

871 (g) "Student housing" means:

872 (i) an institution noncampus housing facility;

873 (ii) an on-campus housing facility; or

874 (iii) a student organization noncampus housing facility.

875 (h) "Student organization" means the same as that term is defined in Section 53B-28-401.

876 (i) "Student organization noncampus housing facility" means a building or property that:

877 (i) is used for housing students;

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

879 (iii)(A) a student organization owns, manages, controls, or leases; or  
 880 (B) is real property that is adjacent to the student organization noncampus housing  
 881 facility and is used in direct support of the noncampus housing facility.

882 (2) An institution with the types of housing facilities described in this Subsection (2) shall:

883 (a) create a report of crime statistics aggregated by:

884 (i) on-campus housing facility, identified and listed individually using the institution's  
 885 system for inventorying institution facilities;

886 (ii) institution noncampus housing facility, identified and listed individually using the  
 887 institution's system for inventorying institution facilities; and

888 (iii) student organization noncampus housing facilities, identified and listed  
 889 individually using the institution's system for identifying student organization  
 890 noncampus housing facilities; and

891 (b) ~~[include the report described in Subsection (2)(a) in the report described in~~  
 892 ~~Subsection 53B-28-401(6).]~~ report annually to the Education Interim Committee and  
 893 the Law Enforcement and Criminal Justice Interim Committee, at or before the  
 894 committee's November meetings, on crime statistics aggregated by housing facility  
 895 as described in Subsection(2)(a).

896 (3) An institution that does not have the types of housing described in Subsection (2) shall  
 897 report the crime statistics as required by 20 U.S.C. Section 1092(f), the Jeanne Clery  
 898 Disclosure of Campus Security Policy and Campus Crime Statistics Act, to the entities  
 899 specified in Subsection (2).

900 (4) Upon request from an institution, a local law enforcement agency shall provide to the  
 901 institution crime statistics for each student housing facility over which the local law  
 902 enforcement agency has jurisdiction.

903 ~~[(4)]~~ (5) Except as provided in Section 53B-28-303, when campus law enforcement receives  
 904 a complaint or report of a crime that campus law enforcement reasonably determines  
 905 occurred outside of campus law enforcement's jurisdiction, campus law enforcement  
 906 shall share any record of the complaint or report with the local law enforcement agency  
 907 with jurisdiction.

908 Section 14. Section **53B-28-404** is enacted to read:

909 **53B-28-404 . Higher Education Safety Needs Assessment.**

910 (1) As used in this section:

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

912 (b) "Safety needs assessment" means a comprehensive evaluation of:

- 913            (i) campus security infrastructure;  
914            (ii) emergency response protocols;  
915            (iii) threat assessment capabilities;  
916            (iv) mental health resources;  
917            (v) cybersecurity measures;  
918            (vi) communication systems; and  
919            (vii) other safety-related elements as the state security chief determines.
- 920    (2) An institution shall:
- 921            (a) by October 15 of each year, conduct an annual safety needs assessment that:
- 922            (i) evaluates the institution's current safety and security measures;  
923            (ii) identifies potential vulnerabilities and risks;  
924            (iii) assesses compliance with applicable safety regulations;  
925            (iv) reviews emergency response plans; and  
926            (v) examines the effectiveness of safety-related policies and procedures;
- 927            (b) submit the assessment results to:
- 928            (i) the state security chief;  
929            (ii) the institution's board of trustees;  
930            (iii) the Utah Board of Higher Education;  
931            (iv) the School Security Task Force established in Section 53-22-104.1; and  
932            (v) local law enforcement agencies with jurisdiction over the institution's campus;
- 933            (c) develop and implement an action plan to address identified safety needs; and  
934            (d) maintain records of completed assessments and improvement actions.
- 935    (3) The state security chief in collaboration with the Office of the Higher Education  
936    Commissioner, shall:
- 937            (a) establish guidelines for conducting the safety needs assessment;  
938            (b) provide technical assistance to institutions in completing the assessment;  
939            (c) review assessment results and action plans; and  
940            (d) make recommendations for safety improvements.
- 941    (4) The Utah Board of Higher Education shall:
- 942            (a) ensure institutions comply with this section;  
943            (b) coordinate resources to assist institutions in implementing safety improvements;  
944            (c) facilitate sharing of best practices among institutions; and  
945            (d) establish policies for maintaining confidentiality of sensitive security information  
946            contained in the assessments.

947 Section 15. Section **53G-8-701** is amended to read:

948 **53G-8-701 . Definitions.**

949 As used in this part:

- 950 (1) "Armed school security guard" means the same as that term is defined in Section [  
951 ~~53G-8-804~~] 53G-8-704.
- 952 (2) "County security chief" means the same as that term is defined in Section 53-22-101.
- 953 (3) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
- 954 (4) "Public school" means the same as that term is defined in Section 53G-9-205.1.
- 955 (5) "School guardian" means the same as that term is defined in Section 53-22-106.
- 956 (6) "School is in session" means the same as that term is defined in Section 53E-3-516.
- 957 (7) "School resource officer" means a law enforcement officer, as defined in Section  
958 53-13-103, who contracts with or whose law enforcement agency contracts with an LEA  
959 to provide law enforcement services for the LEA.
- 960 (8) "School safety and security director" means an individual whom an LEA designates in  
961 accordance with Section 53G-8-701.8.
- 962 (9) "School safety and security specialist" means a school employee designated under  
963 Section 53G-8-701.6 who is responsible for supporting school safety initiatives.
- 964 (10) "School [~~safety-center~~] Safety Center" means the same as that term is defined in  
965 Section 53G-8-801.
- 966 (11) "State security chief" means the same as that term is defined in Section 53-22-101.

967 Section 16. Section **53G-8-701.5** is amended to read:

968 **53G-8-701.5 . School safety needs assessment -- School safety personnel --**  
969 **Alternative requirements.**

- 970 (1)(a) No later than [~~December 31, 2024~~] October 15 of each year, an LEA shall:
- 971 (i) ensure a school safety needs assessment the state security chief selects is  
972 conducted in accordance with Subsection (1)(b) for each school within the LEA to  
973 determine the needs and deficiencies regarding:
- 974 (A) appropriate school safety personnel, including necessary supports, training,  
975 and policy creation for the personnel;
- 976 (B) physical building security and safety, including required upgrades to facilities  
977 and safety technology, and a list of current deferred maintenance; and
- 978 (C) a school's current threat and emergency response protocols, including any  
979 emergency response agreements with local law enforcement;
- 980 (D) cybersecurity preparedness and compliance with the cybersecurity standards

981 established under Section 53-22-102;

982 (E) cardiac emergency preparedness, including presence and accessibility of  
 983 automated external defibrillators, automated external defibrillator maintenance  
 984 status and replacement needs, staff training levels for using an automated  
 985 external defibrillator, and integration with local emergency services;

986 (F) compliance with universal access key box requirements under Section  
 987 53G-7-220; and

988 (ii) report the results of the school safety needs assessment for each school within the  
 989 LEA to the state security chief and the School Safety Center.

990 (b) The school safety specialist described in Section 53G-8-701.6, in collaboration with  
 991 the county security chief, ~~[or designee described in Section 53-22-103]~~ and with the  
 992 local law enforcement of relevant jurisdiction over the school as described in Section  
 993 53-25-601, shall conduct the school safety needs assessment for each school.

994 ~~[(e) In collaboration with the School Safety Center described in Section 53G-8-802, the~~  
 995 ~~state security chief described in Section 53-22-102 shall create a school safety needs~~  
 996 ~~assessment that an LEA shall use to ensure compliance with this Subsection (1).]~~

997 ~~[(d)]~~ (c) The state board shall use the results of the school safety needs assessment for  
 998 each school within an LEA to award a grant to an LEA in accordance with Section  
 999 53F-5-220.

1000 ~~[(e)]~~ (d) Any information or record detailing a school's needs assessment results is:

1001 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government  
 1002 Records Access and Management Act; and

1003 (ii) available only to:

1004 (A) the state security chief;

1005 (B) the School Safety Center;

1006 (C) members of an LEA governing board;

1007 (D) administrators of the LEA and school the needs assessment concerns;

1008 (E) only to the extent necessary to award a grant under Section 53F-5-220, the  
 1009 state board;

1010 (F) the applicable school safety personnel described in Subsection (2);

1011 (G) a local law enforcement agency that would respond to the school in case of an  
 1012 emergency; and

1013 (H) the county security chief.

1014 ~~[(f)]~~ (e) An individual who intentionally or knowingly provides the information

- 1015 described in Subsection (1)(e) to an individual or entity not listed in Subsection  
 1016 (1)(e)(ii) is guilty of a class B misdemeanor.
- 1017 (2)(a) An LEA shall ensure each school within the LEA has the following school safety  
 1018 personnel:
- 1019 (i) a school safety and security specialist described in Section 53G-8-701.6; and
  - 1020 (ii) based on the results of the needs assessment described in Subsection (1), at least  
 1021 one of the following:
    - 1022 (A) a school resource officer;
    - 1023 (B) a school guardian; or
    - 1024 (C) an armed school security guard.
- 1025 (b) In addition to the school safety personnel described in Subsection (2)(a), an LEA  
 1026 shall designate a school safety and security director described in Section 53G-8-701.8.
- 1027 (c) ~~[If a school has more than 350 students enrolled at the school, the]~~ The same  
 1028 individual may ~~[not]~~ serve in more than one of the roles listed in Subsections (2)(a)  
 1029 and (b) if the school notifies the School Safety Center and the state security chief of  
 1030 the decision to have the same individual serve in multiple roles as described in this  
 1031 Subsection (2).
- 1032 (d) An LEA may implement the requirements of Subsection (2)(a)(ii) before the LEA  
 1033 has completed the school safety needs assessment described in Subsection (1).
- 1034 (e) The state security chief in consultation with the School Safety Center shall establish  
 1035 a timeline for an LEA to comply with the school safety personnel requirements of  
 1036 this Subsection (2).
- 1037 (3)(a) An LEA, school administrator, or private school may apply to the state security  
 1038 chief for an approved alternative to the requirements described in:
- 1039 (i) Section 53-22-105;
  - 1040 (ii) this section;
  - 1041 (iii) Section 53G-8-701.6;
  - 1042 (iv) Section 53G-8-701.8; and
  - 1043 (v) Section 53G-8-704.
- 1044 (b) In approving or denying an application described in Subsection (3)(a), the state  
 1045 security chief may consider factors that impact a school or LEA's ability to adhere to  
 1046 the requirements of this section, including the school or LEA's:
- 1047 (i) population size;
  - 1048 (ii) staffing needs or capacity;

