Nelson T. Abbott proposes the following substitute bill:

Sex Designation Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Strong

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill amends provisions related to sex and gender.

Highlighted Provisions:

This bill:

- replaces the term gender with sex; and
- requires agencies when making administrative rules, policies, and programs to refer to biological sex using the term sex instead of gender.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

9-20-201 (Effective 05/06/26) (Repealed 07/01/27), as last amended by Laws of Utah 2025, Chapter 57

10-3-913 (Effective 05/06/26), as last amended by Laws of Utah 2022, Chapter 335

10-3-918 (Effective 05/06/26), as last amended by Laws of Utah 2019, Chapter 472

11-46-204 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2011, Chapter 130

13-47-103 (Effective 05/06/26), as enacted by Laws of Utah 2010, Chapter 403

15A-3-112 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapter 209

17-72-301 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-72-408 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-72-503 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 13

26B-1-426 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 57

26B-1-507 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 288

26B-2-109 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-2-119 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-2-128 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 48

26B-3-303 (Effective 05/06/26) (Repealed 07/01/27), as last amended by Laws of Utah 2024, Chapter 507

26B-4-213 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 392

26B-4-214 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 392

26B-5-211 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 167

26B-5-301 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 16

29-2-103 (Effective 05/06/26), as enacted by Laws of Utah 1995, Chapter 231

31A-22-405 (Effective 05/06/26), as last amended by Laws of Utah 2002, Chapter 308

31A-22-2004 (Effective 05/06/26), as enacted by Laws of Utah 2020, Chapter 32

31A-30-106 (Effective 05/06/26), as last amended by Laws of Utah 2017, Chapter 168

31A-30-106.1 (Effective 05/06/26), as last amended by Laws of Utah 2020, Chapter 354

32B-1-407 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 471

34A-5-114 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 173, 425

35A-1-207 (Effective 05/06/26), as last amended by Laws of Utah 2016, Chapter 296

42-2-5 (Effective 05/06/26), as last amended by Laws of Utah 2015, Chapter 341

53-1-108 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 21

53-8-104 (Effective 05/06/26), as last amended by Laws of Utah 2002, Chapter 219

53-10-406 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 319

53F-4-207 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 23

53G-5-301 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 63

53G-6-902 (Effective 05/06/26), as enacted by Laws of Utah 2022, Chapter 478

53G-6-1001 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 408

53G-6-1003 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 408

53G-6-1004 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 277,

408

53G-6-1101 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 2

53G-8-301 (Effective 05/06/26), as repealed and reenacted by Laws of Utah 2025, Chapter 327

57-3-107 (Effective 05/06/26), as last amended by Laws of Utah 1999, Chapter 163

57-21-2 (Effective 05/06/26), as last amended by Laws of Utah 2015, Chapter 13

58-37f-301 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 214

58-67-102 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 491

58-68-102 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 491

63G-2-301 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

63G-12-302 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2011, Chapter 18

63G-12-401 (Effective 05/06/26), as last amended by Laws of Utah 2011, Chapter 20 and renumbered and amended by Laws of Utah 2011, Chapter 18

63G-12-402 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

63G-31-101 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 11

63G-31-201 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 11

63N-2-104.2 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapters 159, 316

63N-4-803 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2022, Chapter 362

67-1-2.5 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 533

67-1-11 (Effective 05/06/26), as enacted by Laws of Utah 1992, Chapter 302

76-5d-101 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, Chapters 173, 174

77-7-17.5 (Effective 05/06/26), as enacted by Laws of Utah 2019, Chapter 462

78A-2-110 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapter 394

78B-6-2401 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2023, Chapter 80

79-2-203 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2009, Chapter 344

81-9-204 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 426

81-9-402 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 426
81-12-105 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, Chapter 426
81-12-106 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, Chapter 426
81-13-203 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, Chapter 426

ENACTS:

63G-3-306 (Effective 05/06/26), Utah Code Annotated 1953
63G-34-101 (Effective 05/06/26), Utah Code Annotated 1953

REPEALS:

26B-1-239 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 507

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

Section 1. Section **9-20-201** is amended to read:

9-20-201 (Effective 05/06/26) (Repealed 07/01/27). Creation -- Members -- Appointment -- Terms -- Vacancies -- Per diem and expenses.

(1) There is created the Utah Commission on Service and Volunteerism consisting of 19 voting members and one nonvoting member.

(2) The 19 voting members of the commission are:

(a) the lieutenant governor;

(b) the commissioner of higher education or the commissioner's designee;

(c) the state superintendent of public instruction or the superintendent's designee;

(d) the executive director of the Department of Cultural and Community Engagement or the executive director's designee;

(e) nine members appointed by the governor as follows:

(i) an individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth;

(ii) an individual with experience in promoting the involvement of older adults in volunteer service;

(iii) a representative of a community-based agency or organization within the state;

(iv) a representative of local government;

(v) a representative of a local labor organization in the state;

(vi) a representative of business;

(vii) an individual between the ages of 16 and 25 years old who participates in a volunteer or service program;

(viii) a representative of a national service program; and

(ix) a representative of the volunteer sector; and

(f) six members appointed by the governor from among the following groups:

(i) local educators;

(ii) experts in the delivery of human, educational, cultural, environmental, or public safety services to communities and individuals;

(iii) representatives of Native American tribes;

(iv) representatives of organizations that assist out-of-school youth or other at-risk youth; or

(v) representatives of entities that receive assistance under the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4950 et seq.

(3) The nonvoting member of the commission is the regional representative of the corporation.

(4)(a) In appointing persons to serve on the commission, the governor shall ensure that no more than five voting members of the commission are state government employees.

(b) In appointing persons to serve on the commission, the governor shall strive for balance on the commission according to race, ethnicity, age, [~~gender~~] sex, disability characteristics, and geography.

(5)(a) Except as required by Subsection (5)(b), as terms of current commission members expire, the governor shall appoint each new member or reappointed member to a three-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately one-third of the commission is appointed every year.

(6) When a vacancy occurs in the membership, the replacement shall be appointed for the unexpired term.

(7) A member appointed by the governor may not serve more than two consecutive terms.

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 2. Section **10-3-913** is amended to read:

10-3-913 (Effective 05/06/26). Authority of chief of police -- Oversight.

(1) The chief of police has the same authority as the sheriff within the boundaries of the municipality of appointment. The chief has authority to:

(a) suppress riots, disturbances, and breaches of the peace;

(b) apprehend all persons violating state laws or city ordinances;

(c) diligently discharge his duties and enforce all ordinances of the city to preserve the peace, good order, and protection of the rights and property of all persons;

(d) attend the municipal justice court located within the city when required, provide security for the court, and obey its orders and directions; and

(e) select a representative of law enforcement to serve as a member of a child protection team, as defined in Section 80-1-102.

(2) This section is not a limitation of a police chief's statewide authority as otherwise provided by law.

(3) The chief of police shall adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or [~~gender~~] sex.

(4)(a) Notwithstanding Sections 10-3-918 and 10-3-919, a municipality may not establish a board, committee, or other entity that:

(i) has authority independent of the chief of police; and

(ii)(A) has authority to overrule a hiring or appointment proposal of the chief of police;

(B) is required to review or approve a police department's rules, regulations, policies, or procedures in order for the rules, regulations, policies, or procedures to take effect;

(C) has authority to veto a new policy, or strike down an existing policy, established under the authority of the chief of police;

(D) is required to review or approve a police department's budget in order for the budget to take effect; or

(E) has authority to review or approve a contract the police department makes with a police union or other organization.

(b) Nothing in this Subsection (4):

(i) limits the authority the Utah Code provides over the chief of police;

(ii) prohibits the municipal council or chief executive officer from taking a lawful action described in Subsection (4)(a)(ii) that is allowed by law; or

(iii) limits the authority of a civil service commission established in accordance with Title 10, Chapter 3, Part 10, Civil Service Commission.

(5) Subject to Subsection (4), a municipality may establish a board, committee, or other entity that relates to the provision of law enforcement services and that has authority independent of the chief of police if the municipality:

(a) directly appoints the board, committee, or other entity's members; and

(b) provides direct oversight of the board, committee, or other entity.

Section 3. Section **10-3-918** is amended to read:

10-3-918 (Effective 05/06/26). Chief of police or marshal in a city of the third, fourth, or fifth class or town.

Subject to Subsection 10-3-913(4), the chief of police or marshal in each city of the third, fourth, or fifth class or town:

(1) shall:

(a) exercise and perform the duties that are prescribed by the legislative body;

(b) be under the direction, control, and supervision of the person or body that appointed the chief or marshal; and

(c) adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or [~~gender~~] sex; and

(2) may, with the consent of the person or body that appointed the chief or marshal, appoint assistants to the chief of police or marshal.

Section 4. Section **11-46-204** is amended to read:

11-46-204 (Effective 05/06/26). Sterilization deposit.

(1) A sterilization deposit may be:

(a) a portion of the adoption fee or purchase price of the animal, which will enable the adopter to take the animal for sterilization to a veterinarian with whom the animal shelter has an agreement that the veterinarian will bill the animal shelter directly for the sterilization;

(b) a deposit that is:

(i) refundable to the recipient if proof of sterilization of the animal within the

appropriate time limits under Section 11-46-203 is presented to the animal shelter not more than three months after the date the animal is sterilized; and

(ii) forfeited to the animal shelter if proof of sterilization is not presented to the animal shelter in compliance with Subsection (1)(b)(i); or

(c) a deposit under Section 11-46-206 required for an owner to claim an unsterilized animal impounded at the animal shelter.

(2) Sterilization deposits under Subsection (1) shall reflect the average reduced cost of a sterilization of an animal, based on the [~~gender~~] sex and weight of the animal, that is reasonably available in the area where the animal shelter is located, but the deposit may not be less than $25.

(3) If a female animal and her litter are transferred to one person, a sterilization deposit is required only for the female animal.

(4) All sterilization deposits forfeited or unclaimed under this section shall be retained by the animal shelter and used by the animal shelter only for:

(a) a program to sterilize animals, which may include a sliding scale fee program;

(b) a public education program to reduce and prevent overpopulation of animals and the related costs to local governments;

(c) a follow-up program to assure that animals transferred by the animal shelter are sterilized in accordance with the agreement executed under Section 11-46-203; and

(d) any additional costs incurred by the animal shelter in the administration of the requirements of this chapter.

Section 5. Section **13-47-103** is amended to read:

13-47-103 (Effective 05/06/26). Scope of chapter.

A private employer shall comply with this chapter, and this chapter shall be enforced without regard to race, color, national origin, [~~gender~~] sex, religion, age, disability, familial status, or source of income.

Section 6. Section **15A-3-112** is amended to read:

15A-3-112 (Effective 05/06/26). Amendments to Chapters 29 through 31 of IBC.

(1) In IBC [P] Table 2902.1 the following changes are made:

(a) In the row for "E" occupancy in the field for "OTHER" a new footnote i is added.

(b) In the row for "I-4" occupancy in the field for "OTHER" a new footnote i is added.

(c) A new footnote g is added as follows: "FOOTNOTE: g. When provided, subject to footnote i, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms."

(d) A new footnote h is added to the table as follows: "FOOTNOTE h: Non-residential child care facilities shall comply with additional sink requirements of Utah Administrative Code, R381-60-9, Hourly Child Care Centers, R381-70-9, Out of School Time Child Care Programs, and R381-100-9, Child Care Centers."

(e) A new footnote i is added to the table as follows: "FOOTNOTE i: A building owned by a state government entity or by a political subdivision of the state that allows access to the public shall provide diaper changing facilities in accordance with footnote g if:

1. the building is newly constructed; or

2. a bathroom in the building is renovated."

(f) Footnote f is deleted and replaced with the following: "FOOTNOTE f: The required number and type of plumbing fixtures for outdoor public swimming pools shall be in accordance with Utah Administrative Code, R392-302, Design, Construction and Operation of Public Pools."

(2) In IBC, Section [P] 2902.1.1, Exception 2 is deleted and replaced with the following:

"2. Where multiple-user facilities are designed to serve all [~~genders~~] sexes the following shall apply:

2.1 The maximum fixture count to serve all [~~genders~~] sexes shall be calculated at 50 percent of the total occupant load. The maximum fixture count for the multiple-user all [~~gender~~] sex facility shall be calculated at 50 percent female and 50 percent male.

2.2 The remaining 50 percent of the required restroom fixtures shall be provided as required by Table 2902.1 in separate toilet facilities."

(3) In IBC, Section [P] 2902.2, Exception 6 is deleted and replaced with the following:

"6. Separate facilities shall not be required as prescribed in Section 2902.1.1 Exception 2. Rooms having both water closets and lavatory fixtures designed for use by all [~~genders~~] sexes and privacy for water closets shall be installed in accordance with Section 405.3.4 of the International Plumbing Code and Section 2903.1.4 of this code. Urinals in multiple-user all [~~gender~~] sex toilet facilities shall be located in an area visually separated from the remainder of the facility or each urinal that is provided shall be located in a stall and installed in accordance with Section 405.3.5 of the International Plumbing Code and Section 2903.1.5 of this code."

(4) A new IBC, Section [P]2902.8, is added as follows:

"[P]2902.8 Toilet Facilities for Workers.

Toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction worker toilet facilities of the nonsewer type shall conform to ANSI Z4.3-2016."

(5) In IBC, Section [P] 2903.1.4, the following sentence is added after the first sentence: "For restroom facilities designed to serve all [~~genders~~] sexes, the partitions of the stalls shall extend from the floor to the ceiling."

(6) In IBC, Section [P] 2903.1.5, the following sentence is added at the end of the paragraph: "For facilities designed for use by all [~~genders~~] sexes in the same room, urinals shall be located in a separate room or in stalls with partitions that extend from the floor to the ceiling."

(7) IBC, Section 3001.2, is deleted.

(8) In IBC, Section 3005.5, a new exception is added as follows: "Exception: Hydraulic elevators and roped hydraulic elevators with a rise of 50 feet or less."

(9) In IBC, Section 3109.1, the words "the International Swimming Pool and Spa Code" at the end of the section are deleted and replaced with the words "Utah Administrative Code, R392-302, Design, Construction and Operation of Public Pools."

Section 7. Section **17-72-301** is amended to read:

17-72-301 (Effective 05/06/26). General duties.

(1) The sheriff shall:

(a) preserve the peace;

(b) make all lawful arrests;

(c)(i) attend in person or by deputy:

(A) the Supreme Court and the Court of Appeals when required; or

(B) when the court is held within the sheriff's county, all courts of record, and court commissioner and referee sessions held within the sheriff's county;

(ii) obey a court's lawful orders and directions; and

(iii) comply with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;

(d) upon request of the juvenile court, aid the court in maintaining order during hearings and transport a minor to and from youth corrections facilities, other institutions, or other designated places;

(e) attend county justice courts if the judge finds that the matter before the court requires the sheriff's attendance for security, transportation, and escort of prisoners in the sheriff's custody, or for the custody of jurors;

(f) command the aid of as many inhabitants of the sheriff's county as the sheriff considers necessary in the execution of duties described in this section;

(g) take charge of and keep the county jail and prisoners in the county jail as described

in Part 4, County Jails, and Part 5, Responsibility for Prisoners;

(h)(i) receive and safely keep all prisoners committed to the sheriff's custody;

(ii) file and preserve the commitments of prisoners; and

(iii) record the name, age, place of birth, and description of each prisoner;

(i) release on the record all attachments of real property when the attachment the sheriff receives has been released or discharged;

(j) endorse on all process and notices the year, month, day, hour, and minute of reception, and, upon payment of fees, issue a certificate to the individual delivering process or notice showing the names of the parties, title of paper, and the time of receipt;

(k) serve all process and notices as prescribed by Part 7, Process Service and Duty to the Court, or any other provision of law;

(l)(i) if the sheriff makes service of process or notice, certify on the process or notices the manner, time, and place of service; or

(ii) if the sheriff fails to make service, certify the reason upon the process or notice, and return them without delay;

(m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public land within the sheriff's county;

(n) perform as required by any contracts between the county and private contractors for management, maintenance, operation, and construction of county jails entered into under the authority of Section 17-65-405;

(o) manage and direct search and rescue services in the sheriff's county, including emergency medical responders and other related incident response activities;

(p) obtain saliva DNA specimens as required under Section 53-10-404;

(q) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or **Ĥ→ [[]gender[]~~sex~~] ←Ĥ** ;

(r) as applicable, select a representative of law enforcement to serve as a member of a child protection team, as defined in Section 80-1-102;

(s) appoint a county security chief in accordance with Section 53-22-103 and ensure the county security chief fulfills the county security chief's duties;

(t) ensure that a prisoner who is awaiting trial, sentencing, or disposition of criminal charges has:

(i) a private and confidential space to review discovery and other evidence or

documents related to the prisoner's criminal case with the prisoner's counsel; and

(ii) the means to access and review discovery and other evidence or documents related to the prisoner's criminal case, with or without the prisoner's counsel, including the means to access and review digital, audio, video, or other technological evidence or documents; and

(u) perform any other duties that are required by law.

(2)(a) Violation of Subsection (1)(j) is a class C misdemeanor.

(b) Violation of any other subsection under Subsection (1) is a class A misdemeanor.

(3)(a) A prisoner may access or review discovery, evidence, or other documents under Subsection (1)(t) with:

(i) technology provided by the jail; or

(ii) technology, including a computer, that is approved by the jail and is provided by the prisoner's counsel.

(b) If a prisoner's counsel leaves discovery, evidence, or other documents with the prisoner at the jail, the prisoner's counsel shall ensure that the discovery, evidence, or other documents does not include:

(i) any visual depiction of an individual who is younger than 18 years old;

(ii) any personal identifying information of an individual other than the prisoner;

(iii) any financial information of a person other than the prisoner;

(iv) any child sexual abuse material as defined in Section 76-5b-103;

(v) any intimate image as defined in Section 76-5b-203; or

(vi) any visual depiction or information for which possession is prohibited, by policy, at the jail.

Section 8. Section **17-72-408** is amended to read:

17-72-408 (Effective 05/06/26). County jail reporting requirements.

(1) Each county jail shall submit a report to the commission before June 15 of each year that includes, for the preceding calendar year:

(a) the average daily prisoner population each month;

(b) the number of prisoners in the county jail on the last day of each month who identify as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity published by the United States Federal Bureau of Investigation;

(c) the number of prisoners booked into the county jail;

(d) the number of prisoners held in the county jail each month on behalf of each of the following entities:

(i) the Bureau of Indian Affairs;

(ii) a state prison;

(iii) a federal prison;

(iv) the United States Immigration and Customs Enforcement; and

(v) any other entity with which a county jail has entered a contract to house inmates on the entity's behalf;

(e) the number of prisoners that are denied pretrial release and held in the custody of the county jail while the prisoner awaited final disposition of the prisoner's criminal charges;

(f) for each prisoner booked into the county jail:

(i) the name of the agency that arrested the prisoner;

(ii) the date and time the prisoner was booked into and released from the custody of the county jail;

(iii) if the prisoner was released from the custody of the county jail, the reason the inmate was released from the custody of the county jail;

(iv) if the prisoner was released from the custody of the county jail on a financial condition, whether the financial condition was set by a county sheriff or a court;

(v) the number of days the prisoner was held in the custody of the county jail before disposition of the prisoner's criminal charges;

(vi) whether the prisoner was released from the custody of the county jail before final disposition of the prisoner's criminal charges; and

(vii) the prisoner's state identification number;

(g) the number of in-custody deaths that occurred at the county jail;

(h) for each in-custody death:

(i) the deceased's name, [~~gender~~] sex, race, ethnicity, age, and known or suspected medical diagnosis or disability, if any;

(ii) the date, time, and location of death;

(iii) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and

(iv) a brief description of the circumstances surrounding the death;

(i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(g);

(j) the county jail's policy for notifying an inmate's next of kin after the prisoner's in-custody death;

(k) the county jail policies, procedures, and protocols:

(i) for treatment of a prisoner experiencing withdrawal from alcohol or substance use, including use of opiates;

(ii) that relate to the county jail's provision, or lack of provision, of medications used to treat, mitigate, or address a prisoner's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and

(iii) that relate to screening, assessment, and treatment of a prisoner for a substance use or mental health disorder, including the policies, procedures, and protocols that implement the requirements described in Section 17-72-501;

(l)(i) the number of prisoners whose screening described in Section 17-72-501 indicated the presence of a substance use disorder; and

(ii) of the prisoners whose screening indicated the presence of a substance use disorder, the number of prisoners who received medication under a medication assisted treatment plan; and

(m) any report the county jail provides or is required to provide under federal law or regulation relating to prisoner deaths.

(2)(a) Subsection (1) does not apply to a county jail if the county jail:

(i) collects and stores the data described in Subsection (1); and

(ii) enters into a memorandum of understanding with the commission that allows the commission to access the data described in Subsection (1).

(b) The memorandum of understanding described in Subsection (2)(a)(ii) shall include a provision to protect any information related to an ongoing investigation and comply with all applicable federal and state laws.

(c) If the commission accesses data from a county jail in accordance with Subsection (2)(a), the commission may not release a report prepared from that data, unless:

(i) the commission provides the report for review to:

(A) the county jail; and

(B) any arresting agency that is named in the report; and

(ii)(A) the county jail approves the report for release;

(B) the county jail reviews the report and prepares a response to the report to be published with the report; or

(C) the county jail fails to provide a response to the report within four weeks after the day on which the commission provides the report to the county jail.

(3) The commission shall:

(a) compile the information from the reports described in Subsection (1);

(b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law;

(c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee and the Utah Substance Use and Mental Health Advisory Committee before November 1 of each year; and

(d) submit the compilation to the protection and advocacy agency designated by the governor before November 1 of each year.

(4) The commission may not provide access to or use a county jail's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.

(5) Upon request, a county jail shall make a report, including only the names and causes of death of deceased inmates and the facility in which the deceased inmates were being held in custody, available to the public.

Section 9. Section **17-72-503** is amended to read:

17-72-503 (Effective 05/06/26). Sheriff's classification of prisoners -- Classification criteria -- Alternative incarceration programs -- Limitation.

(1) As used in this section, "living area" means the same as that term is defined in Section 64-13-7.

(2)(a) Except as provided in Subsections (5) and (6), the sheriff shall adopt and implement written policies:

(i) for admission of prisoners to the county jail; and

(ii) for the classification of prisoners that provide for the separation of prisoners by [~~gender~~] sex and by other factors as may reasonably provide for the safety and well-being of prisoners and the community.

(b) To the extent authorized by law, any written admission policies adopted and implemented under this Subsection (2) shall be applied equally to all entities using the county correctional facilities.

(3) Except as provided in Subsections (5) and (6), each county sheriff shall assign prisoners to a facility or section of a facility based on classification criteria that the sheriff develops and maintains.

(4)(a) Except as provided in Subsection (6), a county sheriff may develop and implement alternative incarceration programs that may involve housing a prisoner in a jail facility.

(b) A prisoner housed under an alternative incarceration program under Subsection (4)(a) shall be considered to be in the full custody and control of the sheriff for purposes of Sections 76-8-309 and 76-8-309.3.

(c) A prisoner may not be placed in an alternative incarceration program under Subsection (4)(a) unless:

(i) the county jail is at maximum operating capacity, as established under Section 17-72-402; or

(ii) ordered by the court.

(5) A jail facility shall comply with the same requirements as the Department of Corrections described in Subsections 64-13-7(4), (5), and (6) when assigning a prisoner to a living area, including the reporting requirements in Subsections 64-13-45(2)(d) and (e).

