

1 **Drinking Water Utilities Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Colin W. Jack

Senate Sponsor: Heidi Balderree

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses security at drinking water facilities.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ requires a community water system to:
 - 10 • complete a security plan; and
 - 11 • report a security breach to the Utah Cyber Center within two hours of discovering the
- 12 security breach;
 - 13 ▶ requires the Division of Drinking Water to report annually to two legislative committees
 - 14 on security at community water systems;
 - 15 ▶ classifies a community water system's security plan as a protected record; and
 - 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **19-4-106 (Effective 05/07/25) (Repealed 07/01/29)**, as last amended by Laws of Utah
24 2023, Chapter 238

25 **63G-2-305 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 18,
26 101, 135, 267, 344, and 522

27 ENACTS:

28 **19-4-116 (Effective 05/07/25)**, Utah Code Annotated 1953

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

31 Section 1. Section **19-4-106** is amended to read:

32 **19-4-106 (Effective 05/07/25) (Repealed 07/01/29). Director -- Appointment --**

33 **Authority.**

34 (1) The executive director shall appoint the director. The director shall serve under the
35 administrative direction of the executive director.

36 (2) The director shall:

37 (a) develop programs to promote and protect the quality of the public drinking water
38 supplies of the state;

39 (b) advise, consult, and cooperate with other agencies of this and other states, the federal
40 government, and with other groups, political subdivisions, and industries in
41 furtherance of the purpose of this chapter;

42 (c) review plans, specifications, and other data pertinent to proposed or expanded water
43 supply systems to ensure proper design and construction;[-and]

44 (d) ensure that a community water system has a security plan that meets the
45 requirements described in Subsection 19-4-116(2);

46 [(d)] (e) subject to the provisions of this chapter, enforce rules made by the board
47 through the issuance of orders that may be subsequently revoked, which orders may
48 require:

49 (i) discontinuance of use of unsatisfactory sources of drinking water;

50 (ii) suppliers to notify the public concerning the need to boil water; or

51 (iii) suppliers in accordance with existing rules, to take remedial actions necessary to
52 protect or improve an existing water system; and

53 [(e)] (f) as authorized by the board and subject to the provisions of this chapter, act as
54 executive secretary of the board under the direction of the chair of the board.

55 (3) The director may authorize employees or agents of the department, after reasonable
56 notice and presentation of credentials, to enter any part of a public water system at
57 reasonable times to inspect the facilities and water quality records required by board
58 rules, conduct sanitary surveys, take samples, and investigate the standard of operation
59 and service delivered by public water systems.

60 (4) As provided in this chapter and in accordance with rules made by the board, the director
61 may:

62 (a) issue and enforce a notice of violation and an administrative order; and

63 (b) assess and make a demand for payment of an administrative penalty arising from a
64 violation of this chapter, a rule or order issued under the authority of this chapter, or

65 the terms of a permit or other administrative authorization issued under the authority
66 of this chapter.

67 ~~[(5)(a) The director shall study how water providers, municipalities, counties, and state
68 agencies may find greater efficiencies through improved coordination, consolidation,
69 and regionalization related to:]~~

70 ~~[(i) water use and conservation; and]~~

71 ~~[(ii) administrative and economic efficiencies.]~~

72 ~~[(b) The study under this Subsection (5) shall consider recommendations including
73 incentives, funding, regulatory changes, and statutory changes to promote greater
74 coordination and efficiency and to help meet water infrastructure needs statewide.]~~

75 ~~[(c) The director shall:]~~

76 ~~[(i) conduct the study in conjunction with the Division of Water Resources; and]~~

77 ~~[(ii) consult with a diverse group consisting of water providers, state agencies, local
78 governments, and relevant stakeholders to help the director conduct the study and
79 develop recommendations described in this Subsection (5).]~~

80 ~~[(d) On or before October 30, 2024, the director shall provide a written report of the
81 study's findings, including any recommended legislative action, to the Natural
82 Resources, Agriculture, and Environment Interim Committee.]~~

83 Section 2. Section **19-4-116** is enacted to read:

84 **19-4-116 (Effective 05/07/25). Security plan for community water systems --**

85 **Requirements -- Report.**

86 (1) As used in this section:

87 (a) "Authorized employee" means an employee of a community water system authorized
88 to access:

89 (i) an operational technology;

90 (ii) a control system; or

91 (iii) a secure area.

