

**Jen Plumb** proposes the following substitute bill:

**Care Provider Abuse Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jen Plumb**

House Sponsor: Mark A. Strong

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**LONG TITLE**

**General Description:**

This bill addresses sexual misconduct between certain care providers and individuals experiencing a vulnerability.

**Highlighted Provisions:**

This bill:

- defines terms; and
- makes it a criminal offense for certain care providers to have sexual relations with an individual experiencing a vulnerability.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-5-417**, Utah Code Annotated 1953

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*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 an individual experiencing a vulnerability.**

(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.

- 30            (iv) "End stage renal disease facility" means the same as that term is defined in  
31            Section 26B-2-201.
- 32            (v) "General acute hospital" means the same as that term is defined in Section  
33            26B-2-201.
- 34            (vi) "Health care facility" means:  
35            (A) a general acute hospital;  
36            (B) a specialty hospital;  
37            (C) a home health agency;  
38            (D) a hospice;  
39            (E) a nursing care facility;  
40            (F) an assisted living facility;  
41            (G) a birthing center;  
42            (H) an ambulatory surgical facility;  
43            (I) a small health care facility;  
44            (J) a health care facility owned or operated by a health maintenance organization;  
45            or  
46            (K) an end stage renal disease facility.
- 47            (vii) "Health care provider" means an individual listed in Subsection 78B-3-403(12).
- 48            (viii) "Health maintenance organization" means the same as that term is defined in  
49            Section 26B-2-201.
- 50            (ix)(A) "Home health agency" means an agency, organization, or facility or a  
51            subdivision of an agency, organization, or facility which employs two or more  
52            direct care staff individuals who provide licensed nursing services, therapeutic  
53            services of physical therapy, speech therapy, occupational therapy, medical  
54            social services, or home health aide services on a visiting basis.
- 55            (B) "Home health agency" includes an individual who provides services under the  
56            authority of a private license.
- 57            (x) "Hospice" means the same as that term is defined in Section 26B-2-201.
- 58            (xi) "Human services program" means the same as that term is defined in Section  
59            26B-2-101.
- 60            (xii) "Individual experiencing a vulnerability" means an individual who is 18 years  
61            old or older and possesses a physical or mental impairment, permanent or  
62            temporary, that substantially affects the individual's ability to:  
63            (A) provide personal protection;

64 (B) provide necessities such as food, shelter, clothing, or medical or other health  
65 care;

66 (C) obtain services necessary for health, safety, or welfare;

67 (D) carry out the activities of daily living; or

68 (E) manage the adult's own resources.

69 (xiii) "Nursing care facility" means the same as that term is defined in Section  
70 26B-2-201.

71 (xiv) "Sexual intercourse" means any penetration, however slight, of:

72 (A) the genitals or anus of an individual by another individual using any body  
73 part, object, or substance; or

74 (B) the mouth of an individual by another individual's genitals.

75 (xv) "Small health care facility" means the same as that term is defined in Section  
76 26B-2-201.

77 (xvi) "Specialty hospital" means the same as that term is defined in Section  
78 26B-2-201.

79 (b) Terms defined in Section 76-1-101.5 apply to this section.

80 (2) Under circumstances not amounting to an offense listed in Subsection (4), an actor  
81 commits care provider sexual relations with an individual experiencing a vulnerability if:

82 (a)(i) the actor is employed by, volunteers for, or otherwise assists a health care  
83 facility or human services program; or

84 (ii) the actor is a health care provider;

85 (b)(i) the actor has sexual intercourse with an individual experiencing a vulnerability;  
86 or

87 (ii)(A) touches, whether over or under the clothing, the anus, buttocks, pubic area,  
88 or any part of the genitals of an individual experiencing a vulnerability;

89 (B) touches, whether over or under the clothing, the breast of an individual  
90 experiencing a vulnerability; or

91 (C) otherwise takes indecent liberties with an individual experiencing a  
92 vulnerability;

93 (c) the individual experiencing a vulnerability described in Subsection (2)(b) is:

94 (i) currently under the care or responsibility of the actor; or

95 (ii) currently a patient of, or receiving services from, the health care facility or human  
96 services program where the actor is employed, volunteers, or otherwise assists; and

97 (d) the actor knows, or should have known, that at the time the actor committed the acts

98 described in Subsection (2)(b) against the individual experiencing a vulnerability, the  
99 individual was under the care or responsibility of:

100 (i) the actor; or

101 (ii) the health care facility or human services program where the actor is employed,  
102 volunteers, or otherwise assists.

103 (3) A violation of Subsection (2) is a class A misdemeanor.

104 (4) The offenses referred to in Subsection (2) are:

105 (a) rape, in violation of Section 76-5-402;

106 (b) object rape, in violation of Section 76-5-402.2;

107 (c) forcible sodomy, in violation of Section 76-5-403;

108 (d) forcible sexual abuse, in violation of Section 76-5-404;

109 (e) aggravated sexual assault, in violation of Section 76-5-405; or

110 (f) an attempt to commit an offense listed in Subsections (4)(a) through (e).

111 (5) Consent of an individual experiencing a vulnerability to an act described in Subsection  
112 (2)(b) is not a defense to prosecution under this section.

113 (6) This section does not apply if the actor is married to, cohabiting with, or has a  
114 pre-existing consensual sexual relationship with the individual experiencing a  
115 vulnerability before the individual experiencing a vulnerability:

116 (a) is placed under the care or responsibility of the actor; or

117 (b) becomes a patient of, or receives services from, the health care facility or human  
118 services program where the actor is employed, volunteers, or otherwise assists.

119 **Section 2. Effective date.**

120 This bill takes effect on May 7, 2025.