(6) This section does not authorize a sheriff to modify provisions of a contract with the Department of Corrections to house state inmates in a county jail.

Section 10. Section **26B-1-426** is amended to read:

26B-1-426 (Effective 05/06/26). Board of Aging and Adult Services -- Members, appointment, terms, vacancies, chairperson, compensation, meetings, quorum.

(1) The Board of Aging and Adult Services created in Section 26B-1-204 shall have seven members who are appointed or reappointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

(2)(a) Except as required by Subsection (2)(b), each member shall be appointed for a term of four years, and is eligible for one reappointment.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) Board members shall continue in office until the expiration of their terms and until their successors are appointed, which may not exceed 90 days after the formal expiration of a term.

(d) When a vacancy occurs in the membership for any reason, the governor shall, with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,

Vacancies, appoint a replacement for the unexpired term.

(3) The board shall have diversity of [~~gender~~] sex, ethnicity, and culture[~~;~~] , and members

shall be chosen on the basis of their active interest, experience, and demonstrated ability to deal with issues related to the Board of Aging and Adult Services.

(4)(a) The board shall annually elect a chairperson from the board's membership.

(b) The board shall hold meetings at least once every three months.

(c) Within budgetary constraints, meetings may be held from time to time on the call of the chairperson or of the majority of the members of the board.

(d) Four members of the board are necessary to constitute a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the board.

(5) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6)(a) The board shall adopt bylaws governing its activities.

(b) The bylaws described in Subsection (6)(a) shall include procedures for removal of a board member who is unable or unwilling to fulfill the requirements of the board member's appointment.

(7) The board has program policymaking authority for the division over which the board presides.

(8) A member of the board shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Section 11. Section **26B-1-507** is amended to read:

26B-1-507 (Effective 05/06/26). Reporting to, and review by, legislative committees.

(1) On or before September 1 of each year, the department shall provide, with only identifying information redacted, a copy of the report described in Subsection 26B-1-506(1)(b), and the response described in Subsection 26B-1-506(2) to the Office of Legislative Research and General Counsel and the chairs of:

(a) the Health and Human Services Interim Committee; or

(b) if the qualified individual who is the subject of the report is an individual described in Subsection 26B-1-501(7)(c), (d), or (h), the Child Welfare Legislative Oversight

Panel.

(2)(a) The Health and Human Services Interim Committee may, in a closed meeting, review a report described in Subsection 26B-1-506(1)(b).

(b) The Child Welfare Legislative Oversight Panel shall, in a closed meeting, review a report described in Subsection (1)(b).

(3)(a) The Health and Human Services Interim Committee and the Child Welfare Legislative Oversight Panel may not interfere with, or make recommendations regarding, the resolution of a particular case.

(b) The purpose of a review described in Subsection (2) is to assist a committee or panel described in Subsection (2) in determining whether to recommend a change in the law.

(c) Any recommendation, described in Subsection (3)(b), by a committee or panel for a change in the law shall be made in an open meeting.

(4) On or before September 1 of each year, the department shall provide an executive summary of all formal review reports for the preceding state fiscal year to:

(a) the Office of Legislative Research and General Counsel;

(b) the Health and Human Services Interim Committee; and

(c) the Child Welfare Legislative Oversight Panel.

(5) The executive summary described in Subsection (4):

(a) may not include any names or identifying information;

(b) shall include:

(i) all recommendations regarding changes to the law that were made during the preceding fiscal year under Subsection 26B-1-505(6);

(ii) all changes made, or in the process of being made, to a law, rule, policy, or procedure in response to a formal review that occurred during the preceding fiscal year;

(iii) a description of the training that has been completed in response to a formal review that occurred during the preceding fiscal year;

(iv) statistics for the preceding fiscal year regarding:

(A) the number of qualified individuals and the type of deaths and near fatalities that are known to the department;

(B) the number of formal reviews conducted;

(C) the categories described in Subsection 26B-1-501(7) of qualified individuals;

(D) the [~~gender~~] sex, age, race, and other significant categories of qualified

individuals; and

(E) the number of fatalities of qualified individuals known to the department that are identified as suicides; and

(v) action taken by the Division of Licensing and Background Checks in response to the near fatality or the death of a qualified individual; and

(c) is a public document.

(6) The Division of Child and Family Services shall, to the extent required by the federal Child Abuse Prevention and Treatment Act of 1988, Pub. L. No. 93-247, as amended, allow public disclosure of the findings or information relating to a case of child abuse or neglect that results in a child fatality or a near fatality.

Section 12. Section **26B-2-109** is amended to read:

26B-2-109 (Effective 05/06/26). Human services program non-discrimination.

A human services program:

(1) shall perform an individualized assessment when classifying and placing an individual in programs and living environments; and

(2) subject to the office's review and approval, shall create policies and procedures that include:

(a) a description of what constitutes sex and [~~gender based abuse, ~~] sex-based discrimination[~~,~~] and harassment;

(b) procedures for preventing and reporting abuse, discrimination, and harassment; and

(c) procedures for teaching effective and professional communication with individuals[~~of all sexual orientations and genders~~].

Section 13. Section **26B-2-119** is amended to read:

26B-2-119 (Effective 05/06/26). Residential support program -- Temporary homeless youth shelter.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules that establish age-appropriate and [~~gender-appropriate~~] sex-appropriate sleeping quarters in temporary homeless youth shelters, as defined in Section 80-5-102, that provide overnight shelter to minors.

Section 14. Section **26B-2-128** is amended to read:

26B-2-128 (Effective 05/06/26). Numerical limit of foster children in a foster home -- Limits on bedroom sharing.

(1)(a) No more than four foster children may reside in the foster home of a licensed foster parent.

(b) No more than three foster children may reside in the foster home of a certified foster parent.

(2) When placing a child into a foster home, the limits under Subsection (1) may be exceeded:

(a) to place a child into a foster home where a sibling of the child currently resides; or

(b) to place a child in a foster home where the child previously resided.

(3) The limits under Subsection (1) may be exceeded for:

(a) placement of a sibling group in a foster home with no more than one other foster child placement;

(b) placement of a child or sibling group in a foster home where the child or sibling group previously resided; or

(c) placement of a child in a foster home where a sibling currently resides.

(4)(a) A foster child may not share a bedroom with a child of the opposite biological sex unless:

(i) each child sharing the bedroom is under two years old;

(ii)(A) the department's client record identifies [~~gender-specific~~] sex-specific rationale for sharing the bedroom;

(B) sharing the bedroom is in the best interests of each child sharing the bedroom; and

(C) all children sharing the bedroom are relatives; or

(iii)(A) there is written caseworker approval for the bedroom assignment;

(B) sharing the bedroom is in the best interests of each child sharing the bedroom; and

(C) all children sharing the bedroom are relatives.

(b) The Division of Child and Family Services shall approve a bedroom assignment by which a child has their own bedroom if:

(i) there is a [~~gender-specific~~] sex-specific or sexual-orientation specific rationale for the bedroom assignment; and

(ii) the bedroom assignment is necessary to promote the child's best interest.

(5) A foster parent's bedroom may only be shared with a foster child who is under the age of two years old.

(6) A foster parent may not share a bed with any foster child.

Section 15. Section **26B-3-303** is amended to read:

26B-3-303 (Effective 05/06/26) (Repealed 07/01/27). DUR Board --

Responsibilities.

The board shall:

(1) develop rules necessary to carry out its responsibilities as defined in this part;

(2) oversee the implementation of a Medicaid retrospective and prospective DUR program in accordance with this part, including responsibility for approving provisions of contractual agreements between the Medicaid program and any other entity that will process and review Medicaid drug claims and profiles for the DUR program in accordance with this part;

(3) develop and apply predetermined criteria and standards to be used in retrospective and prospective DUR, ensuring that the criteria and standards are based on the compendia, and that they are developed with professional input, in a consensus fashion, with provisions for timely revision and assessment as necessary. The DUR standards developed by the board shall reflect the local practices of physicians in order to monitor:

(a) therapeutic appropriateness;

(b) overutilization or underutilization;

(c) therapeutic duplication;

(d) drug-disease contraindications;

(e) drug-drug interactions;

(f) incorrect drug dosage or duration of drug treatment; and

(g) clinical abuse and misuse;

(4) develop, select, apply, and assess interventions and remedial strategies for physicians, pharmacists, and recipients that are educational and not punitive in nature, in order to improve the quality of care;

(5) disseminate information to physicians and pharmacists to ensure that they are aware of the board's duties and powers;

(6) provide written, oral, or electronic reminders of patient-specific or drug-specific information, designed to ensure recipient, physician, and pharmacist confidentiality, and suggest changes in prescribing or dispensing practices designed to improve the quality of care;

(7) utilize face-to-face discussions between experts in drug therapy and the prescriber or pharmacist who has been targeted for educational intervention;

(8) conduct intensified reviews or monitoring of selected prescribers or pharmacists;

(9) create an educational program using data provided through DUR to provide active and ongoing educational outreach programs to improve prescribing and dispensing practices,

either directly or by contract with other governmental or private entities;

(10) provide a timely evaluation of intervention to determine if those interventions have improved the quality of care;

(11) publish the annual Drug Utilization Review report required under 42 C.F.R. Sec. 712;

(12) develop a working agreement with related boards or agencies, including the State Board of Pharmacy, Medical Licensing Board, and SURS staff within the division, in order to clarify areas of responsibility for each, where those areas may overlap;

(13) establish a grievance process for physicians and pharmacists under this part, in accordance with Title 63G, Chapter 4, Administrative Procedures Act;

(14) publish and disseminate educational information to physicians and pharmacists concerning the board and the DUR program, including information regarding:

(a) identification and reduction of the frequency of patterns of fraud, abuse, gross overuse, inappropriate, or medically unnecessary care among physicians, pharmacists, and recipients;

(b) potential or actual severe or adverse reactions to drugs;

(c) therapeutic appropriateness;

(d) overutilization or underutilization;

(e) appropriate use of generics;

(f) therapeutic duplication;

(g) drug-disease contraindications;

(h) drug-drug interactions;

(i) incorrect drug dosage and duration of drug treatment;

(j) drug allergy interactions; and

(k) clinical abuse and misuse;

(15) develop and publish, with the input of the State Board of Pharmacy, guidelines and standards to be used by pharmacists in counseling Medicaid recipients in accordance with this part. The guidelines shall ensure that the recipient may refuse counseling and that the refusal is to be documented by the pharmacist. Items to be discussed as part of that counseling include:

(a) the name and description of the medication;

(b) administration, form, and duration of therapy;

(c) special directions and precautions for use;

(d) common severe side effects or interactions, and therapeutic interactions, and how to avoid those occurrences;

(e) techniques for self-monitoring drug therapy;

(f) proper storage;

(g) prescription refill information; and

(h) action to be taken in the event of a missed dose; and

(16) establish procedures in cooperation with the State Board of Pharmacy for pharmacists to record information to be collected under this part. The recorded information shall include:

(a) the name, address, age, and [~~gender~~] sex of the recipient;

(b) individual history of the recipient where significant, including disease state, known allergies and drug reactions, and a comprehensive list of medications and relevant devices;

(c) the pharmacist's comments on the individual's drug therapy;

(d) name of prescriber; and

(e) name of drug, dose, duration of therapy, and directions for use.

Section 16. Section **26B-4-213** is amended to read:

26B-4-213 (Effective 05/06/26). Medical cannabis patient card -- Medical cannabis guardian card -- Conditional medical cannabis card -- Application -- Fees -- Studies.

(1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an application in accordance with this section or Section 26B-4-214, the department shall:

(i) issue a medical cannabis patient card to an individual described in Subsection (2)(a);

(ii) issue a medical cannabis guardian card to an individual described in Subsection (2)(b);

(iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

(iv) issue a medical cannabis caregiver card to an individual described in Subsection 26B-4-214(4).

(b)(i) Upon the entry of a recommending medical provider's medical cannabis recommendation for a patient in the state electronic verification system, either by the provider or the provider's employee or by a medical cannabis pharmacy medical provider or medical cannabis pharmacy in accordance with Subsection 4-41a-1101(10)(a), the department shall issue to the patient an electronic

conditional medical cannabis card, in accordance with this Subsection (1)(b).

(ii) A conditional medical cannabis card is valid for the lesser of:

(A) 60 days; or

(B) the day on which the department completes the department's review and issues a medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card application, or revokes the conditional medical cannabis card under Subsection (8).

(iii) The department may issue a conditional medical cannabis card to an individual applying for a medical cannabis patient card for which approval of the Compassionate Use Board is not required.

(iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and obligations under law applicable to a holder of the medical cannabis card for which the individual applies and for which the department issues the conditional medical cannabis card.

(2)(a) An individual is eligible for a medical cannabis patient card if:

(i)(A) the individual is at least 21 years old; or

(B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate Use Board under Section 26B-1-421, and the Compassionate Use Board recommends department approval of the petition;

(ii) the individual is a Utah resident;

(iii) the individual's recommending medical provider recommends treatment with medical cannabis in accordance with Subsection (4);

(iv) the individual signs an acknowledgment stating that the individual received the information described in Subsection (9); and

(v) the individual pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5), the department sets in accordance with Section 63J-1-504.

(b)(i) An individual is eligible for a medical cannabis guardian card if the individual:

(A) is at least 18 years old;

(B) is a Utah resident;

(C) is the parent or legal guardian of a minor for whom the minor's recommending medical provider recommends a medical cannabis treatment, the individual petitions the Compassionate Use Board under Section 26B-1-421, and the Compassionate Use Board recommends department approval of the petition;

(D) the individual signs an acknowledgment stating that the individual received the information described in Subsection (9); and

(E) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus the cost of the criminal background check described in Section 26B-4-215.

(ii) The department shall notify the Department of Public Safety of each individual that the department registers for a medical cannabis guardian card.

(c)(i) A minor is eligible for a provisional patient card if:

(A) the minor has a qualifying condition;

(B) the minor's recommending medical provider recommends a medical cannabis treatment to address the minor's qualifying condition;

(C) one of the minor's parents or legal guardians petitions the Compassionate Use Board under Section 26B-1-421, and the Compassionate Use Board recommends department approval of the petition; and

(D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a medical cannabis caregiver card under Section 26B-4-214.

(ii) The department shall automatically issue a provisional patient card to the minor described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis guardian card to the minor's parent or legal guardian.

(d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may designate up to two caregivers in accordance with Subsection 26B-4-214(1)(c) to ensure that the minor has adequate and safe access to the recommended medical cannabis treatment.

(3)(a) An individual who is eligible for a medical cannabis card described in Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the department:

(i) through an electronic application connected to the state electronic verification system;

(ii) with the recommending medical provider; and

(iii) with information including:

(A) the applicant's name, [~~gender~~] sex, age, and address;

(B) the number of the applicant's government issued photo identification;

(C) for a medical cannabis guardian card, the name, [~~gender~~] sex, and age of the

minor receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card; and

(D) for a provisional patient card, the name of the minor's parent or legal guardian who holds the associated medical cannabis guardian card.

(b)(i) If a recommending medical provider determines that, because of age, illness, or disability, a medical cannabis patient cardholder requires assistance in administering the medical cannabis treatment that the recommending medical provider recommends, the recommending medical provider may indicate the cardholder's need in the state electronic verification system, either directly or through the order described in Subsections 26B-4-204(1)(b) and (c).

(ii) If a recommending medical provider makes the indication described in Subsection (3)(b)(i):

(A) the department shall add a label to the relevant medical cannabis patient card indicating the cardholder's need for assistance;

(B) any adult who is 18 years old or older and who is physically present with the cardholder at the time the cardholder needs to use the recommended medical cannabis treatment may handle the medical cannabis treatment and any associated medical cannabis device as needed to assist the cardholder in administering the recommended medical cannabis treatment; and

(C) an individual of any age who is physically present with the cardholder in the event of an emergency medical condition, as that term is defined in Section 31A-1-301, may handle the medical cannabis treatment and any associated medical cannabis device as needed to assist the cardholder in administering the recommended medical cannabis treatment.

(iii) A non-cardholding individual acting under Subsection (3)(b)(ii)(B) or (C) may not:

(A) ingest or inhale medical cannabis;

(B) possess, transport, or handle medical cannabis or a medical cannabis device outside of the immediate area where the cardholder is present or with an intent other than to provide assistance to the cardholder; or

(C) possess, transport, or handle medical cannabis or a medical cannabis device when the cardholder is not in the process of being dosed with medical cannabis.

(4)(a) Except as provided in Subsection (4)(b), a recommending medical provider may not recommend medical cannabis to a patient through a virtual visit.

(b) A recommending medical provider may recommend medical cannabis to a patient through a virtual visit if the patient:

(i) is on hospice or has a terminal illness according to the patient's medical provider;

(ii) is a resident of an assisted living facility, as defined in Section 26B-2-201, or a nursing care facility, as defined in Section 26B-2-201;

(iii) has previously received a medical cannabis recommendation from the recommending medical provider through a face-to-face visit; or

(iv) is a current patient of the recommending medical provider and has met with the recommending medical provider face-to-face previously.

(c) A recommending medical provider shall:

(i) before recommending or renewing a recommendation for medical cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form:

(A) verify the patient's and, for a minor patient, the minor patient's parent or legal guardian's government issued photo identification described in Subsection (3)(a);

(B) review any record related to the patient and, for a minor patient, the patient's parent or legal guardian accessible to the recommending medical provider including in the controlled substance database created in Section 58-37f-201; and

(C) consider the recommendation in light of the patient's qualifying condition, history of substance use or opioid use disorder, and history of medical cannabis and controlled substance use during a visit with the patient; and

(ii) state in the recommending medical provider's recommendation that the patient:

(A) suffers from a qualifying condition, including the type of qualifying condition; and

(B) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

(5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the department issues under this section is valid for the lesser of:

(i) an amount of time that the recommending medical provider determines; or

(ii) one year from the day the card is issued.

(b)(i) A medical cannabis card that the department issues in relation to a terminal illness described in Section 26B-4-203 expires after one year.

(ii) The recommending medical provider may revoke a recommendation that the

provider made in relation to a terminal illness described in Section 26B-4-203 if the medical cannabis cardholder no longer has the terminal illness.

(c) A medical cannabis card that the department issues in relation to acute pain as described in Section 26B-4-203 expires 30 days after the day on which the department first issues a conditional or full medical cannabis card.

(6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable if:

(i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or (b); or

(ii) the cardholder received the medical cannabis card through the recommendation of the Compassionate Use Board under Section 26B-1-421.

(b) The recommending medical provider who made the underlying recommendation for the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card through phone or video conference with the cardholder, at the recommending medical provider's discretion.

(c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b) shall pay to the department a renewal fee in an amount that:

(i) subject to Subsection 26B-1-310(5), the department sets in accordance with Section 63J-1-504; and

(ii) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

(d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional patient card renews automatically at the time the minor's parent or legal guardian renews the parent or legal guardian's associated medical cannabis guardian card.

(7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis card with the patient's name.

(b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may purchase, in accordance with this part and the recommendation underlying the card, cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device.

(ii) A cardholder under this section may possess or transport, in accordance with this part and the recommendation underlying the card, cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device.

(iii) To address the qualifying condition underlying the medical cannabis treatment recommendation:

(A) a medical cannabis patient cardholder or a provisional patient cardholder may use medical cannabis or a medical cannabis device; and

(B) a medical cannabis guardian cardholder may assist the associated provisional patient cardholder with the use of medical cannabis or a medical cannabis device.

(8)(a) The department may revoke a medical cannabis card that the department issues under this section if:

(i) the recommending medical provider withdraws the medical provider's recommendation for medical cannabis; or

(ii) the cardholder:

(A) violates this part; or

(B) is convicted under state or federal law of, after March 17, 2021, a drug distribution offense.

(b) The department may not refuse to issue a medical cannabis card to a patient solely based on a prior revocation under Subsection (8)(a)(i).

(9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to provide information regarding the following to an individual receiving a medical cannabis card:

(a) risks associated with medical cannabis treatment;

(b) the fact that a condition's listing as a qualifying condition does not suggest that medical cannabis treatment is an effective treatment or cure for that condition, as described in Subsection 26B-4-203(1); and

(c) other relevant warnings and safety information that the department determines.

(10) The department may establish procedures by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance provisions of this section.

(11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow an individual from another state to register with the department in order to purchase medical cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual is visiting the state.

(b) The department may only provide the registration process described in Subsection

(11)(a):

(i) to a nonresident patient; and

(ii) for no more than two visitation periods per calendar year of up to 21 calendar days per visitation period.

(12)(a) A person may submit to the department a request to conduct a research study using medical cannabis cardholder data that the state electronic verification system contains.

(b) The department shall review a request described in Subsection (12)(a) to determine whether an institutional review board, as that term is defined in Section 26B-4-201, could approve the research study.

(c) At the time an individual applies for a medical cannabis card, the department shall notify the individual:

(i) of how the individual's information will be used as a cardholder;

(ii) that by applying for a medical cannabis card, unless the individual withdraws consent under Subsection (12)(d), the individual consents to the use of the individual's information for external research; and

(iii) that the individual may withdraw consent for the use of the individual's information for external research at any time, including at the time of application.

(d) An applicant may, through the medical cannabis card application, and a medical cannabis cardholder may, through the state central patient portal, withdraw the applicant's or cardholder's consent to participate in external research at any time.

(e) The department may release, for the purposes of a study described in this Subsection (12), information about a cardholder under this section who consents to participate under Subsection (12)(c).

(f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of consent:

(i) applies to external research that is initiated after the withdrawal of consent; and

(ii) does not apply to research that was initiated before the withdrawal of consent.

(g) The department may establish standards for a medical research study's validity, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(13) The department shall record the issuance or revocation of a medical cannabis card under this section in the controlled substance database.

Section 17. Section **26B-4-214** is amended to read:

26B-4-214 (Effective 05/06/26). Medical cannabis caregiver card -- Registration -- Renewal -- Revocation.

(1)(a) A cardholder described in Section 26B-4-213 may designate up to two individuals, or an individual and a facility in accordance with Subsection (1)(b), to serve as a designated caregiver for the cardholder.

(b)(i) A cardholder described in Section 26B-4-213 may designate one of the following types of facilities as one of the caregivers described in Subsection (1)(a):

(A) for a patient or resident, an assisted living facility, as that term is defined in Section 26B-2-201;

(B) for a patient or resident, a nursing care facility, as that term is defined in Section 26B-2-201; or

(C) for a patient, a general acute hospital, as that term is defined in Section 26B-2-201.

(ii) A facility may:

(A) assign one or more employees to assist patients with medical cannabis treatment under the caregiver designation described in this Subsection (1)(b); and

(B) receive a medical cannabis shipment from a medical cannabis pharmacy or a medical cannabis courier on behalf of the medical cannabis cardholder within the facility who designated the facility as a caregiver.

(iii) The department shall make rules to regulate the practice of facilities and facility employees serving as designated caregivers under this Subsection (1)(b).

(c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation with the minor and the minor's recommending medical provider, may designate up to two individuals to serve as a designated caregiver for the minor, if the department determines that the parent or legal guardian is not eligible for a medical cannabis guardian card under Section 26B-4-213.

(d)(i) Upon the entry of a caregiver designation under Subsection (1)(c) by a patient with a terminal illness described in Section 26B-4-203, the department shall issue to the designated caregiver an electronic conditional medical cannabis caregiver card, in accordance with this Subsection (1)(d).

(ii) A conditional medical cannabis caregiver card is valid for the lesser of:

(A) 60 days; or

(B) the day on which the department completes the department's review and issues

a medical cannabis caregiver card under Subsection (1)(a), denies the patient's medical cannabis caregiver card application, or revokes the conditional medical cannabis caregiver card under Section 26B-4-246.