92 (b)(i) "Control system" means a physical or electronic system that implements a
93 procedure or process for water treatment or water delivery at a community water
94 system.

95 (ii) "Control system" includes:

96 (A) a computer system that monitors or controls water treatment or water delivery
97 equipment in real time;

98 (B) a computer device that performs calculations or processes data related to water

- 99 treatment or water delivery; and
- 100 (C) a network device or server that allows an authorized employee to remotely
- 101 access a computer system or computer device that monitors or controls water
- 102 treatment or water delivery.
- 103 (c) "Operational technology" means a hardware, software, or firmware component of a
- 104 control system.
- 105 (d) "Secure area" means an area in a community water system that is not normally
- 106 accessible by the public.
- 107 (e)(i) "Security breach" means an incident that threatens the security of a community
- 108 water system with the potential to impact the quality or quantity of delivered
- 109 water.
- 110 (ii) "Security breach" includes:
- 111 (A) a physical breach to a secure area by an individual other than an authorized
- 112 employee;
- 113 (B) a breach of an operational technology or control system; or
- 114 (C) an unauthorized attempt to delete, disable, destroy, or override data, an
- 115 application, a device, or a computer network.
- 116 (2)(a) By no later than July 1, 2025, and annually thereafter, a supplier of a community
- 117 water system serving a population of 10,000 or greater shall complete a security plan.
- 118 (b) By no later than July 1, 2026, and annually thereafter, a supplier of a community
- 119 water system serving a population less than 10,000 shall complete a security plan.
- 120 (c) A supplier of a community water system shall report to the division on or before July
- 121 1 of each year whether the supplier has completed a security plan described in this
- 122 Subsection (2).
- 123 (d) A security plan described in this Subsection (2) shall include a requirement to:
- 124 (i) support and regularly update software used in a control system;
- 125 (ii) adopt best practices for secure passwords;
- 126 (iii) provide annual cybersecurity training to an employee who has regular access to
- 127 an operational technology or control system;
- 128 (iv) complete an internal assessment of the community water system's security
- 129 vulnerabilities;
- 130 (v) promptly remove access to all operational technology and control systems from
- 131 an employee whose employment is terminated;
- 132 (vi) prohibit an unauthorized copying of software and data;

- 133 (vii) ensure that an automated operational technology or control system can be
 134 operated manually, as needed;
- 135 (viii) report a security breach in accordance with Subsection (3);
- 136 (ix) adopt other security and records management requirements in conformity with
 137 federal requirements; and
- 138 (x) comply with a security directive by the director.
- 139 (e) A supplier of a community water system shall make available to the director or the
 140 director's authorized representative, upon request:
- 141 (i) the supplier's security plan under this Subsection (2);
- 142 (ii) an incident report; and
- 143 (iii) any information related to a security plan as requested by the director.
- 144 (3)(a) A supplier of a community water system shall report a security breach no later
 145 than two hours after the supplier discovers the security breach to the Utah Cyber
 146 Center created in Section 63A-16-1102.
- 147 (b) The Utah Cyber Center shall notify the division of a reported security breach
 148 described in Subsection (3)(a) as soon as possible, but not later than one day after
 149 receiving the report from the supplier.
- 150 (4)(a) By no later than October 31 of each year, the division shall submit a report on
 151 security at community water systems in the state to:
- 152 (i) the Natural Resources, Agriculture, and Environment Interim Committee; and
- 153 (ii) the Public Utilities, Energy, and Technology Interim Committee.
- 154 (b) The report described in this Subsection (4) shall include:
- 155 (i) information collected by the division regarding security incidents and security
 156 plans at community water systems in the state; and
- 157 (ii) recommendations from the division, if any, for legislative action and funding to
 158 improve physical and electronic security at community water systems.
- 159 (5) The director shall provide information and technical resources to a community water
 160 system completing a security plan described in Subsection (2).
- 161 Section 3. Section **63G-2-305** is amended to read:
- 162 **63G-2-305 (Effective 05/07/25). Protected records.**
- 163 The following records are protected if properly classified by a governmental entity:
- 164 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has
 165 provided the governmental entity with the information specified in Section 63G-2-309;
- 166 (2) commercial information or nonindividual financial information obtained from a person