- 1049 (iii) geographic location;
- 1050 (iv) available funding; or
- 1051 (v) general demonstration of need for an alternative to the requirements of this
- 1052 section.
- 1053 (4) A private school shall identify an individual at the private school to serve as the safety
- 1054 liaison with the local law enforcement of relevant jurisdiction and the state security chief.
- 1055 Section 17. Section **53G-8-701.6** is amended to read:
- 1056 **53G-8-701.6 . School safety and security specialist.**
- 1057 (1) As used in this section, "principal" means the chief administrator at a public school,
- 1058 including:
- 1059 (a) a school principal;
- 1060 (b) a charter school director; or
- 1061 (c) the superintendent of the Utah Schools for the Deaf and the Blind.
- 1062 (2)(a) Subject to Subsection (2)(b) and except as provided in Subsection 53G-8-701.5
- 1063 (3), every campus within an LEA shall designate a school safety and security
- 1064 specialist from the employees of the relevant campus.
- 1065 (b) The school safety and security specialist:
- 1066 (i) may not be a principal; and
- 1067 (ii) may be the school safety and security director at one campus within the LEA.
- 1068 (3) The school safety and security specialist shall:
- 1069 (a) report directly to the principal;
- 1070 (b) oversee school safety and security practices to ensure a safe and secure school
- 1071 environment for students and staff;
- 1072 (c) ensure adherence with all policies, procedures, protocols, rules, and regulations
- 1073 relating to school safety and security through collaborating and maintaining effective
- 1074 communications with the following as applicable:
- 1075 (i) the principal;
- 1076 (ii) school staff;
- 1077 (iii) the school resource officer;
- 1078 (iv) the armed school security guard;
- 1079 (v) the school guardian;
- 1080 (vi) local law enforcement;
- 1081 (vii) the county security chief;
- 1082 (viii) the school safety and security director;



- 1083 (ix) the LEA; and
- 1084 (x) school-based behavioral and mental health professionals;
- 1085 (d) in collaboration with the county security chief [~~or designee described in Section~~
- 1086 53-22-103] and with the local law enforcement of relevant jurisdiction over the school
- 1087 as described in Section 53-25-601:
- 1088 (i) conduct the school safety needs assessment described in Section 53G-8-701.5;
- 1089 (ii) in accordance with Sections 53-25-601 and 53G-8-701.5, submit the completed
- 1090 assessments to the School Safety Center created in Section 53G-8-802 by October
- 1091 15 of each year; and
- 1092 [~~(ii)~~] (iii) conduct a building safety evaluation at least annually using the results of the
- 1093 school safety needs assessment to recommend and implement improvements to
- 1094 school facilities, policies, procedures, protocols, rules, and regulations relating to
- 1095 school safety and security;
- 1096 (e) [~~if the specialist is also an employee of an LEA, ]~~participate on the multidisciplinary
- 1097 team that the [~~LEA~~] school establishes;
- 1098 (f) conduct a behavioral threat assessment when the school safety and security specialist
- 1099 deems necessary using an evidence-based tool the state security chief recommends in
- 1100 consultation with the school safety center and the Office of Substance [~~Abuse~~] Use
- 1101 and Mental Health;
- 1102 (g) regularly monitor and report to the principal, local law enforcement, and, if
- 1103 applicable, the LEA superintendent or designee, security risks for the school resulting
- 1104 from:
- 1105 (i) issues with school facilities; or
- 1106 (ii) the implementation of practices, policies, procedures, and protocols relating to
- 1107 school safety and security;
- 1108 (h) coordinate with local first responder agencies to implement and monitor safety and
- 1109 security drills in accordance with policy and applicable procedures and protocols;
- 1110 (i) ensure that school staff, and, when appropriate, students, receive training on and
- 1111 remain current on the school's safety and security procedures and protocols;
- 1112 (j) following an event where security of the school has been significantly compromised,
- 1113 organize a debriefing with the individuals listed in Subsection (3)(c) following the
- 1114 recommendations from the state security chief, in collaboration with the School
- 1115 Safety Center, regarding strengthening school safety and security practices, policies,
- 1116 procedures, and protocols;

- 1117 (k) abide by any LEA, school, or law enforcement agency policy outlining the chain of  
 1118 command;
- 1119 (l) during an emergency, coordinate with the following individuals as applicable, the:  
 1120 (i) school resource officer;  
 1121 (ii) school guardians;  
 1122 (iii) armed school security guards;  
 1123 (iv) school administrators; and  
 1124 (v) responding law enforcement officers;
- 1125 (m) follow any LEA, school, or law enforcement agency student privacy policies,  
 1126 including state and federal privacy laws;
- 1127 (n) participate in an annual training the state security chief selects in consultation with  
 1128 the School Safety Center; and
- 1129 (o) remain current on:  
 1130 (i) a comprehensive school guideline the state security chief selects;  
 1131 (ii) the duties of a school safety and security specialist described in this Subsection  
 1132 (3); and  
 1133 (iii) the school's emergency response plan.
- 1134 (4) During an active emergency at the school, the school safety and security specialist is  
 1135 subordinate to any responding law enforcement officers.
- 1136 Section 18. Section **53G-8-701.8** is amended to read:  
 1137 **53G-8-701.8 . School safety and security director.**
- 1138 (1) Except as provided in Subsection 53G-8-701.5(3), an LEA shall designate a school  
 1139 safety and security director as the LEA point of contact for the county security chief,  
 1140 local law enforcement, and the state security chief.
- 1141 (2) A school safety and security director shall:  
 1142 (a) participate in and satisfy the training requirements~~[, including the annual and~~  
 1143 ~~biannual requirements, described in]~~ as follows:  
 1144 (i) only once, the training requirements described in Section 53-22-105 for school  
 1145 guardians;  
 1146 (ii) ~~[Section 53G-8-702 for]~~ the school resource [officers] officer and administrator  
 1147 training the state security chief approves in consultation with the School Safety  
 1148 Center; and  
 1149 ~~[(iii) Section 53G-8-704 for armed school security guards;]~~
- 1150 (b) if serving as a backup school guardian, [have a valid concealed carry permit issued

- 1151 ~~under Title 53, Chapter 5, Part 7, Concealed Firearm Act]~~ satisfy all requirements  
 1152 described in 53-22-105;
- 1153 (c) if the designee is an employee of an LEA, participate on the multidisciplinary team  
 1154 the LEA establishes;
- 1155 (d) coordinate security responses among, if applicable, the following individuals in the  
 1156 LEA that employs the school safety and security director:
- 1157 (i) school safety and security specialists;  
 1158 (ii) school resource officers;  
 1159 (iii) armed school security guards; and  
 1160 (iv) school guardians; and
- 1161 (e) collaborate and maintain effective communications with local law enforcement, a  
 1162 county security chief, the LEA, and school-based behavioral and mental health  
 1163 professionals to ensure adherence with all policies, procedures, protocols, rules, and  
 1164 regulations relating to school safety and security.
- 1165 (3) A school safety and security director:
- 1166 (a) does not have authority to act in a law enforcement capacity; and  
 1167 (b) may, at the LEA that employs the director:
- 1168 (i) take actions necessary to prevent or abate an active threat; and  
 1169 (ii) temporarily detain an individual when the school safety and security director has  
 1170 reasonable cause to believe the individual has committed or is about to commit a  
 1171 forcible felony, as that term is defined in Section 76-2-402[;] .
- 1172 (4) Notwithstanding Subsection 76-10-505.5(4), if a school safety and security director is  
 1173 carrying a firearm, the school safety and security director shall carry the school safety  
 1174 and security director's firearm in a concealed manner and may not, unless during an  
 1175 active threat, display or open carry a firearm while on school grounds.
- 1176 (5) A school may use the services of the school safety and security director on a temporary  
 1177 basis to satisfy the school safety personnel requirement of Subsection 53G-8-701.5(2).
- 1178 (6) The state security chief shall:
- 1179 (a) for each school safety and security director, track each school safety and security  
 1180 director by collecting the photograph and the name and contact information for each  
 1181 school safety and security director; and  
 1182 (b) make the information described in Subsection (6)(a) readily available to each law  
 1183 enforcement agency in the state categorized by LEA.
- 1184 Section 19. Section **53G-8-704** is amended to read:

- 1185           **53G-8-704 . Contracts between an LEA and a contract security company for**  
1186 **armed school security guards.**
- 1187 (1) As used in this section:
- 1188       (a) "Armed private security officer" means the same as that term is defined in Section  
1189           58-63-102.
- 1190       (b) "Armed school security guard" means an armed private security officer who[-is]:
- 1191           (i) is licensed as an armed private security officer under Title 58, Chapter 63,  
1192               Security Personnel Licensing Act; and
- 1193           (ii) has met the requirements described in Subsection (4)(a).
- 1194       (c) "Contract security company" means the same as that term is defined in Section  
1195           58-63-102.
- 1196       (d) "State security chief" means the same as that term is defined in Section 53-22-102.
- 1197 (2)(a) An LEA may use an armed school security guard to satisfy the school safety  
1198       personnel requirements of Section 53G-8-701.5.
- 1199       (b) An LEA that uses an armed school security guard under Subsection (2)(a) shall  
1200           contract with a contract security company to provide armed school security guards at  
1201           each school within the LEA.
- 1202 (3) The contract described in Subsection (2)(b) shall include a detailed description of:
- 1203       (a) the rights of a student under state and federal law with regard to:
- 1204           (i) searches;
- 1205           (ii) questioning;
- 1206           (iii) arrests; and
- 1207           (iv) information privacy;
- 1208       (b) job assignment and duties of an armed school security guard, including:
- 1209           (i) the school to which an armed school security guard will be assigned;
- 1210           (ii) the hours an armed school security guard is present at the school;
- 1211           (iii) the point of contact at the school that an armed school security guard will contact  
1212               in case of an emergency;
- 1213           (iv) specific responsibilities for providing and receiving information;
- 1214           (v) types of records to be kept, and by whom; and
- 1215           (vi) training requirements; and
- 1216       (c) other expectations of the contract security company in relation to school security at  
1217           the LEA.
- 1218 (4)(a) In addition to the requirements for licensure under Title 58, Chapter 63, Security

- 1219 Personnel Licensing Act, an armed private security officer may only serve as an  
1220 armed school security guard under a contract described in Subsection (2)(b) if the  
1221 armed private security officer:
- 1222 (i) has a valid concealed carry permit issued under Title 53, Chapter 5, Part 7,  
1223 Concealed Firearm Act;[-and]
  - 1224 (ii) has undergone training from a county security chief or local law enforcement  
1225 agency regarding:
    - 1226 (A) the safe loading, unloading, storage, and carrying of firearms in a school  
1227 setting;
    - 1228 (B) the role of armed security guards in a school setting; and
    - 1229 (C) coordination with law enforcement and school officials during an active threat[-] ;
  - 1230 (iii) completes an initial "fit to carry" assessment the Department of Health and  
1231 Human Services approves and a provider administers; and
  - 1232 (iv) maintains compliance with mental health screening requirements consistent with  
1233 law enforcement standards.
- 1234 (b) An armed school security guard that meets the requirements of Subsection (4)(a)  
1235 shall, in order to remain eligible to be assigned as an armed school security guard at  
1236 any school under a contract described in Subsection (2)(b), participate in and satisfy  
1237 the training requirements of the initial, annual, and biannual trainings as defined in  
1238 Section 53-22-105.
- 1239 (5) An armed school security guard may conceal or openly carry a firearm at the school at  
1240 which the armed school security guard is employed under the contract described in  
1241 Subsection (2)(b).
- 1242 (6) An LEA that enters a contract under this section shall inform the state security chief and  
1243 the relevant county security chief of the contract and provide the contact information of  
1244 the contract security company employing the armed security guard for use during an  
1245 emergency.
- 1246 (7) The state security chief shall:
- 1247 (a) for each LEA that contracts with a contract security company under this section,  
1248 track each contract security company providing armed school security guards by  
1249 name and the contact information for use in case of an emergency; and
  - 1250 (b) make the information described in Subsection (7)(a) readily available to each law  
1251 enforcement agency in the state by school.
- 1252 (8) An armed school security guard shall file a report described in Subsection (9) if, during

1253 the performance of the armed school security guard's duties, the armed school security  
1254 guard:

1255 (a) points a firearm at an individual; or

1256 (b) aims a conductive energy device at an individual and displays the electrical current.