(iii) The department may issue a conditional medical cannabis card to an individual applying for a medical cannabis patient card for which approval of the Compassionate Use Board is not required.

(iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and obligations under law applicable to a holder of the medical cannabis card for which the individual applies and for which the department issues the conditional medical cannabis card.

(2) An individual that the department registers as a designated caregiver under this section and a facility described in Subsection (1)(b):

(a) for an individual designated caregiver, may carry a valid medical cannabis caregiver card;

(b) in accordance with this part, may purchase, possess, transport, or assist the patient in the use of medical cannabis or a medical cannabis device on behalf of the designating medical cannabis cardholder;

(c) may not charge a fee to an individual to act as the individual's designated caregiver or for a service that the designated caregiver provides in relation to the role as a designated caregiver; and

(d) may accept reimbursement from the designating medical cannabis cardholder for direct costs the designated caregiver incurs for assisting with the designating cardholder's medicinal use of cannabis.

(3)(a) The department shall:

(i) within 15 days after the day on which an individual submits an application in compliance with this section, issue a medical cannabis card to the applicant if the applicant:

(A) is designated as a caregiver under Subsection (1);

(B) is eligible for a medical cannabis caregiver card under Subsection (4); and

(C) complies with this section; and

(ii) notify the Department of Public Safety of each individual that the department registers as a designated caregiver.

(b) The department shall ensure that a medical cannabis caregiver card contains the information described in Subsections (5)(b) and (3)(c)(i).

(c) If a cardholder described in Section 26B-4-213 designates an individual as a caregiver who already holds a medical cannabis caregiver card, the individual with the medical cannabis caregiver card:

(i) shall report to the department the information required of applicants under Subsection (5)(b) regarding the new designation;

(ii) if the individual makes the report described in Subsection (3)(c)(i), is not required to file an application for another medical cannabis caregiver card;

(iii) may receive an additional medical cannabis caregiver card in relation to each additional medical cannabis patient who designates the caregiver; and

(iv) is not subject to an additional background check.

(4) An individual is eligible for a medical cannabis caregiver card if the individual:

(a) is at least 21 years old;

(b) is a Utah resident;

(c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus the cost of the criminal background check described in Section 26B-4-215; and

(d) signs an acknowledgment stating that the applicant received the information described in Subsection 26B-4-213(9).

(5) An eligible applicant for a medical cannabis caregiver card shall:

(a) submit an application for a medical cannabis caregiver card to the department through an electronic application connected to the state electronic verification system; and

(b) submit the following information in the application described in Subsection (5)(a):

(i) the applicant's name, [~~gender~~] sex, age, and address;

(ii) the name, [~~gender~~] sex, age, and address of the cardholder described in Section 26B-4-213 who designated the applicant;

(iii) if a medical cannabis guardian cardholder designated the caregiver, the name, [~~gender~~] sex, and age of the minor receiving a medical cannabis treatment in relation to the medical cannabis guardian cardholder; and

(iv) any additional information that the department requests to assist in matching the application with the designating medical cannabis patient.

(6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the department issues under this section is valid for the lesser of:

(a) an amount of time that the cardholder described in Section 26B-4-213 who

designated the caregiver determines; or

(b) the amount of time remaining before the card of the cardholder described in Section 26B-4-213 expires.

(7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated caregiver's medical cannabis caregiver card renews automatically at the time the cardholder described in Section 26B-4-213 who designated the caregiver:

(i) renews the cardholder's card; and

(ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

(b) The department shall provide a method in the card renewal process to allow a cardholder described in Section 26B-4-213 who has designated a caregiver to:

(i) signify that the cardholder renews the caregiver's designation;

(ii) remove a caregiver's designation; or

(iii) designate a new caregiver.

(8) The department shall record the issuance or revocation of a medical cannabis card under this section in the controlled substance database.

Section 18. Section **26B-5-211** is amended to read:

26B-5-211 (Effective 05/06/26). Administration of opioid litigation proceeds -- Requirements for governmental entities receiving opioid funds -- Reporting.

(1) As used in this section:

(a) "Fund" means the Opioid Litigation Proceeds Fund created in Section 51-9-801.

(b) "Office" means the Office of Substance Use and Mental Health within the department.

(c) "Opioid funds" means money received by the state or a political subdivision of the state as a result of any judgment, settlement, or compromise of claims pertaining to alleged violations of law related to the manufacture, marketing, distribution, or sale of opioids.

(2) Opioid funds may not be used to:

(a) reimburse expenditures that were incurred before the opioid funds were received by the governmental entity; or

(b) supplant or take the place of any funds that would otherwise have been expended for that purpose.

(3) The office shall serve as the reporting entity to receive, compile, and submit any reports related to opioid funds that are required by law, contract, or other agreement.

(4) The requirement described in Subsection (5) applies to:

(a) a recipient of opioid funds from the fund, in any year that opioid funds are received; and

(b) a political subdivision that received opioid funds.

(5) A person described in Subsection (4) shall provide an annual report to the office, in a form and by a date established by the office, that includes:

(a) an accounting of all opioid funds that were received by the person in the year;

(b) the number of individuals served through programs funded by the opioid funds, including the individuals' age, [~~gender~~] sex, and other demographic factors reported in a de-identified manner;

(c) the measures that were used to determine whether the program funded by the opioid funds achieved the intended outcomes;

(d) if applicable, any information required to be submitted to the reporting entity under applicable law, contract, or other agreement; and

(e) the percentage of total funds received by the person in the year that the person used to promote the items under Subsections (6)(d)(i) through (vi).

(6) On or before October 1 of each year, the office shall provide a written report that includes:

(a) the opening and closing balance of the fund for the previous fiscal year;

(b) the name of and amount received by each recipient of funds from the fund;

(c) a description of the intended use of each award, including the specific program, service, or resource funded, population served, and measures that the recipient used or will use to assess the impact of the award;

(d) the amount of funds expended to address each of the following items and the degree to which the department administered the program or subcontracted with a private entity:

(i) treatment services;

(ii) recovery support services;

(iii) prevention;

(iv) criminal justice;

(v) harm reduction; and

(vi) expanding any of the following services:

(A) housing;

(B) legal support;

(C) education; and

(D) job training;

(e) a description of any finding or concern as to whether all opioid funds disbursed from the fund violated the prohibitions in Subsection (2) and, if applicable, complied with the requirements of a settlement agreement;

(f) the performance indicators and progress toward improving outcomes and reducing mortality and other harms related to substance use disorders; and

(g) administrative costs including indirect rates and direct service costs.

(7) The office shall provide the information that is received, compiled, and submitted under this section:

(a) to the Health and Human Services Interim Committee;

(b) to the Social Services Appropriations Subcommittee;

(c) if required under the terms of a settlement agreement under which opioid funds are received, to the administrator of the settlement agreement in accordance with the terms of the settlement agreement; and

(d) in a publicly accessible location on the department's website.

(8) The office may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section.

Section 19. Section **26B-5-301** is amended to read:

26B-5-301 (Effective 05/06/26). Definitions.

As used in this part, Part 4, Commitment of Persons Under Age 18, and Part 5, Essential Treatment and Intervention:

(1) "Adult" means an individual 18 years old or older.

(2) "Approved treatment facility or program" means a mental health or substance use treatment provider that meets the goals and measurements described in Subsection 26B-5-102(2)(ii).

(3) "Assisted outpatient treatment" means involuntary outpatient mental health treatment ordered under Section 26B-5-351.

(4) "Attending physician" means a physician licensed to practice medicine in this state who has primary responsibility for the care and treatment of the declarant.

(5) "Attorney-in-fact" means an adult properly appointed under this part to make mental health treatment decisions for a declarant under a declaration for mental health treatment.

(6) "Commitment to the custody of a local mental health authority" means that an adult is committed to the custody of the local mental health authority that governs the mental health catchment area where the adult resides or is found.

(7) "Community mental health center" means an entity that provides treatment and services to a resident of a designated geographical area, that operates by or under contract with a local mental health authority, and that complies with state standards for community mental health centers.

(8) "Designated examiner" means:

(a) a licensed physician, preferably a psychiatrist, who is designated by the division as specially qualified by training or experience in the diagnosis of mental or related illness; or

(b) a licensed mental health professional designated by the division as specially qualified by training and who has at least five years' continual experience in the treatment of mental illness.

(9) "Designee" means a physician who has responsibility for medical functions including admission and discharge, an employee of a local mental health authority, or an employee of a person that has contracted with a local mental health authority to provide mental health services under Section 17-77-304.

(10) "Essential treatment" and "essential treatment and intervention" mean court-ordered treatment at a local substance abuse authority or an approved treatment facility or program for the treatment of an adult's substance use disorder.

(11) "Harmful sexual conduct" means the following conduct upon an individual without the individual's consent, including the nonconsensual circumstances described in Subsections 76-5-406(2)(a) through (l):

(a) sexual intercourse;

(b) penetration, however slight, of the genital or anal opening of the individual;

(c) any sexual act involving the genitals or anus of the actor or the individual and the mouth or anus of either individual, regardless of the [~~gender~~] sex of either participant; or

(d) any sexual act causing substantial emotional injury or bodily pain.

(12) "Informed waiver" means the patient was informed of a right and, after being informed of that right and the patient's right to waive the right, expressly communicated his or her intention to waive that right.

(13) "Incapable" means that, in the opinion of the court in a guardianship proceeding under Title 75, Utah Uniform Probate Code, or in the opinion of two physicians, a person's ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that the person currently lacks the capacity to make mental

health treatment decisions.

(14) "Institution" means a hospital or a health facility licensed under Section 26B-2-206.

(15) "Lay person" means an individual identified and authorized by a patient to participate in activities related to the patient's commitment, including court appearances, discharge planning, and grievances, except that a patient may revoke a lay person's authorization at any time.

(16) "Local substance abuse authority" means the same as that term is defined in Section 26B-5-101 and described in Section 17-77-201.

(17) "Mental health facility" means the Utah State Hospital or other facility that provides mental health services under contract with the division, a local mental health authority, a person that contracts with a local mental health authority, or a person that provides acute inpatient psychiatric services to a patient.

(18) "Mental health officer" means an individual who is designated by a local mental health authority as qualified by training and experience in the recognition and identification of mental illness, to:

(a) apply for and provide certification for a temporary commitment; or

(b) assist in the arrangement of transportation to a designated mental health facility.

(19) "Mental illness" means:

(a) a psychiatric disorder that substantially impairs an individual's mental, emotional, behavioral, or related functioning; or

(b) the same as that term is defined in:

(i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; or

(ii) the current edition of the International Statistical Classification of Diseases and Related Health Problems.

(20) "Mental health treatment" means convulsive treatment, treatment with psychoactive medication, or admission to and retention in a facility for a period not to exceed 17 days.

(21) "Patient" means an individual who is:

(a) under commitment to the custody or to the treatment services of a local mental health authority; or

(b) undergoing essential treatment and intervention.

(22) "Physician" means an individual who is:

(a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or

(b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical

Practice Act.

(23) "Serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(24) "State hospital" means the Utah State Hospital established in Section 26B-5-302.

(25) "Substantial danger" means that due to mental illness, an individual is at serious risk of:

(a) suicide;

(b) serious bodily self-injury;

(c) serious bodily injury because the individual is incapable of providing the basic necessities of life, including food, clothing, or shelter;

(d) causing or attempting to cause serious bodily injury to another individual;

(e) engaging in harmful sexual conduct; or

(f) if not treated, suffering severe and abnormal mental, emotional, or physical distress that:

(i) is associated with significant impairment of judgment, reason, or behavior; and

(ii) causes a substantial deterioration of the individual's previous ability to function independently.

(26) "Treatment" means psychotherapy, medication, including the administration of psychotropic medication, or other medical treatments that are generally accepted medical or psychosocial interventions for the purpose of restoring the patient to an optimal level of functioning in the least restrictive environment.

Section 20. Section **29-2-103** is amended to read:

29-2-103 (Effective 05/06/26). Innkeeper's rights -- Liability -- Prohibition on discrimination.

(1) An innkeeper may:

(a) refuse or deny accommodations, facilities, or privileges of a lodging establishment to any person who is:

(i) unwilling or unable to pay for the accommodations and services of the lodging establishment;

(ii) visibly intoxicated;

(iii) creating a public nuisance;

(iv) in the reasonable belief of the innkeeper, seeking accommodations for any unlawful purpose, including:

(A) the unlawful possession or use of controlled substances in violation of federal or state law; or

(B) use of the premises for the consumption of alcoholic beverages by any person under 21 years [~~of age~~] old in violation of federal or state law; or

(v) in the reasonable belief of the innkeeper, bringing in property that may be dangerous to other persons, including firearms or explosives;

(b) require a prospective guest prior to check-in to demonstrate the guest's ability to pay either in cash, by credit card, or with a validated check;

(c) require a parent or legal guardian of a minor to:

(i) promise in writing to pay all guest room costs, taxes, and charges incurred by the minor at a lodging establishment and any damages to the lodging establishment and its furnishings caused by the minor while a guest at the lodging establishment;

(ii) provide an innkeeper with a valid credit card number to cover potential charges and any potential damages to the lodging establishment and its furnishings caused by the minor; or

(iii) if a valid credit card is not an option, provide an innkeeper with:

(A) an advance cash payment to cover the guest room costs and taxes for the anticipated stay of the minor; and

(B) a deposit, not to exceed $500, towards the payment of any charges by the minor or any damages to the lodging establishment or its furnishings, which deposit shall be refunded to the extent not used to cover any damages as determined by the innkeeper following room inspection at check-out;

(d) require a guest to produce a valid driver's license, or other identification satisfactory to the innkeeper, containing a photograph and the name and address of the guest;

(e) if the guest is a minor, require a parent or guardian of the guest to register and produce the same identification required in Subsection (1)(d);

(f) limit the number of persons who may occupy a guest room in the lodging establishment; or

(g) eject a person from a lodging establishment for any of the following reasons:

(i) nonpayment of the lodging establishment's charges for accommodations or services;

(ii) visible intoxication of the guest;

(iii) disorderly conduct of the guest resulting in a public nuisance; or

(iv) the innkeeper reasonably believes that the person has violated:

(A) this chapter or any federal, state, or local law or regulation relating to the lodging establishment; or

(B) any rule of the lodging establishment posted in a conspicuous place and manner in the lodging establishment.

(2) An innkeeper may not refuse or deny use of or eject a person from a lodging establishment's facilities or privileges based upon the person's race, creed, color, national origin, [~~gender~~] sex, disability, or marital status.

Section 21. Section **31A-22-405** is amended to read:

31A-22-405 (Effective 05/06/26). Misstated age or sex.

(1) Subject to Subsection (2), if the age or [~~gender~~] sex of the person whose life is at risk is misstated in an application for a policy of life insurance, and the error is not adjusted during the person's lifetime, the amount payable under the policy is what the premium paid would have purchased if the age or [~~gender~~] sex had been stated correctly.

(2) If the person whose life is at risk was, at the time the insurance was applied for, beyond the maximum age limit designated by the insurer, the insurer shall refund at least the amount of the premiums collected under the policy.

Section 22. Section **31A-22-2004** is amended to read:

31A-22-2004 (Effective 05/06/26). Disclosure and performance standards for limited long-term care insurance.

(1) A limited long-term care insurance policy may not:

(a) be cancelled, nonrenewed, or otherwise terminated because of the age, [~~gender~~] sex, or the deterioration of the mental or physical health of the insured individual or certificate holder;

(b) contain a provision establishing a new waiting period if existing coverage is converted to or replaced by a new or other form within the same insurer, or the insurer's affiliates, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder; or

(c) provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than coverage for lower levels of care.

(2)(a) A limited long-term care insurance policy or certificate may not:

(i) use a definition of "preexisting condition" that is more restrictive than the definition under this part; or

(ii) exclude coverage for a loss or confinement that is the result of a preexisting condition, unless the loss or confinement begins within six months after the day

on which the coverage of the insured person becomes effective.

(b) A preexisting condition does not prohibit an insurer from:

(i) using an application form designed to elicit the complete health history of an applicant; or

(ii) on the basis of the answers on the application described in Subsection (2)(b)(i), underwriting in accordance with the insurer's established underwriting standards.

(c)(i) Unless otherwise provided in the policy or certificate, an insurer may exclude coverage of a preexisting condition:

(A) for a time period of six months, beginning the day on which the coverage of the insured person becomes effective; and

(B) regardless of whether the preexisting condition is disclosed on the application.

(ii) A limited long-term care insurance policy or certificate may not exclude or use waivers or riders of any kind to exclude, limit, or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions for more than a time period of six months, beginning the day on which the coverage of the insured person becomes effective.

(3)(a) An insurer may not deliver or issue for delivery a limited long-term care insurance policy that conditions eligibility for any benefits:

(i) on a prior hospitalization requirement;

(ii) provided in an institutional care setting, on the receipt of a higher level of institutional care; or

(iii) other than waiver of premium, post-confinement, post-acute care, or recuperative benefits, on a prior institutionalization requirement.

(b) A limited long-term care insurance policy or rider may not condition eligibility for noninstitutional benefits on the prior or continuing receipt of skilled care services.

(4)(a) If, after examination of a policy, certificate, or rider, a limited long-term care insurance applicant is not satisfied for any reason, the applicant has the right to:

(i) within 30 days after the day on which the applicant receives the policy, certificate, endorsement, or rider, return the policy, certificate, endorsement, or rider to the company or a producer of the company; and

(ii) have the premium refunded.

(b)(i) Each limited long-term care insurance policy, certificate, endorsement, and rider shall:

(A) have a notice prominently printed on the first page or attached thereto

detailing specific instructions to accomplish a return; and

(B) include the following free-look statement or language substantially similar: "You have 30 days from the day on which you receive this policy certificate, endorsement, or rider to review it and return it to the company if you decide not to keep it. You do not have to tell the company why you are returning it. If you decide not to keep it, simply return it to the company at its administrative office. Or you may return it to the producer that you bought it from. You must return it within 30 days of the day you first received it. The company will refund the full amount of any premium paid within 30 days after it receives the returned policy, certificate, or rider. The premium refund will be sent directly to the person who paid it. The policy certificate or rider will be void as if it had never been issued."

(ii) The requirements described in Subsection (4)(b)(i) do not apply to a certificate issued to an employee under an employer group limited long-term care insurance policy.

(5)(a)(i) An insurer shall deliver an outline of coverage to a prospective applicant for limited long-term care insurance at the time of initial solicitation through means that prominently direct the attention of the recipient to the document and the document's purpose.

(ii) In the case of an agent solicitation, the agent shall deliver the outline of coverage before the presentation of an application or enrollment form.

(iii) In the case of a direct response solicitation, the outline of coverage shall be presented in conjunction with any application or enrollment form.

(iv)(A) In the case of a policy issued to a group, the outline of coverage is not required to be delivered if the information described in Subsections (5)(b)(i) through (iii) is contained in other materials relating to enrollment, including the certificate.

(B) Upon request, an insurer shall make the other materials described in this Subsection (5)(a)(iv) available to the commissioner.

(b) An outline of coverage shall include:

(i) a description of the principal benefits and coverage provided in the policy;

(ii) a description of the eligibility triggers for benefits and how the eligibility triggers are met;

(iii) a statement of the principal exclusions, reductions, and limitations contained in

the policy;

(iv) a statement of the terms under which the policy or certificate, or both, may be continued in force or discontinued, including any reservation in the policy of a right to change premium[.] ;

(v) a specific description of each continuation or conversion provision of group coverage;

(vi) a statement that the outline of coverage is a summary only, not a contract of insurance, and that the policy or group master policy contains governing contractual provisions;

(vii) a description of the terms under which a person may return the policy or certificate and have the premium refunded;

(viii) a brief description of the relationship of cost of care and benefits; and

(ix) a statement that discloses to the policyholder or certificate holder that the policy is not long-term care insurance.

(6) A certificate pursuant to a group limited long-term care insurance policy that is delivered or issued for delivery in this state shall include:

(a) a description of the principal benefits and coverage provided in the policy;

(b) a statement of the principal exclusions, reductions, and limitations contained in the policy; and

(c) a statement that the group master policy determines governing contractual provisions.

(7) If an application for a limited long-term care insurance contract or certificate is approved, the issuer shall deliver the contract or certificate of insurance to the applicant no later that 30 days after the day on which the application is approved.

Section 23. Section **31A-30-106** is amended to read:

31A-30-106 (Effective 05/06/26). Individual premiums -- Rating restrictions -- Disclosure.

(1) Premium rates for health benefit plans for individuals under this chapter are subject to this section.

(a) The index rate for a rating period for any class of business may not exceed the index rate for any other class of business by more than 20%.

(b)(i) For a class of business, the premium rates charged during a rating period to covered insureds with similar case characteristics for the same or similar coverage, or the rates that could be charged to the individual under the rating system for that class of business, may not vary from the index rate by more than

30% of the index rate except as provided under Subsection (1)(b)(ii).

(ii) A carrier that offers individual and small employer health benefit plans may use the small employer index rates to establish the rate limitations for individual policies, even if some individual policies are rated below the small employer base rate.

(c) The percentage increase in the premium rate charged to a covered insured for a new rating period, adjusted pro rata for rating periods less than a year, may not exceed the sum of the following:

(i) the percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period;

(ii) any adjustment, not to exceed 15% annually and adjusted pro rata for rating periods of less than one year, due to the claim experience, health status, or duration of coverage of the covered individuals as determined from the rate manual for the class of business of the carrier offering an individual health benefit plan; and

(iii) any adjustment due to change in coverage or change in the case characteristics of the covered insured as determined from the rate manual for the class of business of the carrier offering an individual health benefit plan.

(d)(i) A carrier offering an individual health benefit plan shall apply rating factors, including case characteristics, consistently with respect to all covered insureds in a class of business.

(ii) Rating factors shall produce premiums for identical individuals that:

(A) differ only by the amounts attributable to plan design; and

(B) do not reflect differences due to the nature of the individuals assumed to select particular health benefit plans.

(iii) A carrier offering an individual health benefit plan shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

(e) For the purposes of this Subsection (1), a health benefit plan that uses a restricted network provision may not be considered similar coverage to a health benefit plan that does not use a restricted network provision, provided that use of the restricted network provision results in substantial difference in claims costs.

(f) A carrier offering a health benefit plan to an individual may not, without prior approval of the commissioner, use case characteristics other than:

(i) age;

(ii) [~~gender~~] sex;

(iii) geographic area; and

(iv) family composition.

(g)(i) The commissioner shall establish rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(A) implement this chapter;

(B) assure that rating practices used by carriers who offer health benefit plans to individuals are consistent with the purposes of this chapter; and

(C) promote transparency of rating practices of health benefit plans, except that a carrier may not be required to disclose proprietary information.

(ii) The rules described in Subsection (1)(g)(i) may include rules that:

(A) assure that differences in rates charged for health benefit plans by carriers who offer health benefit plans to individuals are reasonable and reflect objective differences in plan design, not including differences due to the nature of the individuals assumed to select particular health benefit plans; and

(B) prescribe the manner in which case characteristics may be used by carriers who offer health benefit plans to individuals.

(h) The commissioner shall revise rules issued for Sections 31A-22-602 and 31A-22-605 regarding individual accident and health policy rates to allow rating in accordance with this section.

(2) For purposes of Subsection (1)(c)(i), if a health benefit plan is a health benefit plan into which the covered carrier is no longer enrolling new covered insureds, the covered carrier shall use the percentage change in the base premium rate, provided that the change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit product into which the covered carrier is actively enrolling new covered insureds.