- 167 if:
- 168 (a) disclosure of the information could reasonably be expected to result in unfair
169 competitive injury to the person submitting the information or would impair the
170 ability of the governmental entity to obtain necessary information in the future;
- 171 (b) the person submitting the information has a greater interest in prohibiting access than
172 the public in obtaining access; and
- 173 (c) the person submitting the information has provided the governmental entity with the
174 information specified in Section 63G-2-309;
- 175 (3) commercial or financial information acquired or prepared by a governmental entity to
176 the extent that disclosure would lead to financial speculations in currencies, securities, or
177 commodities that will interfere with a planned transaction by the governmental entity or
178 cause substantial financial injury to the governmental entity or state economy;
- 179 (4) records, the disclosure of which could cause commercial injury to, or confer a
180 competitive advantage upon a potential or actual competitor of, a commercial project
181 entity as defined in Subsection 11-13-103(4);
- 182 (5) test questions and answers to be used in future license, certification, registration,
183 employment, or academic examinations;
- 184 (6) records, the disclosure of which would impair governmental procurement proceedings
185 or give an unfair advantage to any person proposing to enter into a contract or agreement
186 with a governmental entity, except, subject to Subsections (1) and (2), that this
187 Subsection (6) does not restrict the right of a person to have access to, after the contract
188 or grant has been awarded and signed by all parties:
- 189 (a) a bid, proposal, application, or other information submitted to or by a governmental
190 entity in response to:
- 191 (i) an invitation for bids;
- 192 (ii) a request for proposals;
- 193 (iii) a request for quotes;
- 194 (iv) a grant; or
- 195 (v) other similar document; or
- 196 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 197 (7) information submitted to or by a governmental entity in response to a request for
198 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not
199 restrict the right of a person to have access to the information, after:
- 200 (a) a contract directly relating to the subject of the request for information has been

- 201 awarded and signed by all parties; or
- 202 (b)(i) a final determination is made not to enter into a contract that relates to the
203 subject of the request for information; and
- 204 (ii) at least two years have passed after the day on which the request for information
205 is issued;
- 206 (8) records that would identify real property or the appraisal or estimated value of real or
207 personal property, including intellectual property, under consideration for public
208 acquisition before any rights to the property are acquired unless:
- 209 (a) public interest in obtaining access to the information is greater than or equal to the
210 governmental entity's need to acquire the property on the best terms possible;
- 211 (b) the information has already been disclosed to persons not employed by or under a
212 duty of confidentiality to the entity;
- 213 (c) in the case of records that would identify property, potential sellers of the described
214 property have already learned of the governmental entity's plans to acquire the
215 property;
- 216 (d) in the case of records that would identify the appraisal or estimated value of
217 property, the potential sellers have already learned of the governmental entity's
218 estimated value of the property; or
- 219 (e) the property under consideration for public acquisition is a single family residence
220 and the governmental entity seeking to acquire the property has initiated negotiations
221 to acquire the property as required under Section 78B-6-505;
- 222 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
223 transaction of real or personal property including intellectual property, which, if
224 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
225 value of the subject property, unless:
- 226 (a) the public interest in access is greater than or equal to the interests in restricting
227 access, including the governmental entity's interest in maximizing the financial
228 benefit of the transaction; or
- 229 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
230 the value of the subject property have already been disclosed to persons not
231 employed by or under a duty of confidentiality to the entity;
- 232 (10) records created or maintained for civil, criminal, or administrative enforcement
233 purposes or audit purposes, or for discipline, licensing, certification, or registration
234 purposes, if release of the records:

- 235 (a) reasonably could be expected to interfere with investigations undertaken for
236 enforcement, discipline, licensing, certification, or registration purposes;
- 237 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
238 proceedings;
- 239 (c) would create a danger of depriving a person of a right to a fair trial or impartial
240 hearing;
- 241 (d) reasonably could be expected to disclose the identity of a source who is not generally
242 known outside of government and, in the case of a record compiled in the course of
243 an investigation, disclose information furnished by a source not generally known
244 outside of government if disclosure would compromise the source; or
- 245 (e) reasonably could be expected to disclose investigative or audit techniques,
246 procedures, policies, or orders not generally known outside of government if
247 disclosure would interfere with enforcement or audit efforts;
- 248 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 249 (12) records the disclosure of which would jeopardize the security of governmental
250 property, governmental programs, or governmental recordkeeping systems from
251 damage, theft, or other appropriation or use contrary to law or public policy;
- 252 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
253 facility, or records relating to incarceration, treatment, probation, or parole, that would
254 interfere with the control and supervision of an offender's incarceration, treatment,
255 probation, or parole;
- 256 (14) records that, if disclosed, would reveal recommendations made to the Board of
257 Pardons and Parole by an employee of or contractor for the Department of Corrections,
258 the Board of Pardons and Parole, or the Department of Health and Human Services that
259 are based on the employee's or contractor's supervision, diagnosis, or treatment of any
260 person within the board's jurisdiction;
- 261 (15) records and audit workpapers that identify audit, collection, and operational procedures
262 and methods used by the State Tax Commission, if disclosure would interfere with
263 audits or collections;
- 264 (16) records of a governmental audit agency relating to an ongoing or planned audit until
265 the final audit is released;
- 266 (17) records that are subject to the attorney client privilege;
- 267 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
268 employee, or agent of a governmental entity for, or in anticipation of, litigation or a

- 269 judicial, quasi-judicial, or administrative proceeding;
- 270 (19)(a)(i) personal files of a state legislator, including personal correspondence to or
271 from a member of the Legislature; and
- 272 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
273 legislative action or policy may not be classified as protected under this section;
274 and
- 275 (b)(i) an internal communication that is part of the deliberative process in connection
276 with the preparation of legislation between:
- 277 (A) members of a legislative body;
- 278 (B) a member of a legislative body and a member of the legislative body's staff; or
279 (C) members of a legislative body's staff; and
- 280 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
281 legislative action or policy may not be classified as protected under this section;
- 282 (20)(a) records in the custody or control of the Office of Legislative Research and
283 General Counsel, that, if disclosed, would reveal a particular legislator's
284 contemplated legislation or contemplated course of action before the legislator has
285 elected to support the legislation or course of action, or made the legislation or course
286 of action public; and
- 287 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
288 Office of Legislative Research and General Counsel is a public document unless a
289 legislator asks that the records requesting the legislation be maintained as protected
290 records until such time as the legislator elects to make the legislation or course of
291 action public;
- 292 (21) a research request from a legislator to a legislative staff member and research findings
293 prepared in response to the request;
- 294 (22) drafts, unless otherwise classified as public;
- 295 (23) records concerning a governmental entity's strategy about:
- 296 (a) collective bargaining; or
297 (b) imminent or pending litigation;
- 298 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
299 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
300 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 301 (25) records, other than personnel evaluations, that contain a personal recommendation
302 concerning an individual if disclosure would constitute a clearly unwarranted invasion