1257 (9)(a) A report described in Subsection (8) shall include:

1258 (i) a description of the incident;

1259 (ii) the identification of the individuals involved in the incident; and

1260 (iii) any other information required by the state security chief.

1261 (b) An armed school security guard shall submit a report required under Subsection (8)  
1262 to the school administrator, school safety and security director, and the state security  
1263 chief within 48 hours after the incident.

1264 (c) The school administrator, school safety and security director, and the state security  
1265 chief shall consult and review the report submitted under Subsection (9)(b).

1266 Section 20. Section **53G-8-802** is amended to read:

1267 **53G-8-802 . State Safety and Support Program -- State board duties -- LEA**  
1268 **duties.**

1269 (1) There is created the School Safety Center.

1270 (2) The School Safety Center shall:

1271 (a) develop in conjunction with the Office of Substance Use and Mental Health and the  
1272 state security chief model student safety and support policies for an LEA, including:

1273 (i) requiring an evidence-based behavior threat assessment that includes[;]

1274 [~~(A)~~] recommended interventions with an individual whose behavior poses a  
1275 threat to school safety; [~~and~~]

1276 [~~(B)~~ establishes defined roles for a multidisciplinary team and school safety  
1277 personnel described in Title 53G, Chapter 8, Part 7, School Safety Personnel,  
1278 including;]

1279 (ii) procedures for referrals to law enforcement; and

1280 (iii) procedures for referrals to a community services entity, a family support  
1281 organization, or a health care provider for evaluation or treatment;

1282 (b) provide training in consultation with the state security chief:

1283 (i) in school safety;

1284 (ii) in evidence-based approaches to improve school climate and address and correct  
1285 bullying behavior;

1286 (iii) in evidence-based approaches in identifying an individual who may pose a threat

- 1287 to the school community;
- 1288 (iv) in evidence-based approaches in identifying an individual who may be showing  
1289 signs or symptoms of mental illness;
- 1290 (v) on permitted disclosures of student data to law enforcement and other support  
1291 services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec.  
1292 1232g;
- 1293 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections  
1294 53E-9-203 and 53E-9-305; and
- 1295 (vii) for administrators on rights and prohibited acts under:
- 1296 (A) Chapter 9, Part 6, Bullying and Hazing;
- 1297 (B) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.;
- 1298 (C) Title IX of Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;
- 1299 (D) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.; and  
1300 (E) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.;
- 1301 (c) conduct and disseminate evidence-based research on school safety concerns;
- 1302 (d) disseminate information on effective school safety initiatives;
- 1303 (e) encourage partnerships between public and private sectors to promote school safety;
- 1304 (f) provide technical assistance to an LEA in the development and implementation of  
1305 school safety initiatives;
- 1306 (g) in conjunction with the state security chief, make available to an LEA the model  
1307 critical incident response training program a school and law enforcement agency  
1308 shall use during a threat;
- 1309 (h) provide space for the public safety liaison described in Section 53-1-106 and the  
1310 school-based mental health specialist described in Section 26B-5-102;
- 1311 (i) collaborate with the state security chief to determine appropriate application of school  
1312 safety requirements in Utah Code to an online school;
- 1313 (j) create a model school climate survey that may be used by an LEA to assess  
1314 stakeholder perception of a school environment;
- 1315 (k) establish a charter school liaison including defined responsibilities for charter school  
1316 communication and coordination with the School Safety Center; and
- 1317 (l) assist a foundation described in Section 53-22-108 in distributing school safety  
1318 products if a foundation seeks assistance;
- 1319 (m) in collaboration with the state security chief established in Section 53-22-102 and  
1320 the Utah Education and Telehealth Network created in Section 53B-17-105, conduct

- 1321 an initial gap analysis of LEA cybersecurity practices by December 31, 2025;  
 1322 (n) submit findings from the gap analysis described in Subsection (2)(m) to:  
 1323 (i) the state security chief established in Section 53-22-102;  
 1324 (ii) the School Safety Task Force created in Section 53-22-104.1; and  
 1325 (iii) the state board;  
 1326 (o) establishes defined roles for a multidisciplinary team and school safety personnel  
 1327 described in Title 53G, Chapter 8, Part 7, School Safety Personnel, including  
 1328 providing training and standards for cardiac emergency response that includes:  
 1329 (i) CPR and automated external defibrillator operation certification from a nationally  
 1330 recognized organization;  
 1331 (ii) automated external defibrillator placement, maintenance, and operation protocols;  
 1332 (iii) emergency response procedures, including designation of a cardiac emergency  
 1333 response coordinator and response team; and  
 1334 (iv) coordination with local emergency medical services for emergency response  
 1335 integration; and  
 1336 ~~(k)~~ (p) assist LEAs in implementing and maintaining universal access key box  
 1337 requirements under Section 53G-8-805;  
 1338 (q) collect aggregate data and school climate survey results from an LEA that  
 1339 administers the model school climate survey described in Subsection ~~(2)(i)~~ (2)(j).  
 1340 (3) Nothing in this section requires:  
 1341 (a) an individual to respond to a school climate survey; or  
 1342 (b) an LEA to use the model school climate survey or any specified questions in the  
 1343 model school climate survey described in Subsection ~~(2)(i)~~ (2)(j).  
 1344 (4) The state board shall require an LEA to:  
 1345 (a)(i) if an LEA administers a school climate survey, review school climate data for  
 1346 each school within the LEA; and  
 1347 (ii) based on the review described in Subsection (4)(a)(i):  
 1348 (A) revise practices, policies, and training to eliminate harassment and  
 1349 discrimination in each school within the LEA;  
 1350 (B) adopt a plan for harassment- and discrimination-free learning; and  
 1351 (C) host outreach events or assemblies to inform students and parents of the plan  
 1352 adopted under Subsection (4)(a)(ii)(B);  
 1353 (b) no later than September 1 of each school year, send a notice to each student, parent,  
 1354 and LEA staff member stating the LEA's commitment to maintaining a school



1355 climate that is free of harassment and discrimination; and  
 1356 (c) report to the state board annually on the LEA's implementation of the plan under  
 1357 Subsection (4)(a)(ii)(B) and progress.

1358 (5) A charter school authorizer as that term is defined in Section 53G-5-102, shall pay a  
 1359 portion of the salary of the charter liaison described in Subsection (2)(k) in an amount  
 1360 proportionate to the number of charter schools the authorizer has authorized.

1361 Section 21. Section **53G-8-803** is amended to read:

1362 **53G-8-803 . Standard response protocol to active threats in schools.**

1363 The state security chief described in Section 53-22-102, in consultation with the School  
 1364 Safety Center, shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
 1365 Rulemaking Act, to:

1366 (1) in accordance with the standard response protocol established by the state security chief,  
 1367 require an LEA or school to develop emergency preparedness plans and emergency  
 1368 response plans for use during an emergency that include developmentally appropriate  
 1369 training for students and adults regarding:

1370 (a) active threats;

1371 (b) emergency preparedness;

1372 (c) cardiac emergency preparedness;

1373 ~~[(e)]~~ (d) drills as required under Subsection 15A-5-202.5 and by the state security chief;  
 1374 and

1375 ~~[(d)]~~ (e) standard response protocols coordinated with community stakeholders; and

1376 (2) identify the necessary components of emergency preparedness and response plans,  
 1377 including underlying standard response protocols and emerging best practices for an  
 1378 emergency.

1379 Section 22. Section **53G-8-805** is amended to read:

1380 **53G-8-805 . Panic alert device -- Security cameras.**

1381 (1) As used in this section:

1382 (a) "Universal access key box" means a UL Standard 1037 compliant secure container  
 1383 designed to store and protect emergency access keys and devices.

1384 (b) "Emergency responder" means law enforcement, fire service, or emergency medical  
 1385 personnel authorized by local authorities to respond to school emergencies.

1386 ~~[(+)]~~ (2) In accordance with the results of the school safety needs assessment described in  
 1387 Section 53G-8-701.5, an LEA shall provide ~~[a staff person]~~ the lead teacher in each  
 1388 classroom with a wearable panic alert device that ~~[allows for immediate contact with~~

1389 emergency services or emergency services agencies, law enforcement agencies, health  
 1390 departments, and fire departments] shall communicate directly with public safety  
 1391 answering points.

1392 [(2)] (3) An LEA shall ensure, before the school year begins, all school building personnel  
 1393 receive training on the protocol and appropriate use of the panic alert device described in  
 1394 Subsection [(1)] (2).

1395 [(3)] (4) An LEA shall:

1396 (a) ensure all security cameras within a school building are accessible by:

1397 (i) a local law enforcement agency; and

1398 (ii) public safety answering points;

1399 (b) coordinate with a local law enforcement agency to establish appropriate access  
 1400 protocols[-] ; and

1401 (c) physically mark all hallways and doorways consistent with the incident response  
 1402 method or system the state security chief creates pursuant to Section 53-22-102(3).

1403 [(4)]

1404 (5) A school building shall include universal access key boxes that:

1405 (a) are installed at main entry points;

1406 (b) contain master keys and access devices providing complete access to all areas of the  
 1407 school;

1408 (c) are accessible only to authorized emergency responders;

1409 (d) are electronically monitored for tampering; and

1410 (e) are weather-resistant and vandal-resistant.