(3)(a) A covered carrier may not transfer a covered insured involuntarily into or out of a class of business.

(b) A covered carrier may not offer to transfer a covered insured into or out of a class of business unless the offer is made to transfer all covered insureds in the class of business without regard to:

(i) case characteristics;

(ii) claim experience;

(iii) health status; or

(iv) duration of coverage since issue.

(4)(a) A carrier who offers a health benefit plan to an individual shall maintain at the carrier's principal place of business a complete and detailed description of its rating practices and renewal underwriting practices, including information and documentation that demonstrate that the carrier's rating methods and practices are:

(i) based upon commonly accepted actuarial assumptions; and

(ii) in accordance with sound actuarial principles.

(b)(i) A carrier subject to this section shall file with the commissioner, on or before April 1 of each year, in a form, manner, and containing such information as prescribed by the commissioner, an actuarial certification certifying that:

(A) the carrier is in compliance with this chapter; and

(B) the rating methods of the carrier are actuarially sound.

(ii) A copy of the certification required by Subsection (4)(b)(i) shall be retained by the carrier at the carrier's principal place of business.

(c) A carrier shall make the information and documentation described in this Subsection (4) available to the commissioner upon request.

(d) Except as provided in Subsection (1)(g) or required by PPACA, a record submitted to the commissioner under this section shall be maintained by the commissioner as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.

Section 24. Section **31A-30-106.1** is amended to read:

31A-30-106.1 (Effective 05/06/26). Small employer premiums -- Rating restrictions -- Disclosure.

(1) Premium rates for small employer health benefit plans under this chapter are subject to this section.

(2)(a) The index rate for a rating period for any class of business may not exceed the index rate for any other class of business by more than 20%.

(b) For a class of business, the premium rates charged during a rating period to covered insureds with similar case characteristics for the same or similar coverage, or the rates that could be charged to an employer group under the rating system for that class of business, may not vary from the index rate by more than 30% of the index rate, except when catastrophic mental health coverage is selected as provided in Subsection 31A-22-625(2)(d).

(3) The percentage increase in the premium rate charged to a covered insured for a new rating period, adjusted pro rata for rating periods less than a year, may not exceed the sum of the following:

(a) the percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period;

(b) any adjustment, not to exceed 15% annually and adjusted pro rata for rating periods of less than one year, due to the claim experience, health status, or duration of coverage of the covered individuals as determined from the small employer carrier's rate manual for the class of business, except when catastrophic mental health coverage is selected as provided in Subsection 31A-22-625(2)(d); and

(c) any adjustment due to change in coverage or change in the case characteristics of the covered insured as determined for the class of business from the small employer carrier's rate manual.

(4)(a) Adjustments in rates for claims experience, health status, and duration from issue may not be charged to individual employees or dependents.

(b) Rating adjustments and factors, including case characteristics, shall be applied uniformly and consistently to the rates charged for all employees and dependents of the small employer.

(c) Rating factors shall produce premiums for identical groups that:

(i) differ only by the amounts attributable to plan design; and

(ii) do not reflect differences due to the nature of the groups assumed to select particular health benefit plans.

(d) A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

(5) A health benefit plan that uses a restricted network provision may not be considered similar coverage to a health benefit plan that does not use a restricted network provision, provided that use of the restricted network provision results in substantial difference in claims costs.

(6) The small employer carrier may not use case characteristics other than the following:

(a) age of the employee, in accordance with Subsection (7);

(b) geographic area;

(c) family composition in accordance with Subsection (9);

(d) for plans renewed or effective on or after July 1, 2011, [~~gender~~] sex of the employee and spouse;

(e) for an individual age 65 and older, whether the employer policy is primary or secondary to Medicare; and

(f) a wellness program, in accordance with Subsection (12).

(7) Age limited to:

(a) the following age bands:

(i) less than 20;

(ii) 20-24;

(iii) 25-29;

(iv) 30-34;

(v) 35-39;

(vi) 40-44;

(vii) 45-49;

(viii) 50-54;

(ix) 55-59;

(x) 60-64; and

(xi) 65 and above; and

(b) a standard slope ratio range for each age band, applied to each family composition tier rating structure under Subsection (9)(b):

(i) as developed by the commissioner by administrative rule; and

(ii) not to exceed an overall ratio as provided in Subsection (8).

(8)(a) The overall ratio permitted in Subsection (7)(b)(ii) may not exceed:

(i) 5:1 for plans renewed or effective before January 1, 2012; and

(ii) 6:1 for plans renewed or effective on or after January 1, 2012; and

(b) the age slope ratios for each age band may not overlap.

(9) Family composition is limited to:

(a) an overall ratio of:

(i) 5:1 or less for plans renewed or effective before January 1, 2012; and

(ii) 6:1 or less for plans renewed or effective on or after January 1, 2012; and

(b) a tier rating structure that includes:

(i) four tiers that include:

(A) employee only;

(B) employee plus spouse;

(C) employee plus a child or children; and

(D) a family, consisting of an employee plus spouse, and a child or children;

(ii) for plans renewed or effective on or after January 1, 2012, five tiers that include:

(A) employee only;

(B) employee plus spouse;

(C) employee plus one child;

(D) employee plus two or more children; and

(E) employee plus spouse plus one or more children; or

(iii) for plans renewed or effective on or after January 1, 2012, six tiers that include:

(A) employee only;

(B) employee plus spouse;

(C) employee plus one child;

(D) employee plus two or more children;

(E) employee plus spouse plus one child; and

(F) employee plus spouse plus two or more children.

(10) If a health benefit plan is a health benefit plan into which the small employer carrier is no longer enrolling new covered insureds, the small employer carrier shall use the percentage change in the base premium rate, provided that the change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new covered insureds.

(11)(a) A covered carrier may not transfer a covered insured involuntarily into or out of a class of business.

(b) A covered carrier may not offer to transfer a covered insured into or out of a class of business unless the offer is made to transfer all covered insureds in the class of business without regard to:

(i) case characteristics;

(ii) claim experience;

(iii) health status; or

(iv) duration of coverage since issue.

(12) Notwithstanding Subsection (4)(b), a small employer carrier may:

(a) offer a wellness program to a small employer group if:

(i) the premium discount to the employer for the wellness program does not exceed 20% of the premium for the small employer group; and

(ii) the carrier offers the wellness program discount uniformly across all small employer groups;

(b) offer a premium discount as part of a wellness program to individual employees in a small employer group:

(i) to the extent allowed by federal law; and

(ii) if the employee discount based on the wellness program is offered uniformly across all small employer groups; and

(c) offer a combination of premium discounts for the employer and the employee, based on a wellness program, if:

(i) the employer discount complies with Subsection (12)(a); and

(ii) the employee discount complies with Subsection (12)(b).

(13)(a) A small employer carrier shall maintain at the small employer carrier's principal place of business a complete and detailed description of its rating practices and renewal underwriting practices, including information and documentation that demonstrate that the small employer carrier's rating methods and practices are:

(i) based upon commonly accepted actuarial assumptions; and

(ii) in accordance with sound actuarial principles.

(b)(i) A small employer carrier shall file with the commissioner on or before April 1 of each year, in a form and manner and containing information as prescribed by the commissioner, an actuarial certification certifying that:

(A) the small employer carrier is in compliance with this chapter; and

(B) the rating methods of the small employer carrier are actuarially sound.

(ii) A copy of the certification required by Subsection (13)(b)(i) shall be retained by the small employer carrier at the small employer carrier's principal place of business.

(c) A small employer carrier shall make the information and documentation described in this Subsection (13) available to the commissioner upon request.

(14)(a) The commissioner shall establish rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(i) implement this chapter; and

(ii) assure that rating practices used by small employer carriers under this section and carriers for individual plans under Section 31A-30-106 are consistent with the purposes of this chapter.

(b) The rules may:

(i) assure that differences in rates charged for health benefit plans by carriers are reasonable and reflect objective differences in plan design, not including

differences due to the nature of the groups or individuals assumed to select particular health benefit plans; and

(ii) prescribe the manner in which case characteristics may be used by small employer and individual carriers.

(15) Records submitted to the commissioner under this section shall be maintained by the commissioner as protected records under Title 63G, Chapter 2, Government Records Access and Management Act.

Section 25. Section **32B-1-407** is amended to read:

32B-1-407 (Effective 05/06/26). Verification of proof of age by applicable licensees.

(1) As used in this section, "applicable licensee" means:

(a) a dining club;

(b) a bar;

(c) a tavern;

(d) a full-service restaurant;

(e) a limited-service restaurant;

(f) a beer-only restaurant; or

(g) an off-premise beer retailer selling, offering for sale, or furnishing beer as described in Subsection 32B-7-202(8).

(2) Notwithstanding any other provision of this part, an applicable licensee shall require that an authorized person for the applicable licensee verify proof of age as provided in this section.

(3) An authorized person is required to verify proof of age under this section before an individual:

(a) gains admittance to the premises of a bar licensee or tavern;

(b) procures an alcoholic product on the premises of a dining club licensee; or

(c) procures an alcoholic product in a dispensing area in the premises of a full-service restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant licensee.

(4) To comply with Subsection (3), an authorized person shall:

(a) request the individual present proof of age; and

(b)(i) verify the validity of the proof of age electronically under the verification program created in Subsection (5); or

(ii) if the proof of age cannot be electronically verified as provided in Subsection

(4)(b)(i), request that the individual comply with a process established by the commission by rule.

(5)(a) The commission shall establish by rule an electronic verification program that includes the following:

(i) the specifications for the technology used by the applicable licensee to electronically verify proof of age, including that the technology display to the person described in Subsection (2) no more than the following for the individual who presents the proof of age:

(A) the name;

(B) the age;

(C) the number assigned to the individual's proof of age by the issuing authority;

(D) the birth date;

(E) the [~~gender~~] sex; and

(F) the status and expiration date of the individual's proof of age; and

(ii) the security measures that shall be used by an applicable licensee to ensure that information obtained under this section is:

(A) used by the applicable licensee only for purposes of verifying proof of age in accordance with this section; and

(B) retained by the applicable licensee for seven days after the day on which the applicable licensee obtains the information.

(b) The commission shall ensure that the electronic verification program described in Subsection (5)(a) includes technology that recognizes every state's unique hidden security features located on state issued identification cards to determine the validity of that particular card.

(6)(a) An applicable licensee may not disclose information obtained under this section except as provided under this title.

(b) Information obtained under this section is considered a record for any purpose under Chapter 5, Part 3, Retail Licensee Operational Requirements.

Section 26. Section **34A-5-114** is amended to read:

34A-5-114 (Effective 05/06/26). Limitations on enforceability of nondisclosure and non-disparagement clauses -- Retaliation prohibited.

(1) As used in this section:

(a) "Confidentiality clause" means a nondisclosure clause or a non-disparagement clause.

(b) "Employee" means a current or a former employee.

(c) "Nondisclosure clause" means an agreement between an employee and employer that prevents, or has the effect of preventing, an employee from disclosing or discussing:

(i) sexual assault;

(ii) allegations of sexual assault;

(iii) sexual harassment; or

(iv) allegations of sexual harassment.

(d) "Non-disparagement clause" means an agreement between an employee and employer that prohibits, or has the effect of prohibiting, an employee from making a negative statement that is:

(i) about the employer; and

(ii) related to:

(A) a claim of sexual assault or sexual harassment;

(B) a sexual assault dispute; or

(C) a sexual harassment dispute.

(e) "Post-employment restrictive covenant" means the same as that term is defined in Section 34-51-102.

(f) "Proprietary information" means an employer's business plan or customer information.

(g) "Retaliate" means taking an adverse action against an employee because the employee made an allegation of sexual harassment or assault, including:

(i) discharge;

(ii) suspension;

(iii) demotion; or

(iv) discrimination in the terms, conditions, or privileges of employment.

(h)(i) "Sexual assault" means:

(A) conduct that would constitute a violation of 18 U.S.C. Secs. 2241 through 2244; or

(B) criminal conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses.

(ii) "Sexual assault" does not include criminal conduct described in:

(A) Section 76-5-417, enticing a minor;

(B) Section 76-5-418, sexual battery;

(C) Section 76-5-419, lewdness; or

(D) Section 76-5-420, lewdness involving a child.

(i) "Sexual assault dispute" means a dispute between an employer and the employer's

employee relating to alleged sexual assault.

(j) "Sexual harassment" means harassment on the basis of sex[~~,~~] or sexual orientation[~~, or gender~~], as prohibited in:

(i) Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et seq.; or

(ii) Subsection 34A-5-106(1)(a)(i).

(k) "Sexual harassment dispute" means a dispute between an employer and the employer's employee relating to alleged sexual harassment.

(2)(a) A confidentiality clause regarding sexual misconduct, as a condition of employment, is against public policy and is void and unenforceable.

(b) After an employee makes an allegation of sexual harassment or sexual assault, an employer of any sized business, regardless of Subsection 34-5-102(1)(i)(D):

(i) may not retaliate against the employee because the employee made an allegation of sexual harassment or assault; or

(ii) may not retaliate based on an employee's refusal to enter into a confidentiality clause or an employment contract that, as a condition of employment, contains a confidentiality clause.

(c) An employee may, within three business days after the day on which the employee agrees to a settlement agreement that includes a confidentiality clause regarding sexual misconduct, withdraw from the settlement agreement.

(3) An employer who attempts to enforce a confidentiality clause in violation of this section:

(a) is liable for all costs, including reasonable attorney fees, resulting from legal action to enforce the confidentiality clause; and

(b) is not entitled to monetary damages resulting from a breach of a confidentiality clause.

(4) This section does not:

(a) prohibit an agreement between an employee who alleges sexual assault or sexual harassment and an employer from containing a nondisclosure clause, a non-disparagement clause, or any other clause prohibiting disclosure of:

(i) the amount of a monetary settlement; or

(ii) at the request of the employee, facts that could reasonably lead to the identification of the employee;

(b) prohibit an employer from requiring an employee to:

(i) sign a post-employment restrictive covenant; or

(ii) agree not to disclose an employer's non-public trade secrets, proprietary

information, or confidential information that does not involve illegal acts;

(c) authorize an employee to:

(i) disclose data otherwise protected by law or legal privilege; or

(ii) knowingly make statements or disclosures that are false or made with reckless disregard of the truth;

(d) prohibit an employee from discussing sexual misconduct or allegations of sexual misconduct in a civil or criminal case when subpoenaed if the sexual misconduct or allegations of sexual misconduct are against the individual whom the employee alleged engaged in sexual misconduct;

(e) permit a disclosure that would violate state or federal law; or

(f) limit other grounds that may exist at law or in equity for the unenforceability of a confidentiality clause.

Section 27. Section **35A-1-207** is amended to read:

35A-1-207 (Effective 05/06/26). State workforce services plan -- Economic service area plans.

The State Workforce Development Board shall annually maintain and update a state workforce services plan that includes:

(1) a four-year strategy, as described in 29 U.S.C. Sec. 3112, for the following core programs:

(a) youth services;

(b) adult employment and training services;

(c) dislocated worker employment and training services;

(d) adult education and literacy activities;

(e) employment services; and

(f) vocational rehabilitation services;

(2) a strategy for aligning and coordinating the core programs;

(3) a strategy for coordinating the workforce needs of job seekers and employers in the various regions of the state;

(4) planning to ensure that employment centers address the requirements of the special employment needs population, including:

(a) individuals who have special employment needs based on factors such as race, [~~gender~~] sex, age, disability, economic status, education, language skills, or work history; and

(b) an "individual with a barrier to employment" as that term is defined in 29 U.S.C.

Sec. 3102;

(5) a mechanism for getting consumer and public feedback on department programs;

(6) projected analysis of the workforce needs of employers and clients;

(7) state outcome-based standards for measuring program performance to ensure equitable service to all clients;

(8) strategies to ensure program responsiveness, universal access, and unified case management;

(9) strategies to eliminate unnecessary barriers to access services; and

(10) strategies to provide assistance to employees facing employment dislocation and their employers.

Section 28. Section **42-2-5** is amended to read:

42-2-5 (Effective 05/06/26). Certificate of assumed and of true name -- Contents -- Execution -- Filing -- Notice.

(1) For purposes of this section, "filed" means the Division of Corporations and Commercial Code has:

(a) received and approved, as to form, a document submitted under this chapter; and

(b) marked on the face of the document a stamp or seal indicating:

(i) the time of day and date of approval;

(ii) the name of the division; and

(iii) the division director's signature and division seal, or facsimiles of the signature or seal.

(2) A person who carries on, conducts, or transacts business in this state under an assumed name, whether that business is carried on, conducted, or transacted as an individual, association, partnership, corporation, or otherwise, shall:

(a) file with the Division of Corporations and Commercial Code a certificate setting forth:

(i) the name under which the business is, or is to be carried on, conducted, or transacted;

(ii) the full true name, or names, of the person owning, and the person carrying on, conducting, or transacting the business; and

(iii) the location of the principal place of business, and the street address of the person; and

(b) designate, in accordance with Subsection 16-17-203(1), and maintain a registered agent in this state.

(3) A certificate filed under this section shall be:

(a) executed by the person owning, and the person carrying on, conducting, or transacting the business;

(b) filed not later than 30 days after the time of commencing to carry on, conduct, or transact the business; and

(c) submitted in a machine printed format.

(4) A certificate filed with the Division of Corporations and Commercial Code under this chapter shall include the following notice in a conspicuous place on the face thereof:

NOTICE - THE FILING OF THIS APPLICATION AND ITS APPROVAL BY THE DIVISION OF CORPORATIONS AND COMMERCIAL CODE DOES NOT AUTHORIZE THE USE IN THE STATE OF UTAH OF AN ASSUMED NAME IN VIOLATION OF THE RIGHTS OF ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW (SEE UTAH CODE ANN. SECTIONS 42-2-5 ET SEQ.).

(5)(a) A certificate filed under this section shall include a portion that allows the person filing the form to voluntarily disclose the [~~gender~~] sex and race of one or more owners of the entity for which the filing is made.

(b) Race shall be indicated under Subsection (5)(a) by selecting from the categories of race listed in 15 U.S.C. Sec. 631(f).

(c) A person is not required to provide information under Subsection (5)(a) concerning the [~~gender~~] sex or race of one or more owners of the entity for which the filing is made.

(d)(i) The Division of Corporations and Commercial Code shall compile information concerning the [~~gender~~] sex or race included on certificates filed with the Division of Corporations and Commercial Code.

(ii) Information compiled by the Division of Corporations and Commercial Code under Subsection (5)(d)(i) may be compiled in a manner determined by the Division of Corporations and Commercial Code by rules made pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6) A person who carries on, conducts, or transacts business in this state under an assumed name, whether that business is carried on, conducted, or transacted as an individual, association, partnership, corporation, or otherwise, may change its registered agent or the address of its registered agent by filing with the division a statement of change in accordance with Section 16-17-206.

Section 29. Section **53-1-108** is amended to read:

53-1-108 (Effective 05/06/26). Commissioner's powers and duties.

(1) In addition to the responsibilities contained in this title, the commissioner shall:

(a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;

(b) appoint deputies, inspectors, examiners, clerical workers, and other employees as required to properly discharge the duties of the department;

(c) make rules:

(i) governing emergency use of signal lights on private vehicles; and

(ii) allowing privately owned vehicles to be designated for part-time emergency use, as provided in Section 41-6a-310;

(d) set standards for safety belt systems, as required by Section 41-6a-1803;

(e) serve as the cochair of the Emergency Management Administration Council, as required by Section 53-2a-105;

(f) designate vehicles as "authorized emergency vehicles," as required by Section 41-6a-102; and

(g) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or [~~gender~~] sex.

(2) The commissioner may:

(a) subject to the approval of the governor, establish division headquarters at various places in the state;

(b) issue to a special agent a certificate of authority to act as a peace officer and revoke that authority for cause, as authorized in Section 56-1-21.5;

(c) create specialized units within the commissioner's office for conducting internal affairs and aircraft operations as necessary to protect the public safety;

(d) cooperate with any recognized agency in the education of the public in safety and crime prevention and participate in public or private partnerships, subject to Subsection (3);

(e) cooperate in applying for and distributing highway safety program funds;

(f) receive and distribute federal funding to further the objectives of highway safety in compliance with Title 63J, Chapter 5, Federal Funds Procedures Act;

(g) authorize off-duty personal use of Department of Public Safety emergency vehicles; and

(h) deny or revoke a public or private school's occupancy permit based on the

recommendations of the state security chief as described in Section 53-22-102.

(3)(a) Money may not be expended under Subsection (2)(d) for public safety education unless it is specifically appropriated by the Legislature for that purpose.

(b) Any recognized agency receiving state money for public safety shall file with the auditor of the state an itemized statement of all its receipts and expenditures.

Section 30. Section **53-8-104** is amended to read:

53-8-104 (Effective 05/06/26). Superintendent's duties.

The superintendent shall:

(1) divide the state highways into sections for the purpose of patrolling and policing;

(2) employ peace officers known as highway patrol troopers to patrol or police the highways within this state and to enforce the state statutes as required;

(3) establish ranks, grades, and positions in the Highway Patrol and designate the authority and responsibility in each rank, grade, and position;

(4) establish for the Highway Patrol standards and qualifications and fix prerequisites of training, education, and experience for each rank, grade, and position;

(5) appoint personnel to each rank, grade, and position necessary for the efficient operation and administration of the Highway Patrol;

(6) devise and administer examinations designed to test applicants for positions with the Highway Patrol;

(7) make rules governing the Highway Patrol as appear to the superintendent advisable;

(8) discharge, demote, or temporarily suspend any employee in the Highway Patrol for cause;

(9) prescribe the uniforms to be worn and the equipment to be used by employees of the Highway Patrol;

(10) charge against each employee of the Highway Patrol the value of any property of the state lost or destroyed through the carelessness of the employee;

(11) establish, with the approval of the Division of Finance, the terms and conditions under which expense allowance should be paid to any employee of the Highway Patrol while away from his station;

(12) station the Highway Patrol in localities as he finds advisable for the enforcement of the laws of this state;

(13) conduct in conjunction with the State Board of Education in and through all state schools an educational campaign in highway safety and work in conjunction with civic organizations, churches, local units of government, and other organizations that may

function in accomplishing the purposes of reducing highway accidents;

(14) provide the initial mandatory uniform items for each new trooper hired after July 1, 1998;

(15) determine by rule a basic uniform allowance system which includes the manner in which troopers may receive maintenance services and vouchers for basic uniforms and administer any funds appropriated by the Legislature to the division for that purpose; and

(16) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or [~~gender~~] sex.

Section 31. Section **53-10-406** is amended to read:

53-10-406 (Effective 05/06/26). DNA specimen analysis -- Bureau responsibilities.

(1) The bureau shall:

(a) administer and oversee the DNA specimen collection process;

(b) store each DNA specimen and associated records received;

(c) analyze each specimen, or contract with a qualified public or private laboratory to analyze the specimen, to establish the genetic profile of the donor or to otherwise determine the identity of the person;

(d) maintain a criminal identification database containing information derived from DNA analysis;

(e) ensure that the DNA identification system does not provide information allowing prediction of genetic disease or predisposition to illness;

(f) ensure that only DNA markers routinely used or accepted in the field of forensic science are used to establish the [~~gender~~] sex and unique individual identification of the donor;

(g) utilize only those DNA analysis procedures that are consistent with, and do not exceed, procedures established and used by the Federal Bureau of Investigation for the forensic analysis of DNA;

(h) destroy a DNA specimen obtained under this part if criminal charges have not been filed within 90 days after booking for an alleged offense under Subsection 53-10-403(2)(c); and

(i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing procedures for obtaining, transmitting, and analyzing DNA specimens and for storing and destroying DNA specimens and associated records, and criminal identification information obtained from the analysis.