- 303 of personal privacy, or disclosure is not in the public interest;
- 304 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
305 resources that if known would jeopardize the security of those resources or of valuable
306 historic, scientific, educational, or cultural information;
- 307 (27) records of independent state agencies if the disclosure of the records would conflict
308 with the fiduciary obligations of the agency;
- 309 (28) records of an institution within the state system of higher education defined in Section
310 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
311 retention decisions, and promotions, which could be properly discussed in a meeting
312 closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided
313 that records of the final decisions about tenure, appointments, retention, promotions, or
314 those students admitted, may not be classified as protected under this section;
- 315 (29) records of the governor's office, including budget recommendations, legislative
316 proposals, and policy statements, that if disclosed would reveal the governor's
317 contemplated policies or contemplated courses of action before the governor has
318 implemented or rejected those policies or courses of action or made them public;
- 319 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
320 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
321 recommendations in these areas;
- 322 (31) records provided by the United States or by a government entity outside the state that
323 are given to the governmental entity with a requirement that they be managed as
324 protected records if the providing entity certifies that the record would not be subject to
325 public disclosure if retained by it;
- 326 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
327 public body except as provided in Section 52-4-206;
- 328 (33) records that would reveal the contents of settlement negotiations but not including final
329 settlements or empirical data to the extent that they are not otherwise exempt from
330 disclosure;
- 331 (34) memoranda prepared by staff and used in the decision-making process by an
332 administrative law judge, a member of the Board of Pardons and Parole, or a member of
333 any other body charged by law with performing a quasi-judicial function;
- 334 (35) records that would reveal negotiations regarding assistance or incentives offered by or
335 requested from a governmental entity for the purpose of encouraging a person to expand
336 or locate a business in Utah, but only if disclosure would result in actual economic harm

- 337 to the person or place the governmental entity at a competitive disadvantage, but this
338 section may not be used to restrict access to a record evidencing a final contract;
- 339 (36) materials to which access must be limited for purposes of securing or maintaining the
340 governmental entity's proprietary protection of intellectual property rights including
341 patents, copyrights, and trade secrets;
- 342 (37) the name of a donor or a prospective donor to a governmental entity, including an
343 institution within the state system of higher education defined in Section 53B-1-102, and
344 other information concerning the donation that could reasonably be expected to reveal
345 the identity of the donor, provided that:
- 346 (a) the donor requests anonymity in writing;
- 347 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
348 classified protected by the governmental entity under this Subsection (37); and
- 349 (c) except for an institution within the state system of higher education defined in
350 Section 53B-1-102, the governmental unit to which the donation is made is primarily
351 engaged in educational, charitable, or artistic endeavors, and has no regulatory or
352 legislative authority over the donor, a member of the donor's immediate family, or
353 any entity owned or controlled by the donor or the donor's immediate family;
- 354 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 355 (39) a notification of workers' compensation insurance coverage described in Section
356 34A-2-205;
- 357 (40)(a) the following records of an institution within the state system of higher education
358 defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
359 or received by or on behalf of faculty, staff, employees, or students of the institution:
- 360 (i) unpublished lecture notes;
- 361 (ii) unpublished notes, data, and information:
- 362 (A) relating to research; and
- 363 (B) of:
- 364 (I) the institution within the state system of higher education defined in Section
365 53B-1-102; or
- 366 (II) a sponsor of sponsored research;
- 367 (iii) unpublished manuscripts;
- 368 (iv) creative works in process;
- 369 (v) scholarly correspondence; and
- 370 (vi) confidential information contained in research proposals;