1411 (6) An LEA shall:

1412 (a) maintain universal access key boxes by:

1413 (i) conducting quarterly inspections;

1414 (ii) updating contents within 24 hours of any lock or access control changes;

1415 (iii) maintaining current key and access device inventories;

1416 (iv) documenting all inspections and updates; and

1417 (v) immediately replacing any damaged or malfunctioning boxes;

1418 (b) coordinate with local emergency responders to:

1419 (i) determine optimal box placement;

1420 (ii) establish access protocols;

1421 (iii) maintain current emergency contact information; and

1422 (iv) conduct annual reviews of box usage and effectiveness;

- 1423 (c) include universal access key box locations and protocols in:
- 1424 (i) school emergency response plans;
- 1425 (ii) building schematic diagrams provided to emergency responders; and
- 1426 (iii) school safety and security training materials.
- 1427 (7) The state board shall:
- 1428 (a) establish standards for:
- 1429 (i) box installation and placement;
- 1430 (ii) access control and monitoring;
- 1431 (iii) maintenance schedules; and
- 1432 (iv) compliance verification;
- 1433 (b) provide technical assistance to LEAs implementing this section.
- 1434 (8) Nothing in this section:
- 1435 (a) affects requirements for fire department key boxes under applicable building or fire
- 1436 codes; or
- 1437 (b) restricts additional security measures implemented by LEAs that exceed these
- 1438 requirements.
- 1439 (9) This section is not subject to the restrictions in Section 41-6a-2003.
- 1440 Section 23. Section **53G-9-207** is amended to read:
- 1441 **53G-9-207 . Child sexual abuse prevention.**
- 1442 (1) As used in this section:
- 1443 (a)(i) "Age-appropriate instructional material" means materials that provide
- 1444 instruction on:
- 1445 (A) the responsibility of adults for the safety of children;
- 1446 (B) how to recognize uncomfortable inner feelings;
- 1447 (C) how to say no and leave an uncomfortable situation;
- 1448 (D) how to set clear boundaries;
- 1449 (E) the risks of sharing intimate images or personal information through electronic
- 1450 means; and
- 1451 [~~E~~] (F) the importance of discussing uncomfortable situations with parents and
- 1452 other trusted adults.
- 1453 (ii) "Age-appropriate instructional material" does not include materials that:
- 1454 (A) invites a student to share personal experiences about abuse during instruction;
- 1455 (B) gives instruction regarding consent as described in Section 76-5-406; or
- 1456 (C) includes sexually explicit language or depictions.

- 1457 (b) "Alternative provider" means a provider other than the provider selected by the state  
 1458 board under Subsection (8) that provides the training and instruction described in  
 1459 Subsection (4) with instructional materials approved under Subsection (2).
- 1460 (c) "School personnel" means the same as that term is defined in Section 53G-9-203.
- 1461 (d) "Sexual extortion" means the criminal offense described in Section 76-5b-204.
- 1462 (2) The state board shall approve, in partnership with the Department of Health and Human  
 1463 Services, age-appropriate instructional materials for the training and instruction  
 1464 described in Subsections (3)(a) and (4).
- 1465 (3)(a) An LEA shall provide~~[, once every three years,]~~ annual training and instruction on  
 1466 child sexual abuse and human trafficking prevention and awareness to:
- 1467 (i) school personnel in elementary and secondary schools on:
- 1468 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate  
 1469 manner;
- 1470 (B) identifying children who are victims or may be at risk of becoming victims of  
 1471 human trafficking or commercial sexual exploitation; and
- 1472 (C) the mandatory reporting requirements described in Sections 53E-6-701 and  
 1473 80-2-602;
- 1474 (D) appropriate responses to incidents of sexual extortion, including connecting  
 1475 victims with support services; and
- 1476 (ii) parents of elementary school students on:
- 1477 (A) recognizing warning signs of a child who is being sexually abused or who is a  
 1478 victim or may be at risk of becoming a victim of human trafficking or  
 1479 commercial sexual exploitation; ~~[and]~~
- 1480 (B) effective, age-appropriate methods for discussing the topic of child sexual  
 1481 abuse with a child[-] ; and
- 1482 (C) resources available for victims of sexual extortion.
- 1483 (b) An LEA:
- 1484 (i) shall use the instructional materials approved by the state board under Subsection  
 1485 (2) to provide the training and instruction under Subsections (3)(a) and (4); or
- 1486 (ii) may use instructional materials the LEA creates to provide the instruction and  
 1487 training described in Subsections (3)(a) and (4), if the LEA's instructional  
 1488 materials are approved by the state board under Subsection (2).
- 1489 (4)(a) In accordance with Subsections (4)(b) and (5), an LEA may provide instruction on  
 1490 child sexual abuse and human trafficking prevention and awareness to elementary

- 1491 school students using age-appropriate curriculum.
- 1492 (b) An LEA that provides the instruction described in Subsection (4)(a) shall use the  
1493 instructional materials approved by the state board under Subsection (2) to provide  
1494 the instruction.
- 1495 (5)(a) An elementary school student may not be given the instruction described in  
1496 Subsection (4) unless the parent of the student is:
- 1497 (i) notified in advance of the:
- 1498 (A) instruction and the content of the instruction; and  
1499 (B) parent's right to have the student excused from the instruction;
- 1500 (ii) given an opportunity to review the instructional materials before the instruction  
1501 occurs; and  
1502 (iii) allowed to be present when the instruction is delivered.
- 1503 (b) Upon the written request of the parent of an elementary school student, the student  
1504 shall be excused from the instruction described in Subsection (4).
- 1505 (c) Participation of a student requires compliance with Sections 53E-9-202 and  
1506 53E-9-203.
- 1507 (6) An LEA may determine the mode of delivery for the training and instruction described  
1508 in Subsections (3) and (4).
- 1509 (7) Upon request of the state board, an LEA shall provide evidence of compliance with this  
1510 section.
- 1511 (8) The state board shall select a provider to provide the training and instruction described  
1512 in Subsection (4), including requiring the provider selected to:
- 1513 (a) engage in outreach efforts to support more schools to participate in the training and  
1514 instruction;
- 1515 (b) provide materials for the instruction involving students in accordance with  
1516 Subsection (4);
- 1517 (c) provide an outline of how many LEAs, schools, and students the provider could  
1518 service; and  
1519 (d) submit a report to the state board that includes:
- 1520 (i) information on the LEAs the provider engaged with in the outreach efforts,  
1521 including:
- 1522 (A) how many schools within an LEA increased instructional offerings for  
1523 training and instruction; and  
1524 (B) the reasons why an LEA chose to participate or not in the offered training or

- 1525 instruction;
- 1526 (ii) the number of schools and students that received the training and instruction;
- 1527 (iii) budgetary information regarding how the provider utilized any funds the state
- 1528 board allocated; and
- 1529 (iv) additional information the state board requests.
- 1530 (9) Subject to legislative appropriation, there is created a grant program to support an LEA
- 1531 that chooses to use an alternative provider other than the provider selected by the state
- 1532 board under Subsection (8) to provide the training and instruction described in
- 1533 Subsection (4).
- 1534 (10) The state board shall:
- 1535 (a) establish a process to select alternative providers for an LEA to use, including:
- 1536 (i) an application process for a provider to become an alternative provider;
- 1537 (ii) required criteria for a provider to become an alternative provider; and
- 1538 (iii) relevant timelines;
- 1539 (b) create a process for an LEA to receive a grant award described in Subsection (9),
- 1540 including:
- 1541 (i) an application process;
- 1542 (ii) relevant timelines; and
- 1543 (iii) a scoring rubric and corresponding formula for determining a grant amount; and
- 1544 (c) make grant awards on a first come first served basis until the state board distributes
- 1545 all appropriated funds.
- 1546 (11) An LEA that receives a grant award described in Subsection (10)(b) shall:
- 1547 (a) use the grant award to cover the costs needed for implementation of the training or
- 1548 instruction described in Subsection (4); and
- 1549 (b) upon request of the state board, provide an itemized list of the uses of the grant
- 1550 award.
- 1551 Section 24. Section **53G-9-703** is amended to read:
- 1552 **53G-9-703 . Parent education -- Mental health -- Bullying -- Safety.**
- 1553 (1)(a) Except as provided in Subsection (3), a school district shall offer a seminar for
- 1554 parents of students who attend school in the school district that:
- 1555 (i) is offered at no cost to parents;
- 1556 (ii)(A) if in person, begins at or after 6 p.m.;~~[-or]~~
- 1557 (B) if in person, takes place on a Saturday; or
- 1558 (C) may be conducted at anytime online and recorded if the recording is made

1559 available on the school district's website, including the parent portal created in  
1560 Section 53G-6-806.

1561 (iii)(A) is held in at least one school located in the school district; or

1562 (B) is provided through a virtual platform; and

1563 (iv) covers the topics described in Subsection (2).

1564 (b)(i) A school district shall annually offer one parent seminar for each 11,000  
1565 students enrolled in the school district.

1566 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to  
1567 offer more than three seminars.

1568 (c) A school district may:

1569 (i) develop the district school's own curriculum for the seminar described in  
1570 Subsection (1)(a); or

1571 (ii) use the curriculum developed by the state board under Subsection (2).

1572 (d) A school district shall notify each charter school located in the attendance boundaries  
1573 of the school district of the date and time of a parent seminar, so the charter school  
1574 may inform parents of the seminar.

1575 (2) The state board shall:

1576 (a) develop a curriculum for the parent seminar described in Subsection (1) that includes  
1577 information on:

1578 (i) substance abuse, including illegal drugs and prescription drugs and prevention;

1579 (ii) bullying;

1580 (iii) mental health, depression, suicide awareness, and suicide prevention, including  
1581 education on limiting access to fatal means;

1582 (iv) Internet safety, including pornography addiction; [~~and~~]

1583 (v) the SafeUT Crisis Line established in Section 53B-17-1202; and

1584 (vi) resources related to the topics described in this Subsection (2); and

1585 (b) provide the curriculum, including resources and training, to school districts upon  
1586 request.

1587 (3)(a) A school district is not required to offer the parent seminar if the local school  
1588 board determines that the topics described in Subsection (2) are not of significant  
1589 interest or value to families in the school district.

1590 (b) If a local school board chooses not to offer the parent seminar, the local school board  
1591 shall notify the state board and provide the reasons why the local school board chose  
1592 not to offer the parent seminar.

- 1593 Section 25. Section **53G-10-408** is amended to read:
- 1594 **53G-10-408 . Cardiopulmonary resuscitation instruction -- Grant program.**
- 1595 (1) As used in this section:
- 1596 (a) "Board" means the State Board of Education.
- 1597 (b) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external  
1598 chest compression applied to a person who is unresponsive and not breathing.
- 1599 (c) "Individualized education program" or "IEP" means the same as that term is defined  
1600 in Section 53E-1-102.
- 1601 (d) "Local education agency" or "LEA" means a school district or charter school that  
1602 serves students in grade 9, 10, 11, or 12.
- 1603 (e) "Psychomotor skills" means sequences of physical actions that are practiced in a  
1604 manner that supports cognitive learning.
- 1605 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the  
1606 requirements of this section, the board shall make rules to develop and implement CPR  
1607 training as part of the core curriculum standards for instruction in health.
- 1608 (3) The state board may consult with the American Heart Association, the American Red  
1609 Cross, or other similar organizations to make the rules described in Subsection (2).
- 1610 (4) Rules made under Subsection (2) shall include:
- 1611 (a) a requirement that CPR training be based on current national evidence-based  
1612 emergency cardiovascular care guidelines for cardiopulmonary resuscitation;
- 1613 (b) except for a participant who is enrolled in an online-only school, a requirement that  
1614 CPR training include the use of psychomotor skills with appropriate CPR training  
1615 equipment; [~~and~~]
- 1616 (c) a requirement that a student complete CPR training at least once during the period  
1617 that begins with the beginning of grade 9 and ends at the end of grade 12, except as  
1618 provided in Subsection (7)[-] ; and
- 1619 (d) a requirement that CPR training described in this section include, when possible,  
1620 instruction on automated external defibrillator use and operation.
- 1621 (5) Beginning with the 2022-23 school year, and in accordance with the rules made under  
1622 Subsection (2), an LEA shall offer CPR training for students.
- 1623 (6) Rules made under Subsection (2) may not allow an LEA to issue a CPR certification to  
1624 a student, but may allow a student to receive CPR certification from an individual who  
1625 provides the CPR training if the individual is authorized to issue a CPR certification by  
1626 the American Heart Association, American Red Cross, or other similar organization.