(2) Procedures for DNA analysis may include all techniques which the department determines are accurate and reliable in establishing identity.

(3)(a) In accordance with Section 63G-2-305, each DNA specimen and associated record is classified as protected.

(b) The department may not transfer or disclose any DNA specimen, associated record, or criminal identification information obtained, stored, or maintained under this section, except under the provisions of this section.

(4) Notwithstanding Subsection 63G-2-202(1), the department may deny inspection if the department determines that there is a reasonable likelihood that the inspection would prejudice a pending criminal investigation.

(5) The department shall adopt procedures governing the inspection of records, DNA specimens, and challenges to the accuracy of records. The procedures shall accommodate the need to preserve the materials from contamination and destruction.

(6) A person whose DNA specimen is obtained under this part may, personally or through a legal representative, submit:

(a) to the court a motion for a court order requiring the destruction of the person's DNA specimen, associated record, and any criminal identification record created in connection with that specimen, and removal of the person's DNA record from the database described in Subsection (1)(d) if:

(i) a final judgment reverses the conviction, judgment, or order that created an obligation to provide a DNA specimen; or

(ii) all charges arising from the same criminal episode for which the DNA specimen was obtained under Subsection 53-10-404.5(1)(a) have been resolved by a final judgment of dismissal with prejudice or acquittal; or

(b) to the department a request for the destruction of the person's DNA specimen, and associated record, and removal of the person's DNA record from the database described in Subsection (1)(d) if:

(i) no charge arising from the same criminal episode for which the DNA specimen was obtained under Subsection 53-10-404.5(1)(a) is filed against the person within one year after the day on which the person is booked; or

(ii) all charges arising from the same criminal episode for which the DNA specimen was obtained under Subsection 53-10-404.5(1)(a) have been resolved by a final judgment of dismissal with prejudice or acquittal.

(7) If charges have been filed against a person whose DNA specimen is obtained under this

part and the charges have later been resolved by a final judgment of dismissal with prejudice or acquittal, or a final judgment is issued reversing a conviction, judgment, or other order arising from the charges that created an obligation to provide a DNA specimen, the prosecutor who filed the charges against the person shall notify the person of the process described in Subsection (6) to request destruction of the DNA specimen and removal of the person's DNA record from the database described in Subsection (1)(d).

(8) A court order issued under Subsection (6)(a) may be accompanied by a written notice to the person advising that state law provides for expungement of criminal charges if the charge is resolved by a final judgment of dismissal or acquittal.

(9) The department shall destroy the person's DNA specimen, and associated record, and remove the person's DNA record from the database described in Subsection (1)(d), if:

(a) the person provides the department with:

(i) a court order for destruction described in Subsection (6)(a), and a certified copy of:

(A) the court order reversing the conviction, judgment, or order;

(B) a court order to set aside the conviction; or

(C) the dismissal or acquittal of the charge regarding which the person was arrested; or

(ii) a written request for destruction of the DNA specimen, and associated record, and removal of the DNA record from the database described in Subsection (6)(b), and a certified copy of:

(A) a declination to prosecute from the prosecutor; or

(B) a court document that indicates all charges have been resolved by a final judgment of dismissal with prejudice or acquittal; and

(b) the department determines that the person is not obligated to submit a DNA specimen as a result of a separate conviction or adjudication for an offense listed in Subsection 53-10-403(2).

(10) The department may not destroy a person's DNA specimen or remove a person's DNA record from the database described in Subsection (1)(d) if the person has a prior conviction or a pending charge for which collection of a sample is authorized in accordance with Section 53-10-404.

(11) A DNA specimen, associated record, or criminal identification record created in connection with that specimen may not be affected by an order to set aside a conviction, except under the provisions of this section.

(12) If funding is not available for analysis of any of the DNA specimens collected under this part, the bureau shall store the collected specimens until funding is made available for analysis through state or federal funds.

(13)(a)(i) A person who, due to the person's employment or authority, has possession of or access to individually identifiable DNA information contained in the state criminal identification database or the state DNA specimen repository may not willfully disclose the information in any manner to any individual, agency, or entity that is not entitled under this part to receive the information.

(ii) A person may not willfully obtain individually identifiable DNA information from the state criminal identification database or the state DNA repository other than as authorized by this part.

(iii) A person may not willfully analyze a DNA specimen for any purpose, or to obtain any information other than as required under this part.

(iv) A person may not willfully fail to destroy or fail to ensure the destruction of a DNA specimen when destruction is required by this part or by court order.

(b)(i) A person who violates Subsection (13)(a)(i), (ii), or (iii) is guilty of a third degree felony.

(ii) A person who violates Subsection (13)(a)(iv) is guilty of a class B misdemeanor.

Section 32. Section **53F-4-207** is amended to read:

53F-4-207 (Effective 05/06/26). Student intervention early warning program.

(1) As used in this section:

(a) "Digital program" means a program that provides information for student early intervention as described in this section.

(b) "Online data reporting tool" means a system described in Section 53E-4-311.

(2)(a) The state board shall, subject to legislative appropriations:

(i) subject to Subsection (2)(c), enhance the online data reporting tool and provide additional formative actionable data on student outcomes; and

(ii) select through a competitive contract process a provider to provide to an LEA a digital program as described in this section.

(b) Information collected or used by the state board for purposes of enhancing the online data reporting tool in accordance with this section may not identify a student individually.

(c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define the primary exceptionalities described in

Subsection (3)(e)(ii).

(3) The enhancement to the online data reporting tool and the digital program shall:

(a) be designed with a user-appropriate interface for use by teachers, school administrators, and parents;

(b) provide reports on a student's results at the student level on:

(i) a national assessment;

(ii) a local assessment; and

(iii) a standards assessment described in Section 53E-4-303;

(c) have the ability to provide data from aggregate student reports based on a student's:

(i) teacher;

(ii) school;

(iii) school district, if applicable; or

(iv) ethnicity;

(d) provide a viewer with the ability to view the data described in Subsection [~~(2)(c)~~] (3)(c) on a single computer screen;

(e) have the ability to compare the performance of students, for each teacher, based on a student's:

(i) [~~gender~~] sex;

(ii) special needs, including primary exceptionality as defined by state board rule;

(iii) English proficiency;

(iv) economic status;

(v) migrant status;

(vi) ethnicity;

(vii) response to tiered intervention;

(viii) response to tiered intervention enrollment date;

(ix) absence rate;

(x) feeder school;

(xi) type of school, including primary or secondary, public or private, Title I, or other general school-type category;

(xii) course failures; and

(xiii) other criteria, as determined by the state board; and

(f) have the ability to load data from a local, national, or other assessment in the data's original format within a reasonable time.

(4) Subject to legislative appropriations, the online data reporting tool and digital program

shall:

(a) integrate criteria for early warning indicators, including the following criteria:

(i) discipline, including school safety violations;

(ii) attendance;

(iii) behavior;

(iv) course failures; and

(v) other criteria as determined by a local school board or charter school governing board;

(b) provide a teacher or administrator the ability to view the early warning indicators described in Subsection (4)(a) with a student's assessment results described in Subsection (3)(b);

(c) provide data on response to intervention using existing assessments or measures that are manually added, including assessment and nonacademic measures;

(d) provide a user the ability to share interventions within a reporting environment and add comments to inform other teachers, administrators, and parents;

(e) save and share reports among different teachers and school administrators, subject to the student population information a teacher or administrator has the rights to access;

(f) automatically flag a student profile when early warning thresholds, that the state board defines, are met so that a teacher can easily identify a student who may be in need of intervention;

(g) incorporate a variety of algorithms to support student learning outcomes and provide student growth reporting by teacher;

(h) integrate response to intervention tiers and activities as filters for the reporting of individual student data and aggregated data, including by ethnicity, school, or teacher;

(i) have the ability to generate parent communication to alert the parent of plans or interventions; and

(j) configure alerts based upon student academic results, including a student's performance on the previous year's standards assessment described in Section 53E-4-303 or results to appropriate behavior interventions.

(5)(a) The state board shall ensure that each LEA receives access to a digital program through a provider described in Subsection (2)(a)(ii).

(b) An LEA shall:

(i) pay for 50% of the cost of providing access to the digital program to the LEA; and

(ii) no later than one school year after accessing a digital program, report to the state

board in a format required by the state board on:

(A) the effectiveness of the digital program;

(B) positive and negative attributes of the digital program;

(C) recommendations for improving the online data reporting tool; and

(D) any other information regarding a digital program requested by the state board.

(c) The state board shall consider recommendations from an LEA for changes to the online data reporting tool.

(6) A person shall provide or use information described in this section in accordance with :

(a) Title 53E, Chapter 9, Student Privacy and Data Protection;

(b) Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

(c) the parental consent requirements in Section 53E-9-203.

(7)(a) A parent or guardian may opt the parent's or guardian's student into participating in a survey prepared by an LEA's online data reporting tool described in this section.

(b) An LEA shall provide notice to a parent of:

(i) the administration of a survey described in Subsection (7)(a);

(ii) if applicable, that the survey may request information from students that is non-academic in nature;

(iii) where the parent may access the survey described in Subsection (7)(a) to be administered; and

(iv) the opportunity to opt a student out of participating in a survey as described in Subsection (7)(a).

(c) An LEA shall annually provide notice to parents and guardians on how the LEA uses student data through the online data reporting tool to provide instruction and intervention to students.

(8) An LEA may use a different platform from the platform described in Subsection (2)(a)(ii) if the different platform accomplishes the requirements of this section.

Section 33. Section **53G-5-301** is amended to read:

53G-5-301 (Effective 05/06/26). Charter school authorizer to request applications for certain types of charter schools.

(1) To meet the unique learning styles and needs of students, a charter school authorizer shall seek to expand the types of instructional methods and programs offered by schools, as provided in this section.

(2)(a) A charter school authorizer shall request individuals, groups of individuals, or nonprofit legal entities to submit an application to a charter school authorizer to

establish a charter school that employs new and creative methods to meet the unique learning styles and needs of students, such as:

(i) a military charter school;

(ii) a charter school that focuses on learning opportunities for students at risk of academic failure;

(iii) a charter school that focuses on career and technical education;

(iv) a single [~~gender~~] sex charter school;

(v) a charter school with an international focus that provides opportunities for the exchange of students or teachers;

(vi) a charter school that focuses on serving underserved students; or

(vii) an alternative charter school offering programs for nontraditional students.

(b) In addition to a charter school identified in Subsection (2)(a), a charter school authorizer shall request applications for other types of charter schools that meet the unique learning styles and needs of students.

(3) A charter school authorizer shall publicize a request for applications to establish a charter school specified in Subsection (2).

(4) A charter school application submitted pursuant to Subsection (2) shall be subject to the application and approval procedures in accordance with Section 53G-5-304.

(5) A charter school authorizer and the state board may approve one or more applications for each charter school described in Subsection (2), subject to the Legislature appropriating funds for, or authorizing, an increase in charter school enrollment capacity as described in Section 53G-6-504.

(6) The state board shall submit a request to the Legislature to appropriate funds for, or authorize, the enrollment of students in charter schools tentatively approved under this section.

Section 34. Section **53G-6-902** is amended to read:

53G-6-902 (Effective 05/06/26). Participation in school athletic activities.

(1) Notwithstanding any state board rule:

(a) a public school or LEA, or a private school that competes against a public school or LEA, shall expressly designate school athletic activities and teams as one of the following, based on sex:

(i) designated for students of the male sex;

(ii) designated for students of the female sex; or

(iii) "coed" or "mixed";

(b) a student of the male sex may not compete, and a public school or LEA may not allow a student of the male sex to compete, with a team designated for students of the female sex in an interscholastic athletic activity; and

(c) a government entity or licensing or accrediting organization may not entertain a complaint, open an investigation, or take any other adverse action against a school or LEA described in Subsection (1)(a) for maintaining separate school athletic activities for students of the female sex.

(2) Nothing in this section prohibits an LEA or school from allowing a student of either [~~gender~~] sex from participating with a team designated for students of the female sex, consistent with school policy, outside of competition in an interscholastic athletic activity, in accordance with Subsection (1)(b).

Section 35. Section **53G-6-1001** is amended to read:

53G-6-1001 (Effective 05/06/26). Definitions.

As used in this part:

(1) "Athletic association" means an association, as that term is defined in Section 53G-7-1101.

(2) "Attempted sex change" means the same as that term is defined in Section 58-67-102.

[~~(2)~~] (3) "Birth certificate" means an official record of an individual's date of birth, place of birth, sex, and parentage, including a supplementary certificate of birth or birth certificate amendment and amendment history as provided in [~~Sections~~] Section 26B-8-110[~~ and 26B-8-111~~].

[~~(3)~~] (4) "Commission" means the School Activity Eligibility Commission created in Section 53G-6-1003.

[~~(4)~~] (5) "Does not correspond with the sex designation" means that a student's sex designation for an interscholastic activity in which a student seeks participation does not correspond with the sex designation on the student's birth certificate or an amendment, including the amendment history, to the student's birth certificate that the Division of Vital Records and Statistics provides.

[~~(5)~~] (6) "Female-designated" means that an interscholastic activity is designated specifically for female students.

[~~(6) "Gender-designated" means that an interscholastic activity or facility is designated specifically for female or male students.~~]

(7) "Gender identity" means the same as that term is defined in Section 34A-5-102.

(8) "Interscholastic activity" means an activity in which a student represents the student's

school in the activity in competition against another school.

(9) "Male-designated" means that an interscholastic activity is designated specifically for male students.

(10) "Sex-designated" means that an interscholastic activity or facility is designated specifically for female or male students.

[~~(10)~~] (11) "Student" means a student who is enrolled in a public school that participates in interscholastic activities.

[~~(11)~~] (12) "Unamended birth certificate" means a birth certificate:

(a) with no amendment history; or

(b) with an amendment history that:

(i) does not include [~~gender-related~~] sex-related amendments; or

(ii) includes [~~gender-related~~] sex-related amendments that only:

(A) correct an error or omission resulting from a scrivener's error under Subsection 26B-8-107(2); or

(B) correct a misidentification of birth sex for an intersex individual under Subsection 26B-8-107(2).

Section 36. Section **53G-6-1003** is amended to read:

53G-6-1003 (Effective 05/06/26). School Activity Eligibility Commission -- Baseline range.

(1) There is created the School Activity Eligibility Commission.

(2)(a) The commission shall consist of the following members:

(i) the following two members whom the president of the Senate appoints:

(A) a mental health professional; and

(B) a statistician with expertise in the analysis of medical data;

(ii) the following two members whom the speaker of the House of Representatives appoints:

(A) a physician with expertise in gender identity healthcare, including an endocrinologist, a family medicine physician, or a pediatrician; and

(B) a sports physiologist, an exercise physiologist, a sports medicine physician, a pediatrician with experience in youth sports, or an orthopedist or orthopedic surgeon;

(iii) the following two members whom the governor appoints:

(A) a representative of an athletic association; and

(B) an athletic trainer who serves student athletes on the collegiate level; and

(iv) one ad hoc member, serving on a case-by-case basis, who is:

(A) appointed by the athletic association in which the relevant student's school competes; and

(B) a certified high school coach or official who coaches or officiates in a separate region or classification from the relevant student's school and in the sport in which the relevant student seeks eligibility.

(b) An athletic association may prepare and communicate the association's sport-specific appointments described in Subsection (2)(a)(iv) in preparation for student requests in a given sport.

(3)(a) A member of the commission described in Subsections (2)(a)(i) through (iii) shall serve an initial term of one year, subject to reappointment for subsequent terms of two years.

(b) If a vacancy occurs in the membership of the commission, the individual responsible for the appointment of the vacant seat as described in Subsection (2) shall fill the vacancy in the same manner as the original appointment.

(4)(a)(i) Except as provided in Subsection (4)(a)(ii):

(A) all members of the commission constitute a quorum of the commission for a meeting to determine the eligibility of a student; and

(B) all members of the commission described in Subsections (2)(a)(i) through (iii) constitute a quorum for any meeting other than the meeting described in Subsection (4)(a)(i).

(ii) The commission satisfies the quorum requirements described in Subsection (4)(a)(i) if no more than one of the commission positions described in Subsections (2)(a)(i) through (iii) is vacant.

(b) An action of a majority of a quorum constitutes an action of the commission.

(5) A majority of the commission members described in Subsections (2)(a)(i) through (iii) shall elect a chair from among the members described in Subsections (2)(a)(i) through (iii) to:

(a) schedule meetings of the commission;

(b) set the agenda of commission meetings; and

(c) facilitate discussion among the commission's members.

(6) A commission member:

(a) may not receive compensation or benefits for the member's service on the commission; and

(b) may receive per diem and reimbursement for travel expenses that the commission member incurs as a commission member at the rates that the Division of Finance establishes under:

(i) Sections 63A-3-106 and 63A-3-107; and

(ii) rules that the Division of Finance makes under Sections 63A-3-106 and 63A-3-107.

(7) The Department of Government Operations shall provide administrative staff support to the commission.

(8)(a) The commission shall, to the extent possible based on the available evidence, establish a baseline range of physical characteristics for students participating in a specific [~~gender-designated~~] sex-designated activity at a specific age to provide the context for the evaluation of an individual student's eligibility for a given [~~gender-designated~~] sex-designated interscholastic activity under Section 53G-6-1004.

(b) In creating the baseline ranges described in Subsection (8)(a), the commission shall include the physical characteristics for the age and [~~gender~~] sex group in a given [~~gender-designated~~] sex-designated interscholastic activity that are relevant to the specific interscholastic activity.

(c) The physical characteristics described in Subsection (8)(b) may include height, weight, physical characteristics relevant to the application of the standard described in Subsection 53G-6-1004(3), or the extent of physical characteristics affected by puberty, giving consideration to the practicability of considering the physical characteristic when making an assessment of an individual student's eligibility under Section 53G-6-1004.

(9) The following records that relate to the application or analysis of or determination under this part regarding the eligibility of a specific student shall be classified as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act:

(a) any record of the commission, including any communication between an athletic association and the commission; and

(b) any record that a school or LEA possesses.

(10) Members of the commission are immune from suit with respect to all acts done and actions taken in good faith in carrying out the purposes of this part.

(11) The commission has no authority in relation to eligibility questions other than participation in a [~~gender-designated~~] sex-designated interscholastic activity under this part.

Section 37. Section **53G-6-1004** is amended to read:

53G-6-1004 (Effective 05/06/26). Eligibility for interscholastic activities.

(1)(a) Notwithstanding any state board rule or policy of an athletic association, and except as provided in Subsections (1)(b) and (c):

(i) once a student has obtained the eligibility approval of the commission under Subsection (2), unless otherwise prohibited by federal law or a policy of an LEA, school, or athletic association that governs the relevant interscholastic athletic activity, the student is eligible under this part to participate in a [~~gender-designated~~] sex-designated interscholastic activity that does not correspond with the sex designation on the student's unamended birth certificate for the given school year; and

(ii) if a student does not obtain the eligibility approval of the commission under Subsection (2), the student may not participate in a [~~gender-designated~~] sex-designated interscholastic activity that does not correspond with the sex designation on the student's unamended birth certificate.

(b) A student may only participate in a [~~gender-designated~~] sex-designated interscholastic activity that does not correspond with the student's sex, as defined in Section 68-3-12.5, if the student obtains the eligibility approval of the commission under Subsection (2).

(c) Nothing in this part prohibits a student from participating in a [~~gender-designated~~] sex-designated interscholastic activity in accordance with 34 C.F.R. Sec. 106.41(b).

(2)(a) When a student registers with an athletic association to participate in a [~~gender-designated~~] sex-designated interscholastic activity:

(i) a student who has undergone or is undergoing [~~a gender transition~~] an attempted sex change shall notify the athletic association of the student's [~~transition~~] attempted sex change and the need for the commission's eligibility approval as described in Subsection (1)(b);

(ii) the athletic association shall notify the commission of:

(A) a student for whom an eligibility determination of the commission is required due to the sex designation on the student's unamended birth certificate not corresponding with the [~~gender~~] sex designation of the [~~gender-designated~~] sex-designated interscholastic activity in which the student seeks to participate or the student's notice of [~~a gender transition~~] an attempted sex change under Subsection [~~(1)(b)~~] (2)(a)(i); and

(B) the association's ad hoc appointment to the commission described in Subsection 53G-6-1003(2)(a)(iv); and

(iii) the athletic association shall notify the student described in this Subsection (2)(a) regarding the process for determining the student's eligibility for the activity under this section.

(b) The commission shall:

(i)(A) schedule at least three non-public meetings throughout the school year to consider any student eligibility notifications described in Subsection (2)(a) the commission has received at least 14 days before the date of each meeting; and

(B) give notice of each scheduled meeting and the associated 14-day deadline to the relevant athletic association; and

(ii)(A) if the commission receives a notification described in Subsection (2)(a) after the 14-day deadline described in Subsection (2)(b)(i), schedule an ad hoc non-public meeting to consider the given student's eligibility, occurring within 60 days after the day on which the commission receives the notification; and

(B) give notice of the ad hoc meeting to the relevant athletic association and the parents of each student seeking an eligibility determination.

(c) Before the meeting described in Subsection (2)(b):

(i) the student for whom the commission has scheduled the meeting or the student's parent or guardian is not required but may submit to the commission any information the student wishes to disclose to the commission that may be relevant to the commission's eligibility determination, including information regarding:

(A) the [~~gender-designated~~] sex-designated interscholastic activities for which the student seeks eligibility;

(B) the [~~gender-designated~~] sex-designated interscholastic activities in which the student has previously participated; and

(C) the student's physical characteristics or medical treatments that support the student's eligibility for the specific [~~gender-designated~~] sex-designated interscholastic activity;

(ii) the commission may request additional evidence from the student that is:

(A) limited to the extent possible to protect the student's privacy; and

(B) only directly relevant to the commission's eligibility determination; and

(iii) the commission may offer the student a voucher to cover the cost of a diagnostic assessment if the commission makes a request for medical information under

Subsection (2)(c)(ii) for which the student's insurance does not provide coverage or reimbursement for the diagnostic that:

(A) would provide the requested information; and

(B) is not free or otherwise readily available to the student.

(d) During the meeting described in Subsection (2)(b):

(i) only the following individuals may be present or participate electronically:

(A) the student for whom the commission is meeting to make an eligibility determination;

(B) the student's parents or guardians;

(C) the members and necessary staff of the commission; and

(D) any medical professionals or other witnesses the student chooses to include to support the student's eligibility;

(ii) attendees may participate in person or electronically; and

(iii) the commission shall:

(A) hear the information that supports the student's eligibility;

(B) deliberate the facts relevant to the student's physical characteristics and eligibility in camera or otherwise after temporarily excusing from the meeting the student, the student's parents or legal guardians, and any medical professionals or other witnesses whom the student includes; and

(C) render the commission's eligibility determination in accordance with Subsection (3) or request additional information and schedule an additional commission meeting to be held within 30 days of the meeting and in accordance with this Subsection (2)(d) to discuss the additional information and render the commission's eligibility determination.

(e) The commission may not address the commission's application or analysis of or determination under this part regarding the eligibility of a specific student in a public meeting or public communication.