- 371 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information
372 required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 373 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 374 (41)(a) records in the custody or control of the Office of the Legislative Auditor General
375 that would reveal the name of a particular legislator who requests a legislative audit
376 prior to the date that audit is completed and made public; and
- 377 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
378 Office of the Legislative Auditor General is a public document unless the legislator
379 asks that the records in the custody or control of the Office of the Legislative Auditor
380 General that would reveal the name of a particular legislator who requests a
381 legislative audit be maintained as protected records until the audit is completed and
382 made public;
- 383 (42) records that provide detail as to the location of an explosive, including a map or other
384 document that indicates the location of:
- 385 (a) a production facility; or
386 (b) a magazine;
- 387 (43) information contained in the statewide database of the Division of Aging and Adult
388 Services created by Section 26B-6-210;
- 389 (44) information contained in the Licensing Information System described in Title 80,
390 Chapter 2, Child Welfare Services;
- 391 (45) information regarding National Guard operations or activities in support of the
392 National Guard's federal mission;
- 393 (46) records provided by any pawn or secondhand business to a law enforcement agency or
394 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand
395 Merchandise, and Catalytic Converter Transaction Information Act;
- 396 (47) information regarding food security, risk, and vulnerability assessments performed by
397 the Department of Agriculture and Food;
- 398 (48) except to the extent that the record is exempt from this chapter pursuant to Section
399 63G-2-106, records related to an emergency plan or program, a copy of which is
400 provided to or prepared or maintained by the Division of Emergency Management, and
401 the disclosure of which would jeopardize:
- 402 (a) the safety of the general public; or
403 (b) the security of:
404 (i) governmental property;

- 405 (ii) governmental programs; or
- 406 (iii) the property of a private person who provides the Division of Emergency
407 Management information;
- 408 (49) records of the Department of Agriculture and Food that provides for the identification,
409 tracing, or control of livestock diseases, including any program established under Title
410 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
411 of Animal Disease;
- 412 (50) as provided in Section 26B-2-709:
- 413 (a) information or records held by the Department of Health and Human Services related
414 to a complaint regarding a provider, program, or facility which the department is
415 unable to substantiate; and
- 416 (b) information or records related to a complaint received by the Department of Health
417 and Human Services from an anonymous complainant regarding a provider, program,
418 or facility;
- 419 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided
420 under Section 41-1a-116, an individual's home address, home telephone number, or
421 personal mobile phone number, if:
- 422 (a) the individual is required to provide the information in order to comply with a law,
423 ordinance, rule, or order of a government entity; and
- 424 (b) the subject of the record has a reasonable expectation that this information will be
425 kept confidential due to:
- 426 (i) the nature of the law, ordinance, rule, or order; and
- 427 (ii) the individual complying with the law, ordinance, rule, or order;
- 428 (52) the portion of the following documents that contains a candidate's residential or
429 mailing address, if the candidate provides to the filing officer another address or phone
430 number where the candidate may be contacted:
- 431 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
432 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,
433 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 434 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 435 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 436 (53) the name, home address, work addresses, and telephone numbers of an individual that
437 is engaged in, or that provides goods or services for, medical or scientific research that is:
- 438 (a) conducted within the state system of higher education, as defined in Section

- 439 53B-1-102; and
- 440 (b) conducted using animals;
- 441 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
- 442 Evaluation Commission concerning an individual commissioner's vote, in relation to
- 443 whether a judge meets or exceeds minimum performance standards under Subsection
- 444 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 445 (55) information collected and a report prepared by the Judicial Performance Evaluation
- 446 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,
- 447 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes
- 448 public, the information or report;
- 449 (56) records provided or received by the Public Lands Policy Coordinating Office in
- 450 furtherance of any contract or other agreement made in accordance with Section
- 451 63L-11-202;
- 452 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 453 (58) in accordance with Section 73-10-33:
- 454 (a) a management plan for a water conveyance facility in the possession of the Division
- 455 of Water Resources or the Board of Water Resources; or
- 456 (b) an outline of an emergency response plan in possession of the state or a county or
- 457 municipality;
- 458 (59) the following records in the custody or control of the Office of Inspector General of
- 459 Medicaid Services, created in Section 63A-13-201:
- 460 (a) records that would disclose information relating to allegations of personal
- 461 misconduct, gross mismanagement, or illegal activity of a person if the information
- 462 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
- 463 Services through other documents or evidence, and the records relating to the
- 464 allegation are not relied upon by the Office of Inspector General of Medicaid
- 465 Services in preparing a final investigation report or final audit report;
- 466 (b) records and audit workpapers to the extent they would disclose the identity of a
- 467 person who, during the course of an investigation or audit, communicated the
- 468 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
- 469 violation of a law, rule, or regulation adopted under the laws of this state, a political
- 470 subdivision of the state, or any recognized entity of the United States, if the
- 471 information was disclosed on the condition that the identity of the person be
- 472 protected;