- 1627 (7) A student is exempt from completing CPR training if:
- 1628 (a) the student's parent or legal guardian requests that the student be exempt from CPR
- 1629 training;
- 1630 (b) the student provides documentation to the LEA showing that the student has
- 1631 previously received CPR training or has a current CPR certification; or
- 1632 (c) the student has an IEP and the CPR training is inconsistent with the IEP.
- 1633 (8) An LEA may accept a donation of materials, equipment, or services related to CPR
- 1634 training if the materials, equipment, or services are in compliance with rules made
- 1635 pursuant to Subsection (2).
- 1636 (9)(a) There is created the CPR Training Grant Program.
- 1637 (b) Subject to legislative appropriations, the board shall award grants to LEAs to provide
- 1638 the CPR training described in this section, which may include engaging a qualified
- 1639 CPR instructor or replacing materials and equipment used in CPR training.
- 1640 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1641 state board may make rules to establish:
- 1642 (i) application and eligibility requirements for an LEA that seeks a grant under this
- 1643 section; or
- 1644 (ii) specific materials or equipment that may be purchased using a grant awarded
- 1645 under this section.

1646 Section 26. Section **63G-6a-103** is amended to read:

1647 **63G-6a-103 . Definitions.**

1648 As used in this chapter:

- 1649 (1) "Approved vendor" means a person who has been approved for inclusion on an
- 1650 approved vendor list through the approved vendor list process.
- 1651 (2) "Approved vendor list" means a list of approved vendors established under Section
- 1652 63G-6a-507.
- 1653 (3) "Approved vendor list process" means the procurement process described in Section
- 1654 63G-6a-507.
- 1655 (4) "Authorized school safety foundation" means a foundation authorized under Section
- 1656 53-22-108.
- 1657 [~~(4)~~] (5) "Bidder" means a person who submits a bid or price quote in response to an
- 1658 invitation for bids.
- 1659 [~~(5)~~] (6) "Bidding process" means the procurement process described in Part 6, Bidding.
- 1660 [~~(6)~~] (7) "Board" means the Utah State Procurement Policy Board, created in Section

1661 63G-6a-202.

1662 [(7)] (8) "Change directive" means a written order signed by the procurement officer that  
1663 directs the contractor to suspend work or make changes, as authorized by contract,  
1664 without the consent of the contractor.

1665 [(8)] (9) "Change order" means a written alteration in specifications, delivery point, rate of  
1666 delivery, period of performance, price, quantity, or other provisions of a contract, upon  
1667 mutual agreement of the parties to the contract.

1668 [(9)] (10) "Chief procurement officer" means the individual appointed under Section  
1669 63A-2-102.

1670 [(10)] (11) "Conducting procurement unit" means a procurement unit that conducts all  
1671 aspects of a procurement:

1672 (a) except:

1673 (i) reviewing a solicitation to verify that it is in proper form; and

1674 (ii) causing the publication of a notice of a solicitation; and

1675 (b) including:

1676 (i) preparing any solicitation document;

1677 (ii) appointing an evaluation committee;

1678 (iii) conducting the evaluation process, except the process relating to scores  
1679 calculated for costs of proposals;

1680 (iv) selecting and recommending the person to be awarded a contract;

1681 (v) negotiating the terms and conditions of a contract, subject to the issuing  
1682 procurement unit's approval; and

1683 (vi) contract administration.

1684 [(11)] (12) "Conservation district" means the same as that term is defined in Section  
1685 17D-3-102.

1686 [(12)] (13) "Construction project":

1687 (a) means a project for the construction, renovation, alteration, improvement, or repair of  
1688 a public facility on real property, including all services, labor, supplies, and materials  
1689 for the project; and

1690 (b) does not include services and supplies for the routine, day-to-day operation, repair,  
1691 or maintenance of an existing public facility.

1692 [(13)] (14) "Construction manager/general contractor":

1693 (a) means a contractor who enters into a contract:

1694 (i) for the management of a construction project; and

1695 (ii) that allows the contractor to subcontract for additional labor and materials that are  
 1696 not included in the contractor's cost proposal submitted at the time of the  
 1697 procurement of the contractor's services; and

1698 (b) does not include a contractor whose only subcontract work not included in the  
 1699 contractor's cost proposal submitted as part of the procurement of the contractor's  
 1700 services is to meet subcontracted portions of change orders approved within the  
 1701 scope of the project.

1702 [~~(14)~~] (15) "Construction subcontractor":

1703 (a) means a person under contract with a contractor or another subcontractor to provide  
 1704 services or labor for the design or construction of a construction project;

1705 (b) includes a general contractor or specialty contractor licensed or exempt from  
 1706 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and

1707 (c) does not include a supplier who provides only materials, equipment, or supplies to a  
 1708 contractor or subcontractor for a construction project.

1709 [~~(15)~~] (16) "Contract" means an agreement for a procurement.

1710 [~~(16)~~] (17) "Contract administration" means all functions, duties, and responsibilities  
 1711 associated with managing, overseeing, and carrying out a contract between a  
 1712 procurement unit and a contractor, including:

1713 (a) implementing the contract;

1714 (b) ensuring compliance with the contract terms and conditions by the conducting  
 1715 procurement unit and the contractor;

1716 (c) executing change orders;

1717 (d) processing contract amendments;

1718 (e) resolving, to the extent practicable, contract disputes;

1719 (f) curing contract errors and deficiencies;

1720 (g) terminating a contract;

1721 (h) measuring or evaluating completed work and contractor performance;

1722 (i) computing payments under the contract; and

1723 (j) closing out a contract.

1724 [~~(17)~~] (18) "Contractor" means a person who is awarded a contract with a procurement unit.

1725 [~~(18)~~] (19) "Cooperative procurement" means procurement conducted by, or on behalf of:

1726 (a) more than one procurement unit; or

1727 (b) a procurement unit and a cooperative purchasing organization.

1728 [~~(19)~~] (20) "Cooperative purchasing organization" means an organization, association, or

- 1729 alliance of purchasers established to combine purchasing power in order to obtain the  
1730 best value for the purchasers by engaging in procurements in accordance with Section  
1731 63G-6a-2105.
- 1732 ~~[(20)]~~ (21) "Cost-plus-a-percentage-of-cost contract" means a contract under which the  
1733 contractor is paid a percentage of the total actual expenses or costs in addition to the  
1734 contractor's actual expenses or costs.
- 1735 ~~[(21)]~~ (22) "Cost-reimbursement contract" means a contract under which a contractor is  
1736 reimbursed for costs which are allowed and allocated in accordance with the contract  
1737 terms and the provisions of this chapter, and a fee, if any.
- 1738 ~~[(22)]~~ (23) "Days" means calendar days, unless expressly provided otherwise.
- 1739 ~~[(23)]~~ (24) "Definite quantity contract" means a fixed price contract that provides for a  
1740 specified amount of supplies over a specified period, with deliveries scheduled  
1741 according to a specified schedule.
- 1742 ~~[(24)]~~ (25) "Design professional" means:
- 1743 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects  
1744 Licensing Act;
- 1745 (b) an individual licensed as a professional engineer or professional land surveyor under  
1746 Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors  
1747 Licensing Act;
- 1748 (c) an individual licensed under Title 58, Chapter 53, Landscape Architects Licensing  
1749 Act, to engage in the practice of landscape architecture, as defined in Section  
1750 58-53-102; or
- 1751 (d) an individual certified as a commercial interior designer under Title 58, Chapter 86,  
1752 State Certification of Commercial Interior Designers Act.
- 1753 ~~[(25)]~~ (26) "Design professional procurement process" means the procurement process  
1754 described in Part 15, Design Professional Services.
- 1755 ~~[(26)]~~ (27) "Design professional services" means:
- 1756 (a) professional services within the scope of the practice of architecture as defined in  
1757 Section 58-3a-102;
- 1758 (b) professional engineering as defined in Section 58-22-102;
- 1759 (c) master planning and programming services;
- 1760 (d) professional services within the scope of the practice of landscape architecture, as  
1761 defined in Section 58-53-102; or
- 1762 (e) services within the scope of the practice of commercial interior design, as defined in

- 1763           Section 58-86-102.
- 1764   ~~[(27)]~~ (28) "Design-build" means the procurement of design professional services and  
1765           construction by the use of a single contract.
- 1766   ~~[(28)]~~ (29) "Division" means the Division of Purchasing and General Services, created in  
1767           Section 63A-2-101.
- 1768   ~~[(29)]~~ (30) "Educational procurement unit" means:
- 1769           (a) a school district;
- 1770           (b) a public school, including a local school board or a charter school;
- 1771           (c) the Utah Schools for the Deaf and the Blind;
- 1772           (d) the Utah Education and Telehealth Network;
- 1773           (e) an institution of higher education of the state described in Section 53B-1-102; or
- 1774           (f) the State Board of Education.
- 1775   ~~[(30)]~~ (31) "Established catalogue price" means the price included in a catalogue, price list,  
1776           schedule, or other form that:
- 1777           (a) is regularly maintained by a manufacturer or contractor;
- 1778           (b) is published or otherwise available for inspection by customers; and
- 1779           (c) states prices at which sales are currently or were last made to a significant number of  
1780           any category of buyers or buyers constituting the general buying public for the  
1781           supplies or services involved.
- 1782   ~~[(31)]~~ (32)(a) "Executive branch procurement unit" means a department, division, office,  
1783           bureau, agency, or other organization within the state executive branch.
- 1784           (b) "Executive branch procurement unit" does not include the Colorado River Authority  
1785           of Utah as provided in Section 63M-14-210.
- 1786   ~~[(32)]~~ (33) "Facilities division" means the Division of Facilities Construction and  
1787           Management, created in Section 63A-5b-301.
- 1788   ~~[(33)]~~ (34) "Fixed price contract" means a contract that provides a price, for each  
1789           procurement item obtained under the contract, that is not subject to adjustment except to  
1790           the extent that:
- 1791           (a) the contract provides, under circumstances specified in the contract, for an  
1792           adjustment in price that is not based on cost to the contractor; or
- 1793           (b) an adjustment is required by law.
- 1794   ~~[(34)]~~ (35) "Fixed price contract with price adjustment" means a fixed price contract that  
1795           provides for an upward or downward revision of price, precisely described in the  
1796           contract, that:

- 1797 (a) is based on the consumer price index or another commercially acceptable index,  
1798 source, or formula; and
- 1799 (b) is not based on a percentage of the cost to the contractor.
- 1800 ~~[(35)]~~ (36) "Grant" means an expenditure of public funds or other assistance, or an  
1801 agreement to expend public funds or other assistance, for a public purpose authorized by  
1802 law, without acquiring a procurement item in exchange.
- 1803 ~~[(36)]~~ (37) "Human services procurement item" means a procurement item used to provide  
1804 services or support to a child, youth, adult, or family.
- 1805 ~~[(37)]~~ (38) "Immaterial error":
- 1806 (a) means an irregularity or abnormality that is:
- 1807 (i) a matter of form that does not affect substance; or
- 1808 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,  
1809 or a trivial effect on the procurement process and that is not prejudicial to other  
1810 vendors; and
- 1811 (b) includes:
- 1812 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of  
1813 a professional license, bond, or insurance certificate;
- 1814 (ii) a typographical error;
- 1815 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
- 1816 (iv) any other error that the procurement official reasonably considers to be  
1817 immaterial.
- 1818 ~~[(38)]~~ (39) "Indefinite quantity contract" means a fixed price contract that:
- 1819 (a) is for an indefinite amount of procurement items to be supplied as ordered by a  
1820 procurement unit; and
- 1821 (b)(i) does not require a minimum purchase amount; or
- 1822 (ii) provides a maximum purchase limit.
- 1823 ~~[(39)]~~ (40) "Independent procurement unit" means:
- 1824 (a)(i) a legislative procurement unit;
- 1825 (ii) a judicial branch procurement unit;
- 1826 (iii) an educational procurement unit;
- 1827 (iv) a local government procurement unit;
- 1828 (v) a conservation district;
- 1829 (vi) a local building authority;
- 1830 (vii) a special district;

- 1831 (viii) a public corporation;
- 1832 (ix) a special service district; or
- 1833 (x) the Utah Communications Authority, established in Section 63H-7a-201;
- 1834 (b) the facilities division, but only to the extent of the procurement authority provided
- 1835 under Title 63A, Chapter 5b, Administration of State Facilities;
- 1836 (c) the attorney general, but only to the extent of the procurement authority provided
- 1837 under Title 67, Chapter 5, Attorney General;
- 1838 (d) the Department of Transportation, but only to the extent of the procurement authority
- 1839 provided under Title 72, Transportation Code;
- 1840 (e) the Department of Health and Human Services, but only for the procurement of a
- 1841 human services procurement item; or
- 1842 (f) any other executive branch department, division, office, or entity that has statutory
- 1843 procurement authority outside this chapter, but only to the extent of that statutory
- 1844 procurement authority.
- 1845 [~~(40)~~] (41)(a) "Interlocal entity" means a separate political subdivision created under
- 1846 Title 11, Chapter 13, Interlocal Cooperation Act.
- 1847 (b) "Interlocal entity" does not include a project entity.
- 1848 [~~(41)~~] (42) "Invitation for bids":
- 1849 (a) means a document used to solicit:
- 1850 (i) bids to provide a procurement item to a procurement unit; or
- 1851 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
- 1852 (b) includes all documents attached to or incorporated by reference in a document
- 1853 described in Subsection [~~(41)(a)~~] (42)(a).
- 1854 [~~(42)~~] (43) "Issuing procurement unit" means a procurement unit that:
- 1855 (a) reviews a solicitation to verify that it is in proper form;
- 1856 (b) causes the notice of a solicitation to be published; and
- 1857 (c) negotiates and approves the terms and conditions of a contract.
- 1858 [~~(43)~~] (44) "Judicial procurement unit" means:
- 1859 (a) the Utah Supreme Court;
- 1860 (b) the Utah Court of Appeals;
- 1861 (c) the Judicial Council;
- 1862 (d) a state judicial district; or
- 1863 (e) an office, committee, subcommittee, or other organization within the state judicial
- 1864 branch.

- 1865 [~~(44)~~] (45) "Labor hour contract" is a contract under which:
- 1866 (a) the supplies and materials are not provided by, or through, the contractor; and
- 1867 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit
- 1868 for a specified number of labor hours or days.
- 1869 [~~(45)~~] (46) "Legislative procurement unit" means:
- 1870 (a) the Legislature;
- 1871 (b) the Senate;
- 1872 (c) the House of Representatives;
- 1873 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
- 1874 (e) a committee, subcommittee, commission, or other organization:
- 1875 (i) within the state legislative branch; or
- 1876 (ii)(A) that is created by statute to advise or make recommendations to the
- 1877 Legislature;
- 1878 (B) the membership of which includes legislators; and
- 1879 (C) for which the Office of Legislative Research and General Counsel provides
- 1880 staff support.
- 1881 [~~(46)~~] (47) "Local building authority" means the same as that term is defined in Section
- 1882 17D-2-102.
- 1883 [~~(47)~~] (48) "Local government procurement unit" means:
- 1884 (a) a county, municipality, interlocal entity, or project entity, and each office of the
- 1885 county, municipality, interlocal entity, or project entity, unless:
- 1886 (i) the county or municipality adopts a procurement code by ordinance;
- 1887 (ii) the interlocal entity adopts procurement rules or policies as provided in
- 1888 Subsection 11-13-226(2); or
- 1889 (iii) the project entity adopts a procurement code through the process described in
- 1890 Section 11-13-316;
- 1891 (b)(i) a county or municipality that has adopted this entire chapter by ordinance, and
- 1892 each office or agency of that county or municipality; and
- 1893 (ii) a project entity that has adopted this entire chapter through the process described
- 1894 in Subsection 11-13-316; or
- 1895 (c) a county, municipality, or project entity, and each office of the county, municipality,
- 1896 or project entity that has adopted a portion of this chapter to the extent that:
- 1897 (i) a term in the ordinance is used in the adopted chapter; or
- 1898 (ii) a term in the ordinance is used in the language a project entity adopts in its



- 1899 procurement code through the process described in Section 11-13-316.
- 1900 [~~(48)~~] (49) "Multiple award contracts" means the award of a contract for an indefinite  
 1901 quantity of a procurement item to more than one person.
- 1902 [~~(49)~~] (50) "Multiyear contract" means a contract that extends beyond a one-year period,  
 1903 including a contract that permits renewal of the contract, without competition, beyond  
 1904 the first year of the contract.
- 1905 [~~(50)~~] (51) "Municipality" means a city or town.
- 1906 [~~(51)~~] (52) "Nonadopting local government procurement unit" means:
- 1907 (a) a county or municipality that has not adopted Part 16, Protests, Part 17, Procurement  
 1908 Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,  
 1909 General Provisions Related to Protest or Appeal; and
- 1910 (b) each office or agency of a county or municipality described in Subsection [~~(51)~~](a)  
 1911 (52)(a).
- 1912 [~~(52)~~] (53) "Offeror" means a person who submits a proposal in response to a request for  
 1913 proposals.
- 1914 [~~(53)~~] (54) "Preferred bidder" means a bidder that is entitled to receive a reciprocal  
 1915 preference under the requirements of this chapter.
- 1916 [~~(54)~~] (55) "Procure" means to acquire a procurement item through a procurement.
- 1917 [~~(55)~~] (56) "Procurement" means the acquisition of a procurement item through an  
 1918 expenditure of public funds, or an agreement to expend public funds, including an  
 1919 acquisition through a public-private partnership.
- 1920 [~~(56)~~] (57) "Procurement item" means an item of personal property, a technology, a service,  
 1921 or a construction project.
- 1922 [~~(57)~~] (58) "Procurement official" means:
- 1923 (a) for a procurement unit other than an independent procurement unit, the chief  
 1924 procurement officer;
- 1925 (b) for a legislative procurement unit, the individual, individuals, or body designated in a  
 1926 policy adopted by the Legislative Management Committee;
- 1927 (c) for a judicial procurement unit, the Judicial Council or an individual or body  
 1928 designated by the Judicial Council by rule;
- 1929 (d) for a local government procurement unit:
- 1930 (i) the legislative body of the local government procurement unit; or  
 1931 (ii) an individual or body designated by the local government procurement unit;
- 1932 (e) for a special district, the board of trustees of the special district or the board of

- 1933 trustees' designee;
- 1934 (f) for a special service district, the governing body of the special service district or the  
1935 governing body's designee;
- 1936 (g) for a local building authority, the board of directors of the local building authority or  
1937 the board of directors' designee;
- 1938 (h) for a conservation district, the board of supervisors of the conservation district or the  
1939 board of supervisors' designee;
- 1940 (i) for a public corporation, the board of directors of the public corporation or the board  
1941 of directors' designee;
- 1942 (j) for a school district or any school or entity within a school district, the board of the  
1943 school district or the board's designee;
- 1944 (k) for a charter school, the individual or body with executive authority over the charter  
1945 school or the designee of the individual or body;
- 1946 (l) for an institution of higher education described in Section 53B-2-101, the president of  
1947 the institution of higher education or the president's designee;
- 1948 (m) for the State Board of Education, the State Board of Education or the State Board of  
1949 Education's designee;
- 1950 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or  
1951 the designee of the Commissioner of Higher Education;
- 1952 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the  
1953 executive director of the Utah Communications Authority or the executive director's  
1954 designee; or
- 1955 (p)(i) for the facilities division, and only to the extent of procurement activities of the  
1956 facilities division as an independent procurement unit under the procurement  
1957 authority provided under Title 63A, Chapter 5b, Administration of State Facilities,  
1958 the director of the facilities division or the director's designee;
- 1959 (ii) for the attorney general, and only to the extent of procurement activities of the  
1960 attorney general as an independent procurement unit under the procurement  
1961 authority provided under Title 67, Chapter 5, Attorney General, the attorney  
1962 general or the attorney general's designee;
- 1963 (iii) for the Department of Transportation created in Section 72-1-201, and only to  
1964 the extent of procurement activities of the Department of Transportation as an  
1965 independent procurement unit under the procurement authority provided under  
1966 Title 72, Transportation Code, the executive director of the Department of

1967 Transportation or the executive director's designee;

1968 (iv) for the Department of Health and Human Services, and only to the extent of the

1969 procurement activities of the Department of Health and Human Services as an

1970 independent procurement unit, the executive director of the Department of Health

1971 and Human Services or the executive director's designee; or

1972 (v) for any other executive branch department, division, office, or entity that has

1973 statutory procurement authority outside this chapter, and only to the extent of the

1974 procurement activities of the department, division, office, or entity as an

1975 independent procurement unit under the procurement authority provided outside

1976 this chapter for the department, division, office, or entity, the chief executive

1977 officer of the department, division, office, or entity or the chief executive officer's

1978 designee.

1979 [~~58~~] (59) "Procurement unit" means:

- 1980 (a) a legislative procurement unit;
- 1981 (b) an executive branch procurement unit;
- 1982 (c) a judicial procurement unit;
- 1983 (d) an educational procurement unit;
- 1984 (e) the Utah Communications Authority, established in Section 63H-7a-201;
- 1985 (f) a local government procurement unit;
- 1986 (g) a special district;
- 1987 (h) a special service district;
- 1988 (i) a local building authority;
- 1989 (j) a conservation district; or
- 1990 (k) a public corporation.