(3)(a) In making an eligibility determination, the commission, after considering whether the student's assertion of a gender identity is consistent with the statutory definition of gender identity as that term is defined in Section 34A-5-102, including the implications for the student's mental health of participating in the [~~gender-designated~~] sex-designated interscholastic activity, shall:

(i) make a determination based on a preponderance of the evidence regarding whether, when measured against the relevant baseline range described in

Subsection 53G-6-1003(8), granting the student's eligibility would:

(A) present a substantial safety risk to the student or others that is significantly greater than the inherent risks of the given activity; or

(B) likely give the student a material competitive advantage, as the commission defines, when compared to students of the same age competing in the relevant [~~gender-designated~~] sex-designated activity, including consideration of the student's previous history of participation in [~~gender-designated~~] sex-designated interscholastic activities; and

(ii) record the commission's decision and rationale in writing and provide the written decision to the athletic association within 30 days after the day on which the commission renders an eligibility decision under this Subsection (3)(a) in a meeting described in Subsection (2)(b).

(b) Upon receipt of the commission's determination and rationale under Subsection (3)(a), the athletic association shall notify the student and the relevant school or LEA of the commission's determination and rationale.

(c) A school or LEA shall comply with the commission's determination under this Subsection (3).

(d) An eligibility determination of the commission only applies for the relevant school year.

(4)(a) Notwithstanding any other provision of law and except as provided in Subsections (3)(b) and (4)(b), the commission may not disclose:

(i) the name of a student whose eligibility the commission will consider, is considering, or has considered; or

(ii) the commission's determination regarding a student's eligibility.

(b) The commission shall disclose the commission's determination of a student's eligibility for a given [~~gender-designated~~] sex-designated interscholastic activity to the relevant athletic association, only for the purpose of confirming whether the student is eligible for the interscholastic activity.

(c)(i) Notwithstanding any other provision of law, an athletic association may not disclose the information described in Subsections (4)(a)(i) and (ii).

(ii) Nothing in this Subsection (4) prohibits an athletic association from affirming that a student is eligible if the eligibility of a student is questioned.

Section 38. Section **53G-6-1101** is amended to read:

53G-6-1101 (Effective 05/06/26). Report -- Action plan.

(1) As used in this section:

[~~(a) "Gender-designated interscholastic sport" means a sport that is specifically designated for female or male students.~~]

[~~(b)~~] (a) "Interscholastic sport" means an activity in which a student represents the student's school in the sport in competition against another school.

[~~(c)~~] (b) "School" means a public school that sponsors or offers an interscholastic sport in which students enrolled at the school may participate.

(c) "Sex-designated interscholastic sport" means a sport that is specifically designated for female or male students.

(d) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.

(2) Before the beginning of each academic year, the athletic director or another administrator of each school shall report to the school's local governing board regarding:

(a) the number and type of interscholastic sports available at the school, categorized by [~~gender~~] sex designation;

(b) the number of students competing in a [~~gender-designated~~] sex-designated interscholastic sport at the school, categorized by [~~gender~~] sex;

(c) the amount of spending that the school devotes to each [~~gender-designated~~] sex-designated sport, reported in total amount and on a per-student basis;

(d) a comparison and evaluation of designated practice and game locations in [~~gender-designated~~] sex-designated interscholastic sports;

(e) any information regarding the school's efforts in compliance with Title 63G, Chapter 31, Part 2, Distinctions on the Basis of Sex, and Title IX; and

(f) if there is a discrepancy between male-designated and female-designated sports of 10% or greater, an action plan that the school develops to address the discrepancy.

(3) An LEA governing board that receives the report described in Subsection (2) shall review the report in a public board meeting.

Section 39. Section **53G-8-301** is amended to read:

53G-8-301 (Effective 05/06/26). Emergency safety interventions -- Appropriate uses -- Penalties.

(1) As used in this section:

(a) "Corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.

(b) "Emergency safety intervention" means the use of seclusion or physical restraint

when a student presents an immediate danger to self or others.

(c) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

(d) "Physical restraint" means a personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.

(e) "School" means a public or private elementary school, secondary school, or preschool.

(f) "Seclusion" means seclusionary time out that is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, including:

(i) placing a student in a locked room; or

(ii) placing a student in a room where the door is blocked by furniture or held closed by staff.

(g) "Student" means an individual who is:

(i) under [~~the age of~~]19 years old and receiving educational services; or

(ii) under [~~the age of~~]23 years old and receiving educational services as an individual with a disability.

(2)(a) A school employee shall first use the least restrictive intervention available to the school employee, including a physical escort, to address circumstances described in Subsection (4).

(b) Nothing in this section prohibits a school employee from subsequently using less restrictive interventions to address circumstances described in Subsection (4).

(3)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to:

(i) establish guidelines and best practices that consider individual student needs related to emergency safety interventions described in Subsection (10)(b);

(ii) establish intervention reporting requirements;

(iii) create school staff training standards that may be included in an existing training;

(iv) develop parental notification procedures;

(v) implement data collection and review processes;

(vi) establish investigation protocols; and

(vii) establish data collection and reporting requirements for an LEA regarding:

(A) incidents of seclusion;

(B) alternative interventions used;

(C) student demographic information, including sex,[~~gender,~~] age, grade in school, and applicable disability status; and

(D) incident outcomes.

(b) The state board shall include the information described in Subsection (3)(a) in the State Superintendent's Annual Report described in Section 53E-1-203.

(4) A school employee may use reasonable and necessary physical restraint only:

(a) in self defense;

(b) to obtain possession of a weapon or other dangerous object in the possession or under the control of a student;

(c) to protect a student or another individual from physical injury;

(d) to remove from a situation a student who is violent; or

(e) to protect property from being damaged, when physical safety is at risk.

(5)(a) A school employee may not inflict or cause the infliction of corporal punishment upon a student.

(b) The reporting and investigation requirements of Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports, apply to complaints on corporal punishment.

(c) Evidence of corporal punishment that would qualify as reasonable discipline under Section 76-2-401 is insufficient to establish liability in a civil or criminal action.

(d) Subject to the Rules of Evidence, evidence of corporal punishment that exceeds reasonable discipline under Section 76-2-401 may be used by a court to establish civil or criminal liability.

(6) School authorities shall take prompt and appropriate action, including in-service training and other administrative action, upon confirming a violation of this section.

(7) The Division of Child and Family Services shall maintain all violation reports made in accordance with this section under the confidentiality requirements of Section 80-2-1005.

(8) A school or individual who makes a good faith report or cooperates in an investigation shall receive immunity from civil or criminal liability.

(9) A court with jurisdiction under Title 78A, Judiciary and Judicial Administration, may take appropriate action against any employing entity if the court finds that the employing entity has not taken reasonable steps to enforce the provisions of this part.

(10) A school:

(a) may not:

(i) enforce any rule, policy, or directive that permits acts prohibited by this section;

(ii) sanction an employee who refuses to commit a prohibited act; or

(iii) except as provided in Subsection (10)(b), use seclusion:

(A) as an intervention or disciplinary practice;

(B) for coercion, retaliation, or humiliation; or

(C) due to inadequate staffing or for the staff member's convenience;

(b) for a student in grade 1 or higher, may use seclusion as an emergency safety intervention only when:

(i) the LEA has developed and implemented written policies and procedures that:

(A) describe the circumstances under which a staff member may use seclusion;

(B) describe which staff members are authorized to use seclusion;

(C) describe procedures for monitoring a student that is in seclusion;

(D) describe time limitations on the use of seclusion;

(E) require immediate and continuous review of the decision to use seclusion;

(F) require documenting the use of seclusion;

(G) describe record keeping requirements for records related to the use of seclusion; and

(H) require debriefing of all witnesses, involved staff members, the student who was secluded, and the parent of the student who was secluded;

(ii) a student poses an immediate and significant threat to the student or others;

(iii) less restrictive interventions have failed;

(iv) a staff member who is familiar to the student is actively supervising the student for the duration of the seclusion; and

(v) the use is time-limited to a maximum time of 30 minutes and monitored;

(c) if seclusion was used, shall document the reason for its use, duration, and any alternative strategies attempted; and

(d) shall notify parents immediately, and not to exceed 15 minutes after the use, of any emergency safety intervention used on the parent's child, including seclusion or physical restraint.

(11) An LEA shall collect and report data to the state board annually regarding:

(a) an incident; and

(b) for each incident, the:

(i) duration of an intervention used to respond to the incident;

(ii) stated purpose for any intervention used;

(iii) alternative interventions attempted;

(iv) student demographic information, including sex,[~~gender,~~] age, grade in school,

and applicable disability status; and

(v) relevant training offered to staff and if the staff involved received the relevant training without revealing the identity of the staff member.

(12) This section does not apply to:

(a) a law enforcement officer as defined in Section 53-13-103;

(b) a parochial or private school that:

(i) does not receive state funds;

(ii) adopts a policy of exemption from this section; and

(iii) notifies the parents of students in the school of the exemption; or

(c) behavior support intervention which is in compliance with:

(i) Section 76-2-401; and

(ii) state and local rules adopted under Section 53E-7-204.

(13) Any violations of this section, including violations of any standards for seclusion or physical restraint established by the state board pursuant to this section, shall:

(a) constitute an act of unlawful detention and is subject to the penalty described in Section 76-5-304; and

(b) result in a referral to:

(i) local law enforcement; and

(ii) the Utah Professional Practices Advisory Commission established in Section 53E-6-501.

Section 40. Section **57-3-107** is amended to read:

57-3-107 (Effective 05/06/26). Unenforceable covenants -- Definition -- Inclusion in recorded document.

(1) As used in this chapter, "unenforceable covenant" means a restriction on alienation of real property, whether recited in a document to be recorded under this chapter, or recited in a document of record under this chapter, which is based on race, [~~gender~~] sex, national origin, marital status, or a similar classification determined to be unenforceable under state or federal law.

(2) A document which recites an unenforceable covenant may be recorded as provided in this chapter.

(3) Any unenforceable covenant recited in a document to be recorded under this chapter or recited in a document of record is considered void, but does not invalidate the remainder of the document.

Section 41. Section **57-21-2** is amended to read:

57-21-2 (Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Affiliate" means the same as that term is defined in Section 16-6a-102.

(2) "Aggrieved person" includes a person who:

(a) claims to have been injured by a discriminatory housing practice; or

(b) believes that the person will be injured by a discriminatory housing practice that is about to occur.

(3) "Commission" means the Labor Commission.

(4) "Complainant" means an aggrieved person, including the director, who has commenced a complaint with the division.

(5) "Conciliation" means the attempted resolution of an issue raised in a complaint of discriminatory housing practices by the investigation of the complaint through informal negotiations involving the complainant, the respondent, and the division.

(6) "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

(7) "Conciliation conference" means the attempted resolution of an issue raised in a complaint or by the investigation of a complaint through informal negotiations involving the complainant, the respondent, and the division. The conciliation conference is not subject to Title 63G, Chapter 4, Administrative Procedures Act.

(8) "Covered multifamily dwelling" means:

(a) a building consisting of four or more dwelling units if the building has one or more elevators; and

(b) the ground floor units in other buildings consisting of four or more dwelling units.

(9) "Director" means the director of the division or a designee.

(10)(a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

(b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. Sec. 802.

(11) "Discriminate" includes segregate or separate.

(12) "Discriminatory housing practice" means an act that is unlawful under this chapter.

(13) "Division" means the Division of Antidiscrimination and Labor established under the commission.

(14) "Dwelling" means:

(a) a building or structure, or a portion of a building or structure, occupied as, designed as, or intended for occupancy as a residence of one or more families; or

(b) vacant land that is offered for sale or lease for the construction or location of a dwelling as described in Subsection (14)(a).

(15)(a) "Familial status" means one or more individuals who have not attained the age of 18 years old being domiciled with:

(i) a parent or another person having legal custody of the one or more individuals; or

(ii) the designee of the parent or other person having custody, with the written permission of the parent or other person.

(b) The protections afforded against discrimination on the basis of familial status apply to a person who:

(i) is pregnant;

(ii) is in the process of securing legal custody of any individual who has not attained the age of 18 years old; or

(iii) is a single individual.

(16) "Gender identity" has the meaning provided in the Diagnostic and Statistical Manual (DSM-5). A person's gender identity can be shown by providing evidence, including, but not limited to, medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity, or other evidence that the gender identity is sincerely held, part of a person's core identity, and not being asserted for an improper purpose.

(17) "National origin" means the place of birth of an individual or of any lineal ancestors.

(18) "Person" includes one or more individuals, corporations, limited liability companies, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under the United States Bankruptcy Code, receivers, and fiduciaries.

(19) "Presiding officer" has the same meaning as provided in Section 63G-4-103.

(20) "Real estate broker" or "salesperson" means a principal broker, an associate broker, or a sales agent as those terms are defined in Section 61-2f-102.

(21) "Respondent" means a person against whom a complaint of housing discrimination has been initiated.

(22) "Sex" means [~~gender~~] the same as that term is defined in Section 68-3-12.5 and includes pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

(23) "Sexual orientation" means an individual's actual or perceived orientation as heterosexual, homosexual, or bisexual.

(24) "Source of income" means the verifiable condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

Section 42. Section **58-37f-301** is amended to read:

58-37f-301 (Effective 05/06/26). Access to database.

(1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) effectively enforce the limitations on access to the database as described in this part; and

(b) establish standards and procedures to ensure accurate identification of individuals requesting information or receiving information without request from the database.

(2) The division shall make information in the database and information obtained from other state or federal prescription monitoring programs by means of the database available only to the following individuals, in accordance with the requirements of this chapter and division rules:

(a)(i) personnel of the division specifically assigned to conduct investigations related to controlled substance laws under the jurisdiction of the division; and

(ii) the following law enforcement officers, but the division may only provide nonidentifying information, limited to [~~gender~~] sex, year of birth, and postal ZIP code, regarding individuals for whom a controlled substance has been prescribed or to whom a controlled substance has been dispensed:

(A) a law enforcement agency officer who is engaged in a joint investigation with the division; and

(B) a law enforcement agency officer to whom the division has referred a suspected criminal violation of controlled substance laws;

(b) authorized division personnel engaged in analysis of controlled substance prescription information as a part of the assigned duties and responsibilities of their employment;

(c) a board member if:

(i) the board member is assigned to monitor a licensee on probation; and

(ii) the board member is limited to obtaining information from the database regarding the specific licensee on probation;

(d) a person the division authorizes to obtain that information on behalf of the Utah Professionals Health Program established in Subsection 58-4a-103(1) if:

(i) the person the division authorizes is limited to obtaining information from the database regarding the person whose conduct is the subject of the division's consideration; and

(ii) the conduct that is the subject of the division's consideration includes a violation or a potential violation of Chapter 37, Utah Controlled Substances Act, or another relevant violation or potential violation under this title;

(e) in accordance with a written agreement entered into with the department, employees of the Department of Health and Human Services:

(i) whom the director of the Department of Health and Human Services assigns to conduct scientific studies regarding the use or abuse of controlled substances, if the identity of the individuals and pharmacies in the database are confidential and are not disclosed in any manner to any individual who is not directly involved in the scientific studies;

(ii) when the information is requested by the Department of Health and Human Services in relation to a person or provider whom the Department of Health and Human Services suspects may be improperly obtaining or providing a controlled substance; or

(iii) in the medical examiner's office;

(f) in accordance with a written agreement entered into with the department, a designee of the director of the Department of Health and Human Services, who is not an employee of the Department of Health and Human Services, whom the director of the Department of Health and Human Services assigns to conduct scientific studies regarding the use or abuse of controlled substances pursuant to an application process established in rule by the Department of Health and Human Services, if:

(i) the designee provides explicit information to the Department of Health and Human Services regarding the purpose of the scientific studies;

(ii) the scientific studies to be conducted by the designee:

(A) fit within the responsibilities of the Department of Health and Human Services for health and welfare;

(B) are reviewed and approved by an Institutional Review Board that is approved for human subject research by the United States Department of Health and Human Services;

(C) are not conducted for profit or commercial gain; and

(D) are conducted in a research facility, as defined by division rule, that is associated with a university or college accredited by one or more regional or national accrediting agencies recognized by the United States Department of Education;

(iii) the designee protects the information as a business associate of the Department of Health and Human Services; and

(iv) the identity of the prescribers, patients, and pharmacies in the database are de-identified, confidential, and not disclosed in any manner to the designee or to any individual who is not directly involved in the scientific studies;

(g) in accordance with a written agreement entered into with the department and the Department of Health and Human Services, authorized employees of a managed care organization, as defined in 42 C.F.R. Sec. 438, if:

(i) the managed care organization contracts with the Department of Health and Human Services under the provisions of Section 26B-3-202 and the contract includes provisions that:

(A) require a managed care organization employee who will have access to information from the database to submit to a criminal background check; and

(B) limit the authorized employee of the managed care organization to requesting either the division or the Department of Health and Human Services to conduct a search of the database regarding a specific Medicaid enrollee and to report the results of the search to the authorized employee; and

(ii) the information is requested by an authorized employee of the managed care organization in relation to a person who is enrolled in the Medicaid program with the managed care organization, and the managed care organization suspects the person may be improperly obtaining or providing a controlled substance;

(h) a licensed practitioner having authority to prescribe controlled substances, to the extent the information:

(i)(A) relates specifically to a current or prospective patient of the practitioner; and

(B) is provided to or sought by the practitioner for the purpose of:

(I) prescribing or considering prescribing any controlled substance to the current or prospective patient;

(II) diagnosing the current or prospective patient;

(III) providing medical treatment or medical advice to the current or

prospective patient; or

(IV) determining whether the current or prospective patient:

(Aa) is attempting to fraudulently obtain a controlled substance from the practitioner; or

(Bb) has fraudulently obtained, or attempted to fraudulently obtain, a controlled substance from the practitioner;

(ii)(A) relates specifically to a former patient of the practitioner; and

(B) is provided to or sought by the practitioner for the purpose of determining whether the former patient has fraudulently obtained, or has attempted to fraudulently obtain, a controlled substance from the practitioner;

(iii) relates specifically to an individual who has access to the practitioner's Drug Enforcement Administration identification number, and the practitioner suspects that the individual may have used the practitioner's Drug Enforcement Administration identification number to fraudulently acquire or prescribe a controlled substance;

(iv) relates to the practitioner's own prescribing practices, except when specifically prohibited by the division by administrative rule;

(v) relates to the use of the controlled substance database by an employee of the practitioner, described in Subsection (2)(i); or

(vi) relates to any use of the practitioner's Drug Enforcement Administration identification number to obtain, attempt to obtain, prescribe, or attempt to prescribe, a controlled substance;

(i) in accordance with Subsection (3)(a), an employee of a practitioner described in Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:

(i) the employee is designated by the practitioner as an individual authorized to access the information on behalf of the practitioner;

(ii) the practitioner provides written notice to the division of the identity of the employee; and

(iii) the division:

(A) grants the employee access to the database; and

(B) provides the employee with a password that is unique to that employee to access the database in order to permit the division to comply with the requirements of Subsection 58-37f-203(7) with respect to the employee;

(j) an employee of the same business that employs a licensed practitioner under

Subsection (2)(h) if:

(i) the employee is designated by the practitioner as an individual authorized to access the information on behalf of the practitioner;

(ii) the practitioner and the employing business provide written notice to the division of the identity of the designated employee; and

(iii) the division:

(A) grants the employee access to the database; and

(B) provides the employee with a password that is unique to that employee to access the database in order to permit the division to comply with the requirements of Subsection 58-37f-203(7) with respect to the employee;

(k) a licensed pharmacist having authority to dispense a controlled substance, or a licensed pharmacy intern or pharmacy technician working under the general supervision of a licensed pharmacist, to the extent the information is provided or sought for the purpose of:

(i) dispensing or considering dispensing any controlled substance;

(ii) determining whether a person:

(A) is attempting to fraudulently obtain a controlled substance from the pharmacy, practitioner, or health care facility; or

(B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled substance from the pharmacy, practitioner, or health care facility;

(iii) reporting to the controlled substance database; or

(iv) verifying the accuracy of the data submitted to the controlled substance database on behalf of a pharmacy where the licensed pharmacist, pharmacy intern, or pharmacy technician is employed;

(l) pursuant to a valid search warrant, federal, state, and local law enforcement officers and state and local prosecutors who are engaged in an investigation related to:

(i) one or more controlled substances; and

(ii) a specific person who is a subject of the investigation;

(m) subject to Subsection (7), a probation or parole officer, employed by the Division of Adult Probation and Parole created in Section 64-14-202 or by a political subdivision, to gain access to database information necessary for the officer's supervision of a specific probationer or parolee who is under the officer's direct supervision;

(n) employees of the Office of Internal Audit within the Department of Health and

Human Services who are engaged in their specified duty of ensuring Medicaid program integrity under Section 26B-3-104;

(o) a mental health therapist, if:

(i) the information relates to a patient who is:

(A) enrolled in a licensed substance abuse treatment program; and

(B) receiving treatment from, or under the direction of, the mental health therapist as part of the patient's participation in the licensed substance abuse treatment program described in Subsection (2)(o)(i)(A);

(ii) the information is sought for the purpose of determining whether the patient is using a controlled substance while the patient is enrolled in the licensed substance abuse treatment program described in Subsection (2)(o)(i)(A); and

(iii) the licensed substance abuse treatment program described in Subsection (2)(o)(i)(A) is associated with a practitioner who:

(A) is a physician, a physician assistant, an advance practice registered nurse, or a pharmacist; and

(B) is available to consult with the mental health therapist regarding the information obtained by the mental health therapist, under this Subsection (2)(o), from the database;

(p) an individual who is the recipient of a controlled substance prescription entered into the database, upon providing evidence satisfactory to the division that the individual requesting the information is in fact the individual about whom the data entry was made;

(q) an individual under Subsection (2)(p) for the purpose of obtaining a list of the persons and entities that have requested or received any information from the database regarding the individual, except if the individual's record is subject to a pending or current investigation as authorized under this Subsection (2);

(r) the inspector general, or a designee of the inspector general, of the Office of Inspector General of Medicaid Services, for the purpose of fulfilling the duties described in Title 63A, Chapter 13, Part 2, Office and Powers;

(s) the following licensed physicians for the purpose of reviewing and offering an opinion on an individual's request for workers' compensation benefits under Title 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act:

(i) a member of the medical panel described in Section 34A-2-601;

(ii) a physician employed as medical director for a licensed workers' compensation insurer or an approved self-insured employer; or

(iii) a physician offering a second opinion regarding treatment;

(t) members of Utah's Opioid Fatality Review Committee, for the purpose of reviewing a specific fatality due to opioid use and recommending policies to reduce the frequency of opioid use fatalities;

(u) a licensed pharmacist who is authorized by a managed care organization as defined in Section 31A-1-301 to access the information on behalf of the managed care organization, if:

(i) the managed care organization believes that an enrollee of the managed care organization has obtained or provided a controlled substance in violation of a medication management program contract between the enrollee and the managed care organization; and

(ii) the managed care organization included a description of the medication management program in the enrollee's outline of coverage described in Subsection 31A-22-605(7); and

(v) the Utah Medicaid Fraud Control Unit of the attorney general's office for the purpose of investigating active cases, in exercising the unit's authority to investigate and prosecute Medicaid fraud, abuse, neglect, or exploitation under 42 U.S.C. Sec. 1396b(q).

(3)(a) A practitioner described in Subsection (2)(h) may designate one or more employees to access information from the database under Subsection (2)(i), (2)(j), or (4)(c).

(b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(i) establish background check procedures to determine whether an employee designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the database;

(ii) establish the information to be provided by an emergency department employee under Subsection (4); and

(iii) facilitate providing controlled substance prescription information to a third party under Subsection (5).