- 473 (c) before the time that an investigation or audit is completed and the final investigation
474 or final audit report is released, records or drafts circulated to a person who is not an
475 employee or head of a governmental entity for the person's response or information;
- 476 (d) records that would disclose an outline or part of any investigation, audit survey plan,
477 or audit program; or
- 478 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
479 investigation or audit;
- 480 (60) records that reveal methods used by the Office of Inspector General of Medicaid
481 Services, the fraud unit, or the Department of Health and Human Services, to discover
482 Medicaid fraud, waste, or abuse;
- 483 (61) information provided to the Department of Health and Human Services or the Division
484 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
485 58-68-304(3) and (4);
- 486 (62) a record described in Section 63G-12-210;
- 487 (63) captured plate data that is obtained through an automatic license plate reader system
488 used by a governmental entity as authorized in Section 41-6a-2003;
- 489 (64) an audio or video recording created by a body-worn camera, as that term is defined in
490 Section 77-7a-103, that records sound or images inside a hospital or health care facility
491 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,
492 as that term is defined in Section 78B-3-403, or inside a human service program as that
493 term is defined in Section 26B-2-101, except for recordings that:
- 494 (a) depict the commission of an alleged crime;
- 495 (b) record any encounter between a law enforcement officer and a person that results in
496 death or bodily injury, or includes an instance when an officer fires a weapon;
- 497 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
498 law enforcement officer or law enforcement agency;
- 499 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);
500 or
- 501 (e) have been requested for reclassification as a public record by a subject or authorized
502 agent of a subject featured in the recording;
- 503 (65) a record pertaining to the search process for a president of an institution of higher
504 education described in Section 53B-2-102, except for application materials for a publicly
505 announced finalist;
- 506 (66) an audio recording that is:

- 507 (a) produced by an audio recording device that is used in conjunction with a device or
508 piece of equipment designed or intended for resuscitating an individual or for treating
509 an individual with a life-threatening condition;
- 510 (b) produced during an emergency event when an individual employed to provide law
511 enforcement, fire protection, paramedic, emergency medical, or other first responder
512 service:
- 513 (i) is responding to an individual needing resuscitation or with a life-threatening
514 condition; and
- 515 (ii) uses a device or piece of equipment designed or intended for resuscitating an
516 individual or for treating an individual with a life-threatening condition; and
- 517 (c) intended and used for purposes of training emergency responders how to improve
518 their response to an emergency situation;
- 519 (67) records submitted by or prepared in relation to an applicant seeking a recommendation
520 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the
521 Audit Subcommittee, established under Section 36-12-8, for an employment position
522 with the Legislature;
- 523 (68) work papers as defined in Section 31A-2-204;
- 524 (69) a record made available to Adult Protective Services or a law enforcement agency
525 under Section 61-1-206;
- 526 (70) a record submitted to the Insurance Department in accordance with Section
527 31A-37-201;
- 528 (71) a record described in Section 31A-37-503;
- 529 (72) any record created by the Division of Professional Licensing as a result of Subsection
530 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 531 (73) a record described in Section 72-16-306 that relates to the reporting of an injury
532 involving an amusement ride;
- 533 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a
534 political petition, or on a request to withdraw a signature from a political petition,
535 including a petition or request described in the following titles:
- 536 (a) Title 10, Utah Municipal Code;
- 537 (b) Title 17, Counties;
- 538 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 539 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 540 (e) Title 20A, Election Code;

