

Care Provider Abuse Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

LONG TITLE**General Description:**

This bill addresses sexual misconduct between certain care providers and vulnerable adults.

Highlighted Provisions:

This bill:

- defines terms; and
- makes it a criminal offense for certain care providers to have sexual relations with a vulnerable adult.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-5-417, Utah Code Annotated 1953

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

Section 1. Section **76-5-417** is enacted to read:

76-5-417 . Care provider sexual relations with a vulnerable adult.

(1)(a) As used in this section:

- (i) "Ambulatory surgical facility" means the same as that term is defined in Section 26B-2-201.
- (ii) "Assisted living facility" means the same as that term is defined in Section 26B-2-201.
- (iii) "Birthing center" means the same as that term is defined in Section 26B-2-201.
- (iv) "End stage renal disease facility" means the same as that term is defined in Section 26B-2-201.
- (v) "General acute hospital" means the same as that term is defined in Section 26B-2-201.

- 32 (vi) "Health care facility" means:
33 (A) a general acute hospital;
34 (B) a specialty hospital;
35 (C) a home health agency;
36 (D) a hospice;
37 (E) a nursing care facility;
38 (F) an assisted living facility;
39 (G) a birthing center;
40 (H) an ambulatory surgical facility;
41 (I) a small health care facility;
42 (J) a health care facility owned or operated by a health maintenance organization;
43 or
44 (K) an end stage renal disease facility.
45 (vii) "Health care provider" means an individual listed in Subsection 78B-3-403(12).
46 (viii) "Health maintenance organization" means the same as that term is defined in
47 Section 26B-2-201.
48 (ix)(A) "Home health agency" means an agency, organization, or facility or a
49 subdivision of an agency, organization, or facility which employs two or more
50 direct care staff individuals who provide licensed nursing services, therapeutic
51 services of physical therapy, speech therapy, occupational therapy, medical
52 social services, or home health aide services on a visiting basis.
53 (B) "Home health agency" includes an individual who provides services under the
54 authority of a private license.
55 (x) "Hospice" means the same as that term is defined in Section 26B-2-201.
56 (xi) "Human services program" means the same as that term is defined in Section
57 26B-2-101.
58 (xii) "Nursing care facility" means the same as that term is defined in Section
59 26B-2-201.
60 (xiii) "Sexual intercourse" means any penetration, however slight, of:
61 (A) the genitals or anus of an individual by another individual using any body
62 part, object, or substance; or
63 (B) the mouth of an individual by another individual's genitals.
64 (xiv) "Small health care facility" means the same as that term is defined in Section
65 26B-2-201.

- 66 (xv) "Specialty hospital" means the same as that term is defined in Section 26B-2-201.
67 (xvi) "Vulnerable adult" means an individual who is 18 years old or older and
68 possesses a physical or mental impairment that substantially affects the
69 individual's ability to:
70 (A) provide personal protection;
71 (B) provide necessities such as food, shelter, clothing, or medical or other health
72 care;
73 (C) obtain services necessary for health, safety, or welfare;
74 (D) carry out the activities of daily living;
75 (E) manage the adult's own resources; or
76 (F) comprehend the nature and consequences of remaining in a situation of abuse,
77 neglect, or exploitation.
- 78 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 79 (2) An actor commits care provider sexual relations with a vulnerable adult if:
80 (a)(i) the actor is employed by, volunteers for, or otherwise assists a health care
81 facility or human services program; or
82 (ii) the actor is a health care provider;
83 (b)(i) the actor has sexual intercourse with a vulnerable adult; or
84 (ii) the actor with the intent to cause substantial emotional or bodily pain to any
85 individual or with the intent to arouse or gratify the sexual desire of any individual:
86 (A) touches the anus, buttocks, pubic area, or any part of the genitals of a
87 vulnerable adult;
88 (B) touches the breast of a vulnerable adult if the vulnerable adult is female; or
89 (C) otherwise takes indecent liberties with a vulnerable adult;
90 (c) the vulnerable adult described in Subsection (2)(b) is:
91 (i) currently under the care or responsibility of the actor; or
92 (ii) currently a patient of, or receiving services from, the health care facility or human
93 services program where the actor is employed, volunteers, or otherwise assists; and
94 (d) the actor knows, or should have known, that at the time the actor committed the acts
95 described in Subsection (2)(b) against the vulnerable adult, the individual was under
96 the care or responsibility of:
97 (i) the actor; or
98 (ii) the health care facility or human services program where the actor is employed,
99 volunteers, or otherwise assists.

- 100 (3) A violation of Subsection (2) is a class A misdemeanor.
- 101 (4) Consent of a vulnerable adult to an act described in Subsection (2)(b) is not a defense to
102 prosecution under this section.
- 103 (5) This section does not apply if the actor is married to, cohabiting with, or has a
104 pre-existing consensual sexual relationship with the vulnerable adult before the
105 vulnerable adult:
 - 106 (a) is placed under the care or responsibility of the actor; or
 - 107 (b) becomes a patient of, or receives services from, the health care facility or human
108 services program where the actor is employed, volunteers, or otherwise assists.
- 109 Section 2. **Effective date.**
- 110 This bill takes effect on May 7, 2025.