(c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or (4)(c) access to the database, unless the division determines, based on a background

check, that the employee poses a security risk to the information contained in the database.

(4)(a) An individual who is employed in the emergency department of a hospital may exercise access to the database under this Subsection (4) on behalf of a licensed practitioner if the individual is designated under Subsection (4)(c) and the licensed practitioner:

(i) is employed or privileged to work in the emergency department;

(ii) is treating an emergency department patient for an emergency medical condition; and

(iii) requests that an individual employed in the emergency department and designated under Subsection (4)(c) obtain information regarding the patient from the database as needed in the course of treatment.

(b) The emergency department employee obtaining information from the database shall, when gaining access to the database, provide to the database the name and any additional identifiers regarding the requesting practitioner as required by division administrative rule established under Subsection (3)(b).

(c) An individual employed in the emergency department under this Subsection (4) may obtain information from the database as provided in Subsection (4)(a) if:

(i) the employee is designated by the hospital as an individual authorized to access the information on behalf of the emergency department practitioner;

(ii) the hospital operating the emergency department provide written notice to the division of the identity of the designated employee; and

(iii) the division:

(A) grants the employee access to the database; and

(B) provides the employee with a password that is unique to that employee to access the database.

(d) The division may impose a fee, in accordance with Section 63J-1-504, on a practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to pay for the costs incurred by the division to conduct the background check and make the determination described in Subsection (3)(b).

(5)(a)(i) An individual may request that the division provide the information under Subsection (5)(b) to a third party who is designated by the individual each time a controlled substance prescription for the individual is dispensed.

(ii) The division shall upon receipt of the request under this Subsection (5)(a) advise

the individual in writing that the individual may direct the division to discontinue providing the information to a third party and that notice of the individual's direction to discontinue will be provided to the third party.

(b) The information the division shall provide under Subsection (5)(a) is:

(i) the fact a controlled substance has been dispensed to the individual, but without identifying the controlled substance; and

(ii) the date the controlled substance was dispensed.

(c)(i) An individual who has made a request under Subsection (5)(a) may direct that the division discontinue providing information to the third party.

(ii) The division shall:

(A) notify the third party that the individual has directed the division to no longer provide information to the third party; and

(B) discontinue providing information to the third party.

(6)(a) An individual who is granted access to the database based on the fact that the individual is a licensed practitioner or a mental health therapist shall be denied access to the database when the individual is no longer licensed.

(b) An individual who is granted access to the database based on the fact that the individual is a designated employee of a licensed practitioner shall be denied access to the database when the practitioner is no longer licensed.

(7) A probation or parole officer is not required to obtain a search warrant to access the database in accordance with Subsection (2)(m).

(8) The division shall review and adjust the database programming which automatically logs off an individual who is granted access to the database under Subsections (2)(h), (2)(i), (2)(j), and (4)(c) to maximize the following objectives:

(a) to protect patient privacy;

(b) to reduce inappropriate access; and

(c) to make the database more useful and helpful to a person accessing the database under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations such as an emergency department.

(9) Any person who knowingly and intentionally accesses the database without express authorization under this section is guilty of a class A misdemeanor.

Section 43. Section **58-67-102** is amended to read:

58-67-102 (Effective 05/06/26). Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize, disintegrate, or remove living tissue, including the use of carbon dioxide lasers and erbium: YAG lasers.

(b) "Ablative procedure" does not include:

(i) hair removal;

(ii) laser tattoo removal; or

(iii) cryolipolysis.

(2) "ACGME" means the Accreditation Council for Graduate Medical Education of the American Medical Association.

(3) "Administrative penalty" means a monetary fine or citation imposed by the division for acts or omissions determined to constitute unprofessional or unlawful conduct, in accordance with a fine schedule established by the division in collaboration with the board, as a result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(4) "Associate physician" means an individual licensed under Section 58-67-302.8.

(5) "Attempted sex change" means an attempt or effort to change an individual's body to present that individual as being of a sex [~~or gender~~]that is different from the individual's biological sex at birth.

(6) "Biological sex at birth" means an individual's sex, as being male or female, according to distinct reproductive roles as manifested by:

(a) sex and reproductive organ anatomy;

(b) chromosomal makeup; and

(c) endogenous hormone profiles.

(7) "Board" means the Medical Licensing Board created in Section 58-67-201.

(8) "Collaborating physician" means an individual licensed under Section 58-67-302 who enters into a collaborative practice arrangement with an associate physician.

(9) "Collaborative practice arrangement" means the arrangement described in Section 58-67-807.

(10)(a) "Cosmetic medical device" means tissue altering energy based devices that have the potential for altering living tissue and that are used to perform ablative or nonablative procedures, such as American National Standards Institute designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency devices, and lipolytic devices, and excludes American National Standards Institute designated Class IIIa and lower powered devices.

(b) Notwithstanding Subsection (10)(a), if an American National Standards Institute designated Class IIIa and lower powered device is being used to perform an ablative procedure, the device is included in the definition of cosmetic medical device under Subsection (10)(a).

(11)(a) "Cosmetic medical procedure" includes:

(i) the use of cosmetic medical devices to perform ablative or nonablative procedures; or

(ii) the injection of medication or substance, including a neurotoxin or a filler, for cosmetic purposes.

(b) "Cosmetic medical procedure" does not include a treatment of the ocular globe including refractive surgery.

(12) "Diagnose" means:

(a) to examine in any manner another person, parts of a person's body, substances, fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's body, to determine the source, nature, kind, or extent of a disease or other physical or mental condition;

(b) to attempt to conduct an examination or determination described under Subsection (12)(a);

(c) to hold oneself out as making or to represent that one is making an examination or determination as described in Subsection (12)(a); or

(d) to make an examination or determination as described in Subsection (12)(a) upon or from information supplied directly or indirectly by another person, whether or not in the presence of the person making or attempting the diagnosis or examination.

(13) "LCME" means the Liaison Committee on Medical Education of the American Medical Association.

(14) "Medical assistant" means an unlicensed individual who may perform tasks as described in Subsection 58-67-305(6).

(15) "Medically underserved area" means a geographic area in which there is a shortage of primary care health services for residents, as determined by the Department of Health and Human Services.

(16) "Medically underserved population" means a specified group of people living in a defined geographic area with a shortage of primary care health services, as determined by the Department of Health and Human Services.

(17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to

alter living tissue, but is not intended or expected to excise, vaporize, disintegrate, or remove living tissue.

(ii) Notwithstanding Subsection (17)(a)(i) nonablative procedure includes hair removal.

(b) "Nonablative procedure" does not include:

(i) a superficial procedure as defined in Section 58-1-102;

(ii) the application of permanent make-up;

(iii) laser tattoo removal; or

(iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that are performed by an individual licensed under this title who is acting within the individual's scope of practice.

(18) "Physician" means both physicians and surgeons licensed under Part 3, Licensing, and osteopathic physicians and surgeons licensed under Chapter 68, Part 3, Licensing.

(19)(a) "Practice of medicine" means:

(i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, including to perform cosmetic medical procedures, or to attempt to do so, by any means or instrumentality, and by an individual in Utah or outside the state upon or for any human within the state;

(ii) when a person not licensed as a physician directs a licensee under this chapter to withhold or alter the health care services that the licensee has ordered;

(iii) to maintain an office or place of business for the purpose of doing any of the acts described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or

(iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions in any printed material, stationery, letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor of medicine," "physician," "surgeon," "physician and surgeon," "Dr.," "M.D.," or any combination of these designations in any manner which might cause a reasonable person to believe the individual using the designation is a licensed physician and surgeon, and if the party using the designation is not a licensed physician and surgeon, the designation must additionally contain the description of the branch of the healing arts for which the person has a license, provided that an individual who has received an earned degree of doctor of medicine degree but is not a licensed physician and surgeon in Utah may use the designation "M.D." if

it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and style of lettering.

(b) [~~The practice~~] "Practice of medicine" does not include:

(i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii) the conduct described in Subsection (19)(a)(i) that is performed in accordance with a license issued under another chapter of this title;

(ii) an ablative cosmetic medical procedure if the scope of practice for the person performing the ablative cosmetic medical procedure includes the authority to operate or perform a surgical procedure; or

(iii) conduct under Subsection 58-67-501(2).

(20) "Prescription device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, and any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by or through a person or entity licensed under this chapter or exempt from licensure under this chapter.

(21) "Prescription drug" means a drug that is required by federal or state law or rule to be dispensed only by prescription or is restricted to administration only by practitioners.

(22)(a) "Primary sex characteristic surgical procedure" means any of the following if done for the purpose of effectuating or facilitating an individual's attempted sex change:

(i) for an individual whose biological sex at birth is male, castration, orchiectomy, penectomy, vaginoplasty, or vulvoplasty;

(ii) for an individual whose biological sex at birth is female, hysterectomy, oophorectomy, metoidioplasty, or phalloplasty; or

(iii) any surgical procedure that is related to or necessary for a procedure described in Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual who is not sterile.

(b) "Primary sex characteristic surgical procedure" does not include:

(i) surgery or other procedures or treatments performed on an individual who:

(A) is born with external biological sex characteristics that are irresolvably ambiguous;

(B) is born with 46, XX chromosomes with virilization;

(C) is born with 46, XY chromosomes with undervirilization;

(D) has both ovarian and testicular tissue; or

(E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or

(ii) removing a body part:

(A) because the body part is cancerous or diseased; or

(B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.

(23)(a) "Secondary sex characteristic surgical procedure" means any of the following if done for the purpose of effectuating or facilitating an individual's attempted sex change:

(i) for an individual whose biological sex at birth is male, breast augmentation surgery, chest feminization surgery, or facial feminization surgery; or

(ii) for an individual whose biological sex at birth is female, mastectomy, breast reduction surgery, chest masculinization surgery, or facial masculinization surgery.

(b) "Secondary sex characteristic surgical procedure" does not include:

(i) surgery or other procedures or treatments performed on an individual who:

(A) is born with external biological sex characteristics that are irresolvably ambiguous;

(B) is born with 46, XX chromosomes with virilization;

(C) is born with 46, XY chromosomes with undervirilization;

(D) has both ovarian and testicular tissue; or

(E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or

(ii) removing a body part:

(A) because the body part is cancerous or diseased; or

(B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.

(24) "SPEX" means the Special Purpose Examination of the Federation of State Medical Boards.

(25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-67-501.

(26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-67-502, and as may be further defined by division rule.

Section 44. Section **58-68-102** is amended to read:

58-68-102 (Effective 05/06/26). Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize, disintegrate, or remove living tissue, including the use of carbon dioxide lasers and erbium: YAG lasers.

(b) "Ablative procedure" does not include:

(i) hair removal; or

(ii) laser tattoo removal.

(2) "ACGME" means the Accreditation Council for Graduate Medical Education of the American Medical Association.

(3) "Administrative penalty" means a monetary fine imposed by the division for acts or omissions determined to constitute unprofessional or unlawful conduct, as a result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(4) "AOA" means the American Osteopathic Association.

(5) "Associate physician" means an individual licensed under Section 58-68-302.5.

(6) "Attempted sex change" means an attempt or effort to change an individual's body to present that individual as being of a sex [~~or gender~~]that is different from the individual's biological sex at birth.

(7) "Biological sex at birth" means an individual's sex, as being male or female, according to distinct reproductive roles as manifested by:

(a) sex and reproductive organ anatomy;

(b) chromosomal makeup; and

(c) endogenous hormone profiles.

(8) "Board" means the Medical Licensing Board created in Section 58-67-201.

(9) "Collaborating physician" means an individual licensed under Section 58-68-302 who enters into a collaborative practice arrangement with an associate physician.

(10) "Collaborative practice arrangement" means the arrangement described in Section 58-68-807.

(11)(a) "Cosmetic medical device" means tissue altering energy based devices that have the potential for altering living tissue and that are used to perform ablative or

nonablative procedures, such as American National Standards Institute designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency devices, and lipolytic devices and excludes American National Standards Institute designated Class IIIa and lower powered devices.

(b) Notwithstanding Subsection (11)(a), if an American National Standards Institute designated Class IIIa and lower powered device is being used to perform an ablative procedure, the device is included in the definition of cosmetic medical device under Subsection (11)(a).

(12) "Cosmetic medical procedure":

(a) includes the use of cosmetic medical devices to perform ablative or nonablative procedures; and

(b) does not include a treatment of the ocular globe such as refractive surgery.

(13) "Diagnose" means:

(a) to examine in any manner another person, parts of a person's body, substances, fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's body, to determine the source, nature, kind, or extent of a disease or other physical or mental condition;

(b) to attempt to conduct an examination or determination described under Subsection (13)(a);

(c) to hold oneself out as making or to represent that one is making an examination or determination as described in Subsection (13)(a); or

(d) to make an examination or determination as described in Subsection (13)(a) upon or from information supplied directly or indirectly by another person, whether or not in the presence of the person making or attempting the diagnosis or examination.

(14) "Medical assistant" means an unlicensed individual who may perform tasks as described in Subsection 58-68-305(6).

(15) "Medically underserved area" means a geographic area in which there is a shortage of primary care health services for residents, as determined by the Department of Health and Human Services.

(16) "Medically underserved population" means a specified group of people living in a defined geographic area with a shortage of primary care health services, as determined by the Department of Health and Human Services.

(17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to alter living tissue, but is not expected or intended to excise, vaporize, disintegrate,

or remove living tissue.

(ii) Notwithstanding Subsection (17)(a)(i), nonablative procedure includes hair removal.

(b) "Nonablative procedure" does not include:

(i) a superficial procedure as defined in Section 58-1-102;

(ii) the application of permanent make-up;

(iii) laser tattoo removal; or

(iv) the use of photo therapy lasers for neuromusculoskeletal treatments that are performed by an individual licensed under this title who is acting within the individual's scope of practice.

(18) "Physician" means both physicians and surgeons licensed under Chapter 67, Part 3, Licensing, and osteopathic physicians and surgeons licensed under Part 3, Licensing.

(19)(a) "Practice of osteopathic medicine" means:

(i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, or to attempt to do so, by any means or instrumentality, which in whole or in part is based upon emphasis of the importance of the musculoskeletal system and manipulative therapy in the maintenance and restoration of health, by an individual in Utah or outside of the state upon or for any human within the state;

(ii) when a person not licensed as a physician directs a licensee under this chapter to withhold or alter the health care services that the licensee has ordered;

(iii) to maintain an office or place of business for the purpose of doing any of the acts described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or

(iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions, in any printed material, stationery, letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor of osteopathic medicine," "osteopathic physician," "osteopathic surgeon," "osteopathic physician and surgeon," "Dr.," "D.O.," or any combination of these designations in any manner which might cause a reasonable person to believe the individual using the designation is a licensed osteopathic physician, and if the party using the designation is not a licensed osteopathic physician, the designation must additionally contain the description of the branch of the healing arts for which the person has a license, provided that an individual who has received an

earned degree of doctor of osteopathic medicine but is not a licensed osteopathic physician and surgeon in Utah may use the designation "D.O." if it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and style of lettering.

(b) [~~The practice~~] "Practice of osteopathic medicine" does not include:

(i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii), the conduct described in Subsection (19)(a)(i) that is performed in accordance with a license issued under another chapter of this title;

(ii) an ablative cosmetic medical procedure if the scope of practice for the person performing the ablative cosmetic medical procedure includes the authority to operate or perform a surgical procedure; or

(iii) conduct under Subsection 58-68-501(2).

(20) "Prescription device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, and any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by or through a person or entity licensed under this chapter or exempt from licensure under this chapter.

(21) "Prescription drug" means a drug that is required by federal or state law or rule to be dispensed only by prescription or is restricted to administration only by practitioners.

(22)(a) "Primary sex characteristic surgical procedure" means any of the following if done for the purpose of effectuating or facilitating an individual's attempted sex change:

(i) for an individual whose biological sex at birth is male, castration, orchiectomy, penectomy, vaginoplasty, or vulvoplasty;

(ii) for an individual whose biological sex at birth is female, hysterectomy, oophorectomy, metoidioplasty, or phalloplasty; or

(iii) any surgical procedure that is related to or necessary for a procedure described in Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual who is not sterile.

(b) "Primary sex characteristic surgical procedure" does not include:

(i) surgery or other procedures or treatments performed on an individual who:

(A) is born with external biological sex characteristics that are irresolvably ambiguous;

(B) is born with 46, XX chromosomes with virilization;

(C) is born with 46, XY chromosomes with undervirilization;

(D) has both ovarian and testicular tissue; or

(E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or

(ii) removing a body part:

(A) because the body part is cancerous or diseased; or

(B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.

(23)(a) "Secondary sex characteristic surgical procedure" means any of the following if done for the purpose of effectuating or facilitating an individual's attempted sex change:

(i) for an individual whose biological sex at birth is male, breast augmentation surgery, chest feminization surgery, or facial feminization surgery; or

(ii) for an individual whose biological sex at birth is female, mastectomy, breast reduction surgery, chest masculinization surgery, or facial masculinization surgery.

(b) "Secondary sex characteristic surgical procedure" does not include:

(i) surgery or other procedures or treatments performed on an individual who:

(A) is born with external biological sex characteristics that are irresolvably ambiguous;

(B) is born with 46, XX chromosomes with virilization;

(C) is born with 46, XY chromosomes with undervirilization;

(D) has both ovarian and testicular tissue; or

(E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or

(ii) removing a body part:

(A) because the body part is cancerous or diseased; or

(B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.

(24) "SPEX" means the Special Purpose Examination of the Federation of State Medical Boards.

(25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and

58-68-501.

(26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-68-502 and as may be further defined by division rule.

Section 45. Section **63G-2-301** is amended to read:

63G-2-301 (Effective 05/06/26). Public records.

(1) As used in this section:

(a) "Business address" means a single address of a governmental agency designated for the public to contact an employee or officer of the governmental agency.

(b) "Business email address" means a single email address of a governmental agency designated for the public to contact an employee or officer of the governmental agency.

(c) "Business telephone number" means a single telephone number of a governmental agency designated for the public to contact an employee or officer of the governmental agency.

(d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

(2) The following records are public except to the extent they contain information expressly permitted to be treated confidentially under the provisions of Subsections 63G-2-201(3)(b) and (6)(a):

(a) laws;

(b) the name, [~~gender~~] sex, gross compensation, job title, job description, business address, business email address, business telephone number, number of hours worked per pay period, dates of employment, and relevant education, previous employment, and similar job qualifications of a current or former employee or officer of the governmental entity, excluding:

(i) undercover law enforcement personnel; and

(ii) investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety;

(c) final opinions, including concurring and dissenting opinions, and orders that are made by a governmental entity in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, controlled, or protected;

(d) final interpretations of statutes or rules by a governmental entity unless classified as protected as provided in Subsection 63G-2-305(17) or (18);

(e) information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open and Public Meetings Act, including the records of all votes of each member of the governmental entity;

(f) judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under this chapter;

(g) unless otherwise classified as private under Section 63G-2-303, records or parts of records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or other governmental entities that give public notice of:

(i) titles or encumbrances to real property;

(ii) restrictions on the use of real property;

(iii) the capacity of persons to take or convey title to real property; or

(iv) tax status for real and personal property;

(h) records of the Department of Commerce that evidence incorporations, mergers, name changes, and uniform commercial code filings;

(i) data on individuals that would otherwise be private under this chapter if the individual who is the subject of the record has given the governmental entity written permission to make the records available to the public;

(j) documentation of the compensation that a governmental entity pays to a contractor or private provider;

(k) summary data;

(l) voter registration records, including an individual's voting history, except for a voter registration record or those parts of a voter registration record that are classified as private under Subsections 63G-2-302(1)(j) through (n) or withheld under Subsection 20A-2-104(7);

(m) for an elected official, as defined in Section 11-47-102, a telephone number, if available, and email address, if available, where that elected official may be reached as required in Title 11, Chapter 47, Access to Elected Officials;

(n) for a school community council member, a telephone number, if available, and email address, if available, where that elected official may be reached directly as required in Section 53G-7-1203;

(o) annual audited financial statements of the Utah Educational Savings Plan described

in Section 53H-10-210; and

(p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as defined in Section 20A-7-101, after the packet is submitted to a county clerk.

(3) The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b), Section 63G-2-302, 63G-2-304, or 63G-2-305:

(a) administrative staff manuals, instructions to staff, and statements of policy;

(b) records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity;

(c) records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the governmental entity;

(d) contracts entered into by a governmental entity;

(e) any account, voucher, or contract that deals with the receipt or expenditure of funds by a governmental entity;

(f) records relating to government assistance or incentives publicly disclosed, contracted for, or given by a governmental entity, encouraging a person to expand or relocate a business in Utah, except as provided in Subsection 63G-2-305(35);

(g) chronological logs and initial contact reports;

(h) correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;

(i) empirical data contained in drafts if:

(i) the empirical data is not reasonably available to the requester elsewhere in similar form; and

(ii) the governmental entity is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;

(j) drafts that are circulated to anyone other than:

(i) a governmental entity;

(ii) a political subdivision;

(iii) a federal agency if the governmental entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved;

(iv) a government-managed corporation; or

(v) a contractor or private provider;

(k) drafts that have never been finalized but were relied upon by the governmental entity in carrying out action or policy;

(l) original data in a computer program if the governmental entity chooses not to disclose the program;

(m) arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;

(n) search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;

(o) records that would disclose information relating to formal charges or disciplinary actions against a past or present governmental entity employee if:

(i) the disciplinary action has been completed and all time periods for administrative appeal have expired; and

(ii) the charges on which the disciplinary action was based were sustained;

(p) records maintained by the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that evidence mineral production on government lands;

(q) final audit reports;

(r) occupational and professional licenses;

(s) business licenses;

(t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar records used to initiate proceedings for discipline or sanctions against persons regulated by a governmental entity, but not including records that initiate employee discipline; and

(u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding the operation of a correctional facility or the care and control of inmates committed to the custody of a correctional facility; and

(ii) records that disclose the results of an audit or other inspection assessing a correctional facility's compliance with a standard, regulation, policy, guideline, or rule described in Subsection (3)(u)(i).

(4) The list of public records in this section is not exhaustive and should not be used to limit access to records.

Section 46. Section **63G-3-306** is enacted to read:

63G-3-306 (Effective 05/06/26). Referencing biological sex.

(1) An agency when referencing biological sex in a rule:

(a) shall use the term sex as defined in Section 68-3-12.5; and

(b) may not use the term gender.

Section 47. Section **63G-12-302** is amended to read:

63G-12-302 (Effective 05/06/26). Status verification system -- Registration and use -- Performance of services -- Unlawful practice.

(1) As used in this section:

(a) "Contract" means an agreement for the procurement of goods or services that is awarded through a request for proposals process with a public employer and includes a sole source contract.

(b) "Contractor" means a subcontractor, contract employee, staffing agency, or any contractor regardless of its tier.

(2)(a) Subject to Subsection (5), a public employer shall register with and use a Status Verification System to verify the federal employment authorization status of a new employee.

(b) This section shall be enforced without regard to race, religion, [~~gender~~] sex, ethnicity, or national origin.

(3)(a) Subject to Subsection (5), beginning July 1, 2009:

(i) a public employer may not enter into a contract for the physical performance of services within the state with a contractor unless the contractor registers and participates in the Status Verification System to verify the work eligibility status of the contractor's new employees that are employed in the state; and

(ii) a contractor shall register and participate in the Status Verification System in order to enter into a contract with a public employer.

(b)(i) For purposes of compliance with Subsection (3)(a), a contractor is individually responsible for verifying the employment status of only new employees who work under the contractor's supervision or direction and not those who work for another contractor or subcontractor, except as otherwise provided in Subsection (3)(b)(ii).