1991 [~~59~~] (60) "Professional service" means labor, effort, or work that requires specialized

1992 knowledge, expertise, and discretion, including labor, effort, or work in the field of:

- 1993 (a) accounting;
- 1994 (b) administrative law judge service;
- 1995 (c) architecture;
- 1996 (d) construction design and management;
- 1997 (e) engineering;
- 1998 (f) financial services;
- 1999 (g) information technology;
- 2000 (h) the law;

- 2001 (i) medicine;
- 2002 (j) psychiatry; or
- 2003 (k) underwriting.
- 2004 ~~[(60)]~~ (61) "Project entity" means the same as that term is defined in Section 11-13-103.
- 2005 ~~[(61)]~~ (62) "Protest officer" means:
- 2006 (a) for the division or an independent procurement unit:
- 2007 (i) the procurement official;
- 2008 (ii) the procurement official's designee who is an employee of the procurement unit;
- 2009 or
- 2010 (iii) a person designated by rule made by the rulemaking authority; or
- 2011 (b) for a procurement unit other than an independent procurement unit, the chief
- 2012 procurement officer or the chief procurement officer's designee who is an employee
- 2013 of the division .
- 2014 ~~[(62)]~~ (63) "Public corporation" means the same as that term is defined in Section 63E-1-102.
- 2015 ~~[(63)]~~ (64) "Public entity" means the state or any other government entity within the state
- 2016 that expends public funds.
- 2017 ~~[(64)]~~ (65) "Public facility" means a building, structure, infrastructure, improvement, or
- 2018 other facility of a public entity.
- 2019 ~~[(65)]~~ (66) "Public funds" means money, regardless of its source, including from the federal
- 2020 government, that is owned or held by a procurement unit.
- 2021 ~~[(66)]~~ (67) "Public transit district" means a public transit district organized under Title 17B,
- 2022 Chapter 2a, Part 8, Public Transit District Act.
- 2023 ~~[(67)]~~ (68) "Public-private partnership" means an arrangement or agreement, occurring on
- 2024 or after January 1, 2017, between a procurement unit and one or more contractors to
- 2025 provide for a public need through the development or operation of a project in which the
- 2026 contractor or contractors share with the procurement unit the responsibility or risk of
- 2027 developing, owning, maintaining, financing, or operating the project.
- 2028 ~~[(68)]~~ (69) "Qualified vendor" means a vendor who:
- 2029 (a) is responsible; and
- 2030 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that
- 2031 meets the minimum mandatory requirements, evaluation criteria, and any applicable
- 2032 score thresholds set forth in the request for statement of qualifications.
- 2033 ~~[(69)]~~ (70) "Real property" means land and any building, fixture, improvement,
- 2034 appurtenance, structure, or other development that is permanently affixed to land.

- 2035 [(70)] (71) "Request for information" means a nonbinding process through which a  
2036 procurement unit requests information relating to a procurement item.
- 2037 [(71)] (72) "Request for proposals" means a document used to solicit proposals to provide a  
2038 procurement item to a procurement unit, including all other documents that are attached  
2039 to that document or incorporated in that document by reference.
- 2040 [(72)] (73) "Request for proposals process" means the procurement process described in Part  
2041 7, Request for Proposals.
- 2042 [(73)] (74) "Request for statement of qualifications" means a document used to solicit  
2043 information about the qualifications of a person interested in responding to a potential  
2044 procurement, including all other documents attached to that document or incorporated in  
2045 that document by reference.
- 2046 [(74)] (75) "Requirements contract" means a contract:
- 2047 (a) under which a contractor agrees to provide a procurement unit's entire requirements  
2048 for certain procurement items at prices specified in the contract during the contract  
2049 period; and
- 2050 (b) that:
- 2051 (i) does not require a minimum purchase amount; or  
2052 (ii) provides a maximum purchase limit.
- 2053 [(75)] (76) "Responsible" means being capable, in all respects, of:
- 2054 (a) meeting all the requirements of a solicitation; and  
2055 (b) fully performing all the requirements of the contract resulting from the solicitation,  
2056 including being financially solvent with sufficient financial resources to perform the  
2057 contract.
- 2058 [(76)] (77) "Responsive" means conforming in all material respects to the requirements of a  
2059 solicitation.
- 2060 [(77)] (78) "Rule" includes a policy or regulation adopted by the rulemaking authority, if  
2061 adopting a policy or regulation is the method the rulemaking authority uses to adopt  
2062 provisions that govern the applicable procurement unit.
- 2063 [(78)] (79) "Rulemaking authority" means:
- 2064 (a) for a legislative procurement unit, the Legislative Management Committee;  
2065 (b) for a judicial procurement unit, the Judicial Council;  
2066 (c)(i) only to the extent of the procurement authority expressly granted to the  
2067 procurement unit by statute:  
2068 (A) for the facilities division, the facilities division;

- 2069 (B) for the Office of the Attorney General, the attorney general;
- 2070 (C) for the Department of Transportation created in Section 72-1-201, the
- 2071 executive director of the Department of Transportation;
- 2072 (D) for the Department of Health and Human Services, the executive director of
- 2073 the Department of Health and Human Services; and
- 2074 (E) for any other executive branch department, division, office, or entity that has
- 2075 statutory procurement authority outside this chapter, the governing authority of
- 2076 the department, division, office, or entity; and
- 2077 (ii) for each other executive branch procurement unit, the board;
- 2078 (d) for a local government procurement unit:
- 2079 (i) the governing body of the local government unit; or
- 2080 (ii) an individual or body designated by the local government procurement unit;
- 2081 (e) for a school district or a public school, the board, except to the extent of a school
- 2082 district's own nonadministrative rules that do not conflict with the provisions of this
- 2083 chapter;
- 2084 (f) for a state institution of higher education, the Utah Board of Higher Education;
- 2085 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
- 2086 State Board of Education;
- 2087 (h) for a public transit district, the chief executive of the public transit district;
- 2088 (i) for a special district other than a public transit district or for a special service district,
- 2089 the board, except to the extent that the board of trustees of the special district or the
- 2090 governing body of the special service district makes its own rules:
- 2091 (i) with respect to a subject addressed by board rules; or
- 2092 (ii) that are in addition to board rules;
- 2093 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah
- 2094 Board of Higher Education;
- 2095 (k) for the School and Institutional Trust Lands Administration, created in Section
- 2096 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
- 2097 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201, the
- 2098 School and Institutional Trust Fund Board of Trustees;
- 2099 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the
- 2100 Utah Communications Authority board, created in Section 63H-7a-203; or
- 2101 (n) for any other procurement unit, the board.
- 2102 [(79)] (80) "Service":

- 2103 (a) means labor, effort, or work to produce a result that is beneficial to a procurement  
 2104 unit;
- 2105 (b) includes a professional service; and
- 2106 (c) does not include labor, effort, or work provided under an employment agreement or a  
 2107 collective bargaining agreement.
- 2108 ~~[(80)]~~ (81) "Small purchase process" means the procurement process described in Section  
 2109 63G-6a-506.
- 2110 ~~[(81)]~~ (82) "Sole source contract" means a contract resulting from a sole source procurement.
- 2111 ~~[(82)]~~ (83) "Sole source procurement" means a procurement without competition pursuant to  
 2112 a determination under Subsection 63G-6a-802(1)(a) that there is only one source for the  
 2113 procurement item.
- 2114 ~~[(83)]~~ (84) "Solicitation" means an invitation for bids, request for proposals, or request for  
 2115 statement of qualifications.
- 2116 ~~[(84)]~~ (85) "Solicitation response" means:
- 2117 (a) a bid submitted in response to an invitation for bids;
- 2118 (b) a proposal submitted in response to a request for proposals; or
- 2119 (c) a statement of qualifications submitted in response to a request for statement of  
 2120 qualifications.
- 2121 ~~[(85)]~~ (86) "Special district" means the same as that term is defined in Section 17B-1-102.
- 2122 ~~[(86)]~~ (87) "Special service district" means the same as that term is defined in Section  
 2123 17D-1-102.
- 2124 ~~[(87)]~~ (88) "Specification" means any description of the physical or functional  
 2125 characteristics or of the nature of a procurement item included in an invitation for bids  
 2126 or a request for proposals, or otherwise specified or agreed to by a procurement unit,  
 2127 including a description of:
- 2128 (a) a requirement for inspecting or testing a procurement item; or
- 2129 (b) preparing a procurement item for delivery.
- 2130 ~~[(88)]~~ (89) "Standard procurement process" means:
- 2131 (a) the bidding process;
- 2132 (b) the request for proposals process;
- 2133 (c) the approved vendor list process;
- 2134 (d) the small purchase process; or
- 2135 (e) the design professional procurement process.
- 2136 ~~[(89)]~~ (90) "State cooperative contract" means a contract awarded by the division for and in

2137 behalf of all public entities.

2138 [(90)] (91) "Statement of qualifications" means a written statement submitted to a  
2139 procurement unit in response to a request for statement of qualifications.

2140 [(91)] (92) "Subcontractor":

2141 (a) means a person under contract to perform part of a contractual obligation under the  
2142 control of the contractor, whether the person's contract is with the contractor directly  
2143 or with another person who is under contract to perform part of a contractual  
2144 obligation under the control of the contractor; and

2145 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services to  
2146 a contractor.

2147 [(92)] (93) "Technology" means the same as "information technology," as defined in Section  
2148 63A-16-102.

2149 [(93)] (94) "Tie bid" means that the lowest responsive bids of responsible bidders are  
2150 identical in price.

2151 [(94)] (95) "Time and materials contract" means a contract under which the contractor is  
2152 paid:

2153 (a) the actual cost of direct labor at specified hourly rates;

2154 (b) the actual cost of materials and equipment usage; and

2155 (c) an additional amount, expressly described in the contract, to cover overhead and  
2156 profit, that is not based on a percentage of the cost to the contractor.

2157 [(95)] (96) "Transitional costs":

2158 (a) means the costs of changing:

2159 (i) from an existing provider of a procurement item to another provider of that  
2160 procurement item; or

2161 (ii) from an existing type of procurement item to another type;

2162 (b) includes:

2163 (i) training costs;

2164 (ii) conversion costs;

2165 (iii) compatibility costs;

2166 (iv) costs associated with system downtime;

2167 (v) disruption of service costs;

2168 (vi) staff time necessary to implement the change;

2169 (vii) installation costs; and

2170 (viii) ancillary software, hardware, equipment, or construction costs; and



- 2171 (c) does not include:
- 2172 (i) the costs of preparing for or engaging in a procurement process; or
- 2173 (ii) contract negotiation or drafting costs.
- 2174 [(96)] (97) "Vendor":
- 2175 (a) means a person who is seeking to enter into a contract with a procurement unit to
- 2176 provide a procurement item; and
- 2177 (b) includes:
- 2178 (i) a bidder;
- 2179 (ii) an offeror;
- 2180 (iii) an approved vendor;
- 2181 (iv) a design professional; and
- 2182 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.
- 2183 Section 27. Section **63G-6a-2105** is amended to read:
- 2184 **63G-6a-2105 . Cooperative procurements -- Contracts with federal government**
- 2185 **-- Regional solicitations.**
- 2186 (1) The chief procurement officer may, in accordance with the requirements of this chapter,
- 2187 enter into a cooperative procurement, and a contract that is awarded as a result of a
- 2188 cooperative procurement, with:
- 2189 (a) another state;
- 2190 (b) a cooperative purchasing organization; or
- 2191 (c) a public entity inside or outside the state.
- 2192 (2)(a) A public entity, nonprofit organization, or, as permitted under federal law, an
- 2193 agency of the federal government, may obtain a procurement item from a state
- 2194 cooperative contract or a contract awarded by the chief procurement officer under
- 2195 Subsection (1), without signing a participating addendum if the solicitation issued by
- 2196 the chief procurement officer to obtain the contract includes a statement indicating
- 2197 that the resulting contract will be issued for the benefit of public entities and, as
- 2198 applicable, nonprofit organizations and agencies of the federal government.
- 2199 (b) An authorized school safety foundation under Section 53-22-108 may participate in,
- 2200 sponsor, conduct, or administer a cooperative procurement for school safety products.
- 2201 (3) Except as provided in Section 63G-6a-506, or as otherwise provided in this chapter, an
- 2202 executive branch procurement unit may not obtain a procurement item from a source
- 2203 other than a state cooperative contract or a contract awarded by the chief procurement
- 2204 officer under Subsection (1), if the procurement item is available under a state

