

1 **Medical Expense Liability Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill exempts a deceased spouse's medical expenses from being considered a family
6 expense.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ modifies definitions;
- 10 ▶ exempts a deceased spouse's medical expenses from being considered a family expense;
- 11 and
- 12 ▶ makes technical changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **81-3-109**, as renumbered and amended by Laws of Utah 2024, Chapter 366

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

22 Section 1. Section **81-3-109** is amended to read:

23 **81-3-109 . Family expenses -- Joint and several liability.**

24 (1) As used in this section:

25 (a) "Family expenses" means expenses incurred that benefit and promote the family unit.

26 (b) "Family expenses" do not include:

27 (i) [-]items purchased in accordance with a written contract or agreement during the
28 marriage that do not relate to the expenses described in Subsection (1)(a)[-] ; or

29 (ii) medical expenses, as defined in Section 81-6-101, arising from health care
30 treatment provided to a deceased spouse.

- 31 (2)(a) A married individual, and the married individual's property, is chargeable for
32 family expenses and expenses for the education of a minor child.
- 33 (b) A married individual may be sued separately or jointly with the individual's spouse
34 for the expenses described in Subsection (2)(a).
- 35 (3) For the expenses described in Subsection (2), where there is a written agreement signed
36 by a spouse that allows for the recovery of agreed upon amounts, a creditor or an
37 assignee or successor in interest of the creditor is entitled to recover the contractually
38 allowed amounts against both spouses, jointly and severally.
- 39 (4) Subsection (3) applies to all contracts and agreements under this section entered into by
40 a spouse during the time the parties are married and living together.
- 41 (5) The provisions of Subsections (3) and (4) do not create a right to [attorney's] attorney
42 fees or collection fees as to the nonsigning spouse for purchases of:
- 43 (a) food or clothing; or
44 (b) home improvements or repairs over \$5,000.

45 Section 2. **Effective Date.**

46 This bill takes effect on May 7, 2025.