- 541 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a
542 voter registration record;
- 543 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature
544 described in Subsection (74) or (75), in the custody of the lieutenant governor or a local
545 political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 546 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5,
547 Victims Guidelines for Prosecutors Act;
- 548 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 549 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is
550 prohibited under Section 63G-26-103;
- 551 (80) an image taken of an individual during the process of booking the individual into jail,
552 unless:
- 553 (a) the individual is convicted of a criminal offense based upon the conduct for which
554 the individual was incarcerated at the time the image was taken;
- 555 (b) a law enforcement agency releases or disseminates the image:
- 556 (i) after determining that the individual is a fugitive or an imminent threat to an
557 individual or to public safety and releasing or disseminating the image will assist
558 in apprehending the individual or reducing or eliminating the threat; or
- 559 (ii) to a potential witness or other individual with direct knowledge of events relevant
560 to a criminal investigation or criminal proceeding for the purpose of identifying or
561 locating an individual in connection with the criminal investigation or criminal
562 proceeding;
- 563 (c) a judge orders the release or dissemination of the image based on a finding that the
564 release or dissemination is in furtherance of a legitimate law enforcement interest; or
- 565 (d) the image is displayed to a person who is permitted to view the image under Section
566 17-22-30[-] ;
- 567 (81) a record:
- 568 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 569 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
570 representative from another state or the federal government as provided in Section
571 63M-14-205; and
- 572 (c) the disclosure of which would:
- 573 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
574 Colorado River system;

- 575 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
576 negotiate the best terms and conditions regarding the use of water in the Colorado
577 River system; or
- 578 (iii) give an advantage to another state or to the federal government in negotiations
579 regarding the use of water in the Colorado River system;
- 580 (82) any part of an application described in Section 63N-16-201 that the Governor's Office
581 of Economic Opportunity determines is nonpublic, confidential information that if
582 disclosed would result in actual economic harm to the applicant, but this Subsection (82)
583 may not be used to restrict access to a record evidencing a final contract or approval
584 decision;
- 585 (83) the following records of a drinking water or wastewater facility:
- 586 (a) an engineering or architectural drawing of the drinking water or wastewater facility;[
587 and]
- 588 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
589 drinking water or wastewater facility uses to secure, or prohibit access to, the records
590 described in Subsection (83)(a); and
- 591 (c) any record related to a security plan or incident report described in Section 19-4-116;
- 592 (84) a statement that an employee of a governmental entity provides to the governmental
593 entity as part of the governmental entity's personnel or administrative investigation into
594 potential misconduct involving the employee if the governmental entity:
- 595 (a) requires the statement under threat of employment disciplinary action, including
596 possible termination of employment, for the employee's refusal to provide the
597 statement; and
- 598 (b) provides the employee assurance that the statement cannot be used against the
599 employee in any criminal proceeding;
- 600 (85) any part of an application for a Utah Fits All Scholarship account described in Section
601 53F-6-402 or other information identifying a scholarship student as defined in Section
602 53F-6-401;
- 603 (86) a record:
- 604 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 605 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
606 person concerning the claim, including a representative from another state or the
607 federal government; and
- 608 (c) the disclosure of which would:

- 609 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
610 Great Salt Lake;
- 611 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
612 and conditions regarding the use of water in the Great Salt Lake; or
- 613 (iii) give an advantage to another person including another state or to the federal
614 government in negotiations regarding the use of water in the Great Salt Lake;[-and]
- 615 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is
616 reclassified as public as described in Subsection 13-2-11(4)[-];
- 617 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 618 (a) concerning a claim to the use of waters;
- 619 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
620 representative from another state, a tribe, the federal government, or other
621 government entity as provided in Title 73, Chapter 10g, Part 6, Utah Water Agent;
622 and
- 623 (c) the disclosure of which would:
- 624 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 625 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
626 regarding the use of water; or
- 627 (iii) give an advantage to another state, a tribe, the federal government, or other
628 government entity in negotiations regarding the use of water.

629 **Section 4. Effective Date.**

630 This bill takes effect on May 7, 2025.