- 2205 cooperative contract or a contract awarded by the chief procurement officer under  
2206 Subsection (1).
- 2207 (4) A Utah procurement unit may:
- 2208 (a) contract with the federal government without going through a standard procurement  
2209 process or an exception to a standard procurement process, described in Part 8,  
2210 Exceptions to Procurement Requirements, if the procurement item obtained under the  
2211 contract is provided:
- 2212 (i) directly by the federal government and not by a person contracting with the  
2213 federal government; or
- 2214 (ii) by a person under contract with the federal government that obtained the contract  
2215 in a manner that substantially complies with the provisions of this chapter;
- 2216 (b) participate in, sponsor, conduct, or administer a cooperative procurement with  
2217 another Utah procurement unit or another public entity in Utah, if:
- 2218 (i) each party unit involved in the cooperative procurement enters into an agreement  
2219 describing the rights and duties of each party;
- 2220 (ii) the procurement is conducted, and the contract awarded, in accordance with the  
2221 requirements of this chapter;
- 2222 (iii) the solicitation:
- 2223 (A) clearly indicates that the procurement is a cooperative procurement; and  
2224 (B) identifies each party that may purchase under the resulting contract; and
- 2225 (iv) each party involved in the cooperative procurement signs a participating  
2226 addendum describing its rights and obligations in relation to the resulting contract;  
2227 or
- 2228 (c) purchase under, or otherwise participate in, an agreement or contract of a cooperative  
2229 purchasing organization, if:
- 2230 (i) each party involved in the cooperative procurement enters into an agreement  
2231 describing the rights and duties of each party;
- 2232 (ii) the procurement was conducted in accordance with the requirements of this  
2233 chapter;
- 2234 (iii) the solicitation:
- 2235 (A) clearly indicates that the procurement is a cooperative procurement; and  
2236 (B) identifies each party that may purchase under the resulting contract; and
- 2237 (iv) each party involved in the cooperative procurement signs a participating  
2238 addendum describing its rights and obligations in relation to the resulting contract.

- 2239 (5) A procurement unit may not obtain a procurement item under a contract that results  
2240 from a cooperative procurement described in Subsection (4), unless the procurement  
2241 unit:
- 2242 (a) is identified under Subsection (4)(b)(iii)(B) or (4)(c)(iii)(B); and
  - 2243 (b) signs a participating addendum to the contract as required by this section.
- 2244 (6) A procurement unit, other than a legislative procurement unit or a judicial procurement  
2245 unit, may not obtain a procurement item under a contract held by the United States  
2246 General Services Administration, unless, based upon documentation provided by the  
2247 procurement unit, the Director of the State Division of Purchasing and General Services  
2248 determines in writing that the United States General Services Administration procured  
2249 the contract in a manner that substantially complies with the provisions of this chapter.
- 2250 (7)(a) As used in this Subsection (7), "regional solicitation" means a solicitation issued  
2251 by the chief procurement officer for the procurement of a procurement item within a  
2252 specified geographical region of the state.
- 2253 (b) In addition to any other duty or authority under this section, the chief procurement  
2254 officer shall:
    - 2255 (i) after considering board recommendations, develop a plan for issuing regional  
2256 solicitations; and
    - 2257 (ii) after developing a plan, issue regional solicitations for procurement items in  
2258 accordance with the plan and this chapter.
  - 2259 (c) A plan under Subsection (7)(b) shall:
    - 2260 (i) define the proposed regional boundaries for regional solicitations;
    - 2261 (ii) specify the types of procurement items for which a regional solicitation may be  
2262 issued; and
    - 2263 (iii) identify the regional solicitations that the chief procurement officer plans to issue.
  - 2264 (d) A regional solicitation shall require that a person responding to the solicitation offer  
2265 similar warranties and submit to similar obligations as are standard under other state  
2266 cooperative contracts.
  - 2267 (e) Except as authorized by the chief procurement officer, a procurement item that is  
2268 available under a state cooperative contract may not be provided under a contract  
2269 pursuant to a regional solicitation until after the expiration of the state cooperative  
2270 contract.

2271 Section 28. Section **63I-1-253** is amended to read:

2272 **63I-1-253 . Repeal dates: Titles 53 through 53G.**

- 2273 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is  
 2274 repealed July 1, 2028.
- 2275 (2) Section 53-2a-105, Emergency Management Administration Council created --  
 2276 Function -- Composition -- Expenses, is repealed July 1, 2029.
- 2277 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation,  
 2278 is repealed July 1, 2027.
- 2279 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is  
 2280 repealed July 1, 2027.
- 2281 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- 2282 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership --  
 2283 Expenses, is repealed July 1, 2029.
- 2284 (7) Section 53-2d-703, Volunteer Emergency Medical Service Personnel Health Insurance  
 2285 Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking --  
 2286 Advisory board, is repealed July 1, 2027.
- 2287 (8) Section 53-5-703, Board -- Membership -- Compensation -- Terms -- Duties, is repealed  
 2288 July 1, 2029.
- 2289 (9) Section 53-11-104, Board, is repealed July 1, 2029.
- 2290 (10) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem  
 2291 -- Report -- Expiration, is repealed December 31, ~~[2025]~~ 2027.
- 2292 (11) Section 53-22-104.2, The School Security Task Force -- Public Education Advisory  
 2293 Board, is repealed December 31, ~~[2025]~~ 2027.
- 2294 (12) Section 53-22-104.3, The School Security Task Force -- Higher Education Advisory  
 2295 Board, is repealed December 31, 2027.
- 2296 ~~[(12)]~~ (13) Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections  
 2297 Council, is repealed July 1, 2027.
- 2298 ~~[(13)]~~ (14) Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.
- 2299 ~~[(14)]~~ (15) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed  
 2300 July 1, 2028.
- 2301 ~~[(15)]~~ (16) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 2302 ~~[(16)]~~ (17) Section 53B-17-1203, SafeUT and School Safety Commission established --  
 2303 Members, is repealed January 1, 2030.
- 2304 ~~[(17)]~~ (18) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 2305 ~~[(18)]~~ (19) Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.
- 2306 ~~[(19)]~~ (20) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure

- 2307 Research Center, is repealed July 1, 2028.
- 2308 [~~(20)~~] (21) Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed  
2309 July 1, 2027.
- 2310 [~~(21)~~] (22) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the  
2311 Land Exchange Distribution Account to the Geological Survey for test wells and other  
2312 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 2313 [~~(22)~~] (23) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections  
2314 Council, is repealed July 1, 2027.
- 2315 [~~(23)~~] (24) Subsection 53E-2-304(6), regarding foreclosing a private right of action or  
2316 waiver of governmental immunity, is repealed July 1, 2027.
- 2317 [~~(24)~~] (25) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is  
2318 repealed July 1, 2027.
- 2319 [~~(25)~~] (26) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is  
2320 repealed July 1, 2027.
- 2321 [~~(26)~~] (27) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed  
2322 January 1, 2028.
- 2323 [~~(27)~~] (28) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 2324 [~~(28)~~] (29) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission,  
2325 is repealed July 1, 2033.
- 2326 [~~(29)~~] (30) Subsection 53E-7-207(7), regarding a private right of action or waiver of  
2327 governmental immunity, is repealed July 1, 2027.
- 2328 [~~(30)~~] (31) Section 53F-2-420, Intensive Services Special Education Pilot Program, is  
2329 repealed July 1, 2024.
- 2330 [~~(31)~~] (32) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.
- 2331 [~~(32)~~] (33) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1,  
2332 2025.
- 2333 [~~(33)~~] (34) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is  
2334 repealed July 1, 2025.
- 2335 [~~(34)~~] (35) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July  
2336 1, 2027.
- 2337 [~~(35)~~] (36) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is  
2338 repealed January 1, 2025.
- 2339 [~~(36)~~] (37) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is  
2340 repealed January 1, 2025.

- 2341 [(37)] (38) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.  
2342 Section 29. Section **76-5-417** is enacted to read:  
2343 **76-5-417 . Sexual relations with an adult high school student.**
- 2344 (1) As used in this section:
- 2345 (a) "Actor" means an individual who is 21 years old or older.  
2346 (b) "Adult high school student" means an individual who is 18 to 21 years old and  
2347 enrolled at a high school.  
2348 (c) "High school" means a district, charter, or private school that is comprised of grade  
2349 9, 10, 11, or 12.  
2350 (d) "Position of special trust" means the following positions in a high school:
- 2351 (i) a teacher;  
2352 (ii) an administrator;  
2353 (iii) a coach;  
2354 (iv) a counselor; or  
2355 (v) an individual other than an individual listed in this Subsections (1)(d) who  
2356 occupies a position of authority that enables the individual to exercise undue  
2357 influence over an adult high school student.
- 2358 (e) "Sexual intercourse" means any penetration, however slight, of:
- 2359 (i) the genitals or anus of an individual by another individual using any body part,  
2360 object, or substance; or  
2361 (ii) the mouth of an individual by another individual's genitals.
- 2362 (f) Terms defined in Section 76-1-101.5 apply to this section.
- 2363 (2) An actor commits sexual relations with an adult high school student if the actor:
- 2364 (a)(i) has sexual intercourse with an adult high school student; or  
2365 (ii) with the intent to cause substantial emotional or bodily pain to any individual or  
2366 with the intent to arouse or gratify the sexual desire of any individual:
- 2367 (A) touches the anus, buttocks, pubic area, or any part of the genitals of an adult  
2368 high school student;  
2369 (B) touches the breast of a female adult high school student; or  
2370 (C) otherwise takes indecent liberties with an adult high school student;
- 2371 (b) occupies a position of special trust in relation to the adult high school student  
2372 described in Subsection (2)(a); and  
2373 (c) knows or should have known that the individual with which the actor committed the  
2374 acts described in Subsection (2)(a) was an adult high school student.

- 2375 (3) A violation of Subsection (2) is a third degree felony.
- 2376 (4) Any touching, even if accomplished through clothing, is sufficient to constitute the
- 2377 relevant element of a violation of Subsection (2)(a)(ii).
- 2378 (5) Consent of an adult high school student to an act described in Subsection (2) is not a
- 2379 defense to prosecution under this section.
- 2380 Section 30. **Repealer.**
- 2381 This bill repeals:
- 2382 Section **53F-4-208, State board procurement for school security software.**
- 2383 Section 1. **Effective Date.**
- 2384 This bill takes effect on July 1, 2025.