(ii) Each contractor or subcontractor who works under or for another contractor shall certify to the main contractor by affidavit that the contractor or subcontractor has verified through the Status Verification System the employment status of each new employee of the respective contractor or subcontractor.

(c) Subsection (3)(a) does not apply to a contract:

(i) entered into by the entities referred to in Subsection (3)(a) prior to July 1, 2009, even though the contract may involve the physical performance of services within

the state on or after July 1, 2009; or

(ii) that involves underwriting, remarketing, broker-dealer activities, securities placement, investment advisory, financial advisory, or other financial or investment banking services.

(4)(a) It is unlawful for an employing entity in the state to discharge an employee working in Utah who is a United States citizen or permanent resident alien and replace the employee with, or have the employee's duties assumed by, an employee who:

(i) the employing entity knows, or reasonably should have known, is an unauthorized alien hired on or after July 1, 2009; and

(ii) is working in the state in a job category:

(A) that requires equal skill, effort, and responsibility; and

(B) which is performed under similar working conditions, as defined in 29 U.S.C., Sec. 206 (d)(1), as the job category held by the discharged employee.

(b) An employing entity, which on the date of a discharge in question referred to in Subsection (4)(a) is enrolled in and using the Status Verification System to verify the employment eligibility of its employees in Utah who are hired on or after July 1, 2009, is exempt from liability, investigation, or lawsuit arising from an action under this section.

(c) A cause of action for a violation of this Subsection (4) arises exclusively from the provisions of this Subsection (4).

(5) On and after the program start date:

(a) a public employer, after hiring an employee, shall verify the employment eligibility of the new employee:

(i) through the status verification system if the individual does not hold a permit; and

(ii) through the u-verify program if the individual holds a permit; and

(b) a contractor is considered to be in compliance with this section if, after hiring an employee, the contractor verifies the employment eligibility of the new employee:

(i) through the status verification system if the individual does not hold a permit; and

(ii) through the u-verify program if the individual holds a permit.

Section 48. Section **63G-12-401** is amended to read:

63G-12-401 (Effective 05/06/26). Creation of identity documents -- Issuance to citizens, nationals, and legal permanent resident aliens -- Exceptions.

(1) The following entities may create, publish, or otherwise manufacture an identification

document, identification card, or identification certificate and possess an engraved plate or other device for the printing of an identification document:

(a) a federal, state, or local government agency for employee identification, which is designed to identify the bearer as an employee;

(b) a federal, state, or local government agency for purposes authorized or required by law or a legitimate purpose consistent with the duties of the agency, including such documents as voter identification cards, identification cards, passports, birth certificates, and Social Security cards; and

(c) a public school or state or private educational institution to identify the bearer as an administrator, faculty member, student, or employee.

(2) The name of the issuing entity shall be clearly printed upon the face of the identification document.

(3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall issue the document, card, or certificate only to:

(a) a United States citizen;

(b) a national; or

(c) a legal permanent resident alien.

(4)(a) Subsection (3) does not apply to an applicant for an identification document who presents, in person, valid documentary evidence of the applicant's:

(i) unexpired immigrant or nonimmigrant visa status for admission into the United States;

(ii) pending or approved application for asylum in the United States;

(iii) admission into the United States as a refugee;

(iv) pending or approved application for temporary protected status in the United States;

(v) approved deferred action status; or

(vi) pending application for adjustment of status to legal permanent resident or conditional resident.

(b)(i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c) identification document to an applicant who satisfies the requirements of Subsection (4)(a).

(ii) Except as otherwise provided by federal law, the document is valid only:

(A) during the period of time of the individual's authorized stay in the United

States; or

(B) for one year from the date of issuance if there is no definite end to the individual's period of authorized stay.

(iii) An entity issuing an identification document under this Subsection (4) shall clearly indicate on the document:

(A) that it is temporary; and

(B) its expiration date.

(c) An individual may renew a document issued under this Subsection (4) only upon presentation of valid documentary evidence that the status by which the individual originally qualified for the identification document has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

(5)(a) Subsection (3) does not apply to an identification document issued under Subsection (1)(c) that:

(i) is only valid for use on the educational institution's campus or facility; and

(ii) includes a statement of the restricted use conspicuously printed upon the face of the identification document.

(b) Subsection (3) does not apply to a license certificate, driving privilege card, or identification card issued or renewed under Title 53, Chapter 3, Uniform Driver License Act.

(c) Subsection (3) does not apply to a public transit pass issued by a public transit district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:

(i) is only valid for use on the public transit system; and

(ii) includes a statement of the restricted use conspicuously printed on the face of the public transit pass.

(d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.

(e) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot Sponsored Resident Immigrant Program Act.

(6) This section shall be enforced without regard to race, religion, [~~gender~~] sex, ethnicity, or national origin.

Section 49. Section **63G-12-402** is amended to read:

63G-12-402 (Effective 05/06/26). Receipt of state, local, or federal public benefits -- Verification -- Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.

(1)(a) Except as provided in Subsection (3) or when exempted by federal law, an agency or political subdivision of the state shall verify the lawful presence in the United States of an individual at least 18 years old who applies for:

(i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or

(ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an agency or political subdivision of this state.

(b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of Commerce shall verify in accordance with this Subsection (1) the lawful presence in the United States of each individual who:

(i) owns an interest in the contractor that is an unincorporated entity; and

(ii) engages, or will engage, in a construction trade in Utah as an owner of the contractor described in Subsection (1)(b)(i).

(2) This section shall be enforced without regard to race, religion, [~~gender~~] sex, ethnicity, or national origin.

(3) Verification of lawful presence under this section is not required for:

(a) any purpose for which lawful presence in the United States is not restricted by law, ordinance, or regulation;

(b) assistance for health care items and services that:

(i) are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. Sec. 1396b(v)(3), of the individual involved; and

(ii) are not related to an organ transplant procedure;

(c) short-term, noncash, in-kind emergency disaster relief;

(d) public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not the symptoms are caused by the communicable disease;

(e) programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter, specified by the United States Attorney General, in the sole and unreviewable discretion of the United States Attorney General after consultation with appropriate federal agencies and departments, that:

(i) deliver in-kind services at the community level, including through public or private nonprofit agencies;

(ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the income or resources of the individual

recipient; and

(iii) are necessary for the protection of life or safety;

(f) the exemption for paying the nonresident portion of total tuition as set forth in Section 53H-11-203;

(g) an applicant for a license under Section 61-1-4, if the applicant:

(i) is registered with the Financial Industry Regulatory Authority; and

(ii) files an application with the state Division of Securities through the Central Registration Depository;

(h) a state public benefit to be given to an individual under Title 49, Utah State Retirement and Insurance Benefit Act;

(i) a home loan that will be insured, guaranteed, or purchased by:

(i) the Federal Housing Administration, the Veterans Administration, or any other federal agency; or

(ii) an enterprise as defined in 12 U.S.C. Sec. 4502;

(j) a subordinate loan or a grant that will be made to an applicant in connection with a home loan that does not require verification under Subsection (3)(i);

(k) an applicant for a license issued by the Department of Commerce or individual described in Subsection (1)(b), if the applicant or individual provides the Department of Commerce:

(i) certification, under penalty of perjury, that the applicant or individual is:

(A) a United States citizen;

(B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or

(C) lawfully present in the United States; and

(ii)(A) the number assigned to a driver license or identification card issued under Title 53, Chapter 3, Uniform Driver License Act; or

(B) the number assigned to a driver license or identification card issued by a state other than Utah if, as part of issuing the driver license or identification card, the state verifies an individual's lawful presence in the United States; and

(l) an applicant for:

(i) an Opportunity scholarship described in Section 53H-11-402;

(ii) a New Century scholarship described in Section 53H-11-407;

(iii) a promise grant described in Section 53H-11-414; or

(iv) a scholarship:

(A) for an individual who is a graduate of a high school located within Utah; and

(B) administered by an institution of higher education as defined in Section 53H-1-101.

(4)(a) An agency or political subdivision required to verify the lawful presence in the United States of an applicant under this section shall require the applicant to certify under penalty of perjury that:

(i) the applicant is a United States citizen; or

(ii) the applicant is:

(A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and

(B) lawfully present in the United States.

(b) The certificate required under this Subsection (4) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

(5) An agency or political subdivision shall verify a certification required under Subsection (4)(a)(ii) through the federal SAVE program.

(6)(a) An individual who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject to the criminal penalties applicable in this state for:

(i) making a written false statement under Section 76-8-504; and

(ii) fraudulently obtaining:

(A) public assistance program benefits under Section 76-8-1203.1; or

(B) unemployment compensation under Section 76-8-1301, 76-8-1302, 76-8-1303, or 76-8-1304.

(b) If the certification constitutes a false claim of United States citizenship under 18 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United States Attorney General for the applicable district based upon the venue in which the application was made.

(c) If an agency or political subdivision receives verification that a person making an application for a benefit, service, or license is not a qualified alien, the agency or political subdivision shall provide the information to the Office of the Attorney General unless prohibited by federal mandate.

(7) An agency or political subdivision may adopt variations to the requirements of this section that:

(a) clearly improve the efficiency of or reduce delay in the verification process; or

(b) provide for adjudication of unique individual circumstances where the verification procedures in this section would impose an unusual hardship on a legal resident of

Utah.

(8) It is unlawful for an agency or a political subdivision of this state to provide a state, local, or federal benefit, as defined in 8 U.S.C. [~~Sec.~~] Secs. 1611 and 1621, in violation of this section.

(9) A state agency or department that administers a program of state or local public benefits shall:

(a) provide an annual report to the governor, the president of the Senate, and the speaker of the House regarding its compliance with this section; and

(b)(i) monitor the federal SAVE program for application verification errors and significant delays;

(ii) provide an annual report on the errors and delays to ensure that the application of the federal SAVE program is not erroneously denying a state or local benefit to a legal resident of the state; and

(iii) report delays and errors in the federal SAVE program to the United States Department of Homeland Security.

Section 50. Section **63G-31-101** is amended to read:

63G-31-101 (Effective 05/06/26). Definitions.

As used in this chapter:

(1)(a) "Changing room" means a space designated for multiple individuals to dress or undress within the same space.

(b) "Changing room" includes:

(i) a dressing room, fitting room, locker room, or shower room; and

(ii) a restroom when a changing room contains or is attached to the restroom.

(2)(a) "Facility" means a publicly owned or controlled building, structure, or other improvement.

(b) "Facility" includes a subset of a publicly owned or controlled building, structure, or other improvement, including a restroom or locker room.

(3) "Government entity" means the same as that term is defined in Section 63G-2-103.

(4) "Intersex individual" means the same as that term is defined in Section 26B-8-101.

(5) "Men's restroom" means a restroom that is designated for the exclusive use of males and not females.

(6)(a) "Open to the general public" means that a privacy space is:

(i) freely accessible to a member of the general public;

(ii) accessible to an individual who has purchased a ticket, paid an entry fee, paid a

membership fee, or otherwise paid to access the facility containing the relevant privacy space; or

(iii) accessible to a student of an institution of higher education described in Section 52B-2-101:

(A) either freely or as described in Subsection (6)(a)(ii); or

(B) within student housing as defined in Section 63G-31-305.

(b) "Open to the general public" does not include a privacy space that is:

(i) only accessible to employees of a government entity; or

(ii) any area that is not normally accessible to the public.

(7) "Privacy space" means a restroom or changing room within a publicly owned or controlled facility, where an individual has a reasonable expectation of privacy.

(8) "Publicly owned or controlled" means that a government entity has at least a partial ownership interest in or has control of a facility, program, or event.

(9)(a) "Restroom" means any space that includes a toilet.

(b) "Restroom" includes:

(i) sex-designated men's restrooms;

(ii) sex-designated women's restrooms;

(iii) unisex restrooms; and

(iv) single-occupant restrooms.

(10) "Sex-designated" means that a facility, program, or event is designated specifically for males or females and not the opposite sex.

(11) "Single-occupant" means, in relation to a single-occupant facility or privacy space, that the facility or privacy space:

(a) has floor-to-ceiling walls;

(b) has an entirely encased and locking door; and

(c) is designated for single occupancy.

(12) "Unamended birth certificate" means a birth certificate:

(a) with no amendment history; or

(b) with an amendment history that:

(i) does not include [~~gender-related~~] sex-related amendments; or

(ii) includes [~~gender-related~~] sex-related amendments that only:

(A) correct an error or omission resulting from a scrivener's error under Subsection 26B-8-107(2); or

(B) correct a misidentification of birth sex for an intersex individual under

Subsection 26B-8-107(3).

(13) "Unisex" means, in relation to a unisex facility or privacy space, that the facility or privacy space:

(a) is designated for the use of both sexes; or

(b) is not sex-designated.

(14) "Women's restroom" means a restroom that is designated for the exclusive use of females and not males.

Section 51. Section **63G-31-201** is amended to read:

63G-31-201 (Effective 05/06/26). Distinctions on the basis of sex.

(1) A government entity may not, on the basis of sex, exclude an individual from participation in, deny an individual from the benefits of, or subject an individual to a sex-based distinction in or under any government or otherwise publicly owned or controlled facility, program, or event, unless the distinction is substantially related to an important government objective.

(2) Each government entity shall ensure the preservation of distinctions on the basis of sex that protect individual privacy and competitive opportunity, as described in this chapter.

(3)(a) As used in this Subsection (3), "athletic facility" does not include a privacy space.

(b) To preserve the individual privacy and competitive opportunity of females, an individual is not entitled to and may not access, use, or benefit from a government entity's athletic facility, program, or event if:

(i) the facility, program, or event is designated for females; and

(ii) the individual is not female.

(c) To preserve the individual privacy and competitive opportunity of males, an individual is not entitled to and may not access, use, or benefit from a government entity's athletic facility, program, or event if:

(i) the facility, program, or event is designated for males; and

(ii) the individual is not male.

(4) Subsections (1) through (3) and Subsection 63G-31-204(4) do not apply to:

(a) a determination of the School Activity Eligibility Commission, created in Section 53G-6-1003, regarding a student's athletic eligibility; or

(b) the participation of a student, if the student has obtained the eligibility approval of the commission under Subsection 53G-6-1004(2), in a [~~gender-designated~~] sex-designated interscholastic activity that does not correspond with the sex designation on the student's birth certificate, as those terms are defined in Section

53G-6-1001.

Section 52. Section **63G-34-101** is enacted to read:

CHAPTER 34. State Policies and Requirements

63G-34-101 (Effective 05/06/26). Agency policies, programs, and practices that implicate biological sex.

A state agency when referencing biological sex in a policy, program, or practice:

(1) shall use the term sex as defined in Section 68-3-12.5; and

(2) may not use the term gender.

Section 53. Section **63N-2-104.2** is amended to read:

63N-2-104.2 (Effective 05/06/26). Written agreement -- Contents -- Grounds for amendment or termination.

(1) If the office determines that a business entity is eligible for a tax credit under Section 63N-2-104.1, the office may enter into a written agreement with the business entity that:

(a) establishes performance benchmarks for the business entity to claim a tax credit, including any minimum wage requirements;

(b) specifies the maximum amount of tax credit that the business entity may be authorized for a taxable year and over the life of the new commercial project, subject to the limitations in Section 63N-2-104.3;

(c) establishes the length of time the business entity may claim a tax credit;

(d) requires the business entity to retain records supporting a claim for a tax credit for at least four years after the business entity claims the tax credit;

(e) requires the business entity to submit to audits for verification of any tax credit claimed; and

(f) requires the business entity, in order to claim a tax credit, to meet the requirements of Section 63N-2-105.

(2) In establishing the terms of a written agreement, including the duration and amount of tax credit that the business entity may be authorized to receive, the office shall:

(a) authorize the tax credit in a manner that provides the most effective incentive for the new commercial project;

(b) consider the following factors:

(i) whether the new commercial project provides vital or specialized support to supply chains;

(ii) whether the new commercial project provides an innovative product, technology, or service;

(iii) the number and wages of new incremental jobs associated with the new commercial project;

(iv) the amount of financial support provided by local government entities for the new commercial project;

(v) the amount of capital expenditures associated with the new commercial project;

(vi) whether the new commercial project returns jobs transferred overseas;

(vii) the rate of unemployment in the county in which the new commercial project is located;

(viii) whether the new commercial project creates a remote work opportunity;

(ix) whether the new commercial project is located in a development zone created by a local government entity as described in Subsection 63N-2-104(2);

(x) whether the business entity commits to hiring Utah workers for the new commercial project;

(xi) whether the business entity adopts a corporate citizenry plan or supports initiatives in the state that advance education, [~~gender~~] sex equality, diversity and inclusion, work-life balance, environmental or social good, or other similar causes;

(xii) whether the business entity's headquarters are located within the state;

(xiii) the likelihood of other business entities relocating to another state as a result of the new commercial project;

(xiv) the necessity of the tax credit for the business entity's expansion in the state or relocation from another state;

(xv) whether the proposed new commercial project might reasonably be expected to occur in the foreseeable future without the tax credit; and

(xvi) the location and impact of the new commercial project on existing and planned transportation facilities, existing and planned housing, including affordable housing, and public infrastructure; and

(c) consult with the GOEO board.

(3) In determining the amount of tax credit that a business entity may be authorized to receive under a written agreement, the office may:

(a) authorize a higher or optimized amount of tax credit for a new commercial project located within a development zone created by a local government entity as described in Subsection 63N-2-104(2); and

(b) establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process by which the office closely approximates the amount of

taxes the business entity paid under Title 59, Chapter 12, Sales and Use Tax Act, for a capital project.

(4) If the office identifies any of the following events after entering into a written agreement with a business entity, the office and the business entity shall amend, or the office may terminate, the written agreement:

(a) a change in the business entity's organization resulting from a merger with or acquisition of another entity located in the state;

(b) a material increase in the business entity's retail operations that results in new state revenue not subject to the incentive; or

(c) an increase in the business entity's operations that:

(i) is outside the scope of the written agreement or outside the boundaries of a development zone; and

(ii) results in new state revenue not subject to the incentive.

Section 54. Section **63N-4-803** is amended to read:

63N-4-803 (Effective 05/06/26). County Economic Opportunity Advisory Board.

(1)(a) Each rural county that seeks to obtain a grant from the office under Subsection 63N-4-802(4)(a), shall create a CEO board composed of at least the following members appointed by the county legislative body:

(i) a county representative;

(ii) a representative of a municipality in the county;

(iii) a workforce development representative;

(iv) a private-sector representative; and

(v) a member of the public who lives in the county.

(b) The county legislative body may also appoint additional members with experience or expertise in economic development matters.

(c) In appointing members of the CEO board, the county legislative body may consider [~~gender~~] sex and socioeconomic diversity.

(2) Each CEO board shall assist and advise the county legislative body on:

(a) applying for a grant under Subsection 63N-4-802(4)(a);

(b) what projects should be funded by grant money provided to a rural county under Subsection 63N-4-802(4)(a); and

(c) preparing reporting requirements for grant money received by a rural county under Subsection 63N-4-802(4)(a).

Section 55. Section **67-1-2.5** is amended to read:

67-1-2.5 (Effective 05/06/26). Executive boards -- Database -- Governor's review of new boards -- Creation of boards and commissions -- Inactive boards.

(1) As used in this section:

(a) "Administrator" means the boards and commissions administrator designated under Subsection (3).

(b) "Executive board" means an executive branch board, commission, council, committee, working group, task force, study group, advisory group, or other body:

(i) with a defined limited membership;

(ii) that is created by the constitution, by statute, by executive order, by the governor, lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a department, division, or other administrative subunit of the executive branch of state government; and

(iii) that is created to operate for more than six months.

(c) "Inactive board" means a board that does not need to function at the present time, but may need to function in the future.

(d) "Interim committee" means the same as that term is defined in Legislative Joint Rules, Title 7, Chapter 1, Part 2, Creation and Organization of Legislative Committees.

(2)(a) Except as provided in Subsection (2)(c), before August 1 of the calendar year following the year in which a new executive board is created in statute, the governor shall:

(i) review the executive board to evaluate:

(A) whether the executive board accomplishes a substantial governmental interest; and

(B) whether it is necessary for the executive board to continue to exist;

(ii) in the governor's review described in Subsection (2)(a)(i), consider:

(A) the funding required for the executive board;

(B) the staffing resources required for the executive board;

(C) the time members of the executive board are required to commit to serve on the executive board; and

(D) whether the responsibilities of the executive board could reasonably be accomplished through an existing entity or without statutory direction; and

(iii) submit a report to the Government Operations Interim Committee recommending that the Legislature:

(A) repeal the executive board;

(B) add a sunset provision or future repeal date to the executive board;

(C) make other changes to make the executive board more efficient; or

(D) make no changes to the executive board.

(b) In conducting the evaluation described in Subsection (2)(a), the governor shall give deference to:

(i) reducing the size of government; and

(ii) making governmental programs more efficient and effective.

(c) The governor is not required to conduct the review or submit the report described in Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1, Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.

(3)(a) The governor shall designate a board and commissions administrator from the governor's staff to maintain a computerized database containing information about all executive boards.

(b) The administrator shall ensure that the database contains:

(i) the name of each executive board;

(ii) the current statutory or constitutional authority for the creation of the executive board;

(iii) the sunset date on which each executive board's statutory authority expires;

(iv) the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;

(v) the name, address, [~~gender~~] sex, telephone number, and county of each individual currently serving on the executive board, along with a notation of all vacant or unfilled positions;

(vi) the title of the position held by the person who appointed each member of the executive board;

(vii) the length of the term to which each member of the executive board was appointed and the month and year that each executive board member's term expires;

(viii) whether members appointed to the executive board require the advice and consent of the Senate;

(ix) the organization, interest group, profession, local government entity, or

geographic area that an individual appointed to an executive board represents, if any;

(x) the party affiliation of an individual appointed to an executive board, if the statute or executive order creating the position requires representation from political parties;

(xi) whether each executive board is a policy board or an advisory board;

(xii) whether the executive board has or exercises rulemaking authority, or is a rulemaking board as defined in Section 63G-24-102; and

(xiii) any compensation and expense reimbursement that members of the executive board are authorized to receive.

(4) The administrator shall ensure the governor's website includes:

(a) the information contained in the database, except for an individual's:

(i) physical address;

(ii) email address; and

(iii) telephone number;

(b) a portal, accessible on each executive board's web page within the governor's website, through which a member of the public may provide input on:

(i) an individual appointed to serve on the executive board; or

(ii) a sitting member of the executive board;

(c) each report the administrator receives under Subsection (5); and

(d) the summary report described in Subsection (6).

(5)(a) Before August 1, in each even-numbered year, each executive board shall prepare and submit to the administrator a report that includes:

(i) the name of the executive board;

(ii) a description of the executive board's official function and purpose;

(iii) a description of the actions taken by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);

(iv) recommendations on whether any statutory, rule, or other changes are needed to make the executive board more effective; and

(v) an indication of whether the executive board should continue to exist.

(b) The administrator shall compile and post the reports described in Subsection (5)(a) to the governor's website before September 1 of a calendar year in which the administrator receives a report described in Subsection (5)(a).

(6)(a) Before September 1 of a calendar year in which the administrator receives a report

described in Subsection (5)(a), the administrator shall prepare a report that includes:

(i) as of July 1 of that year, the total number of executive boards that exist;

(ii) a summary of the reports submitted to the administrator under Subsection (5), including:

(A) a list of each executive board that submitted a report under Subsection (5);

(B) a list of each executive board that failed to timely submit a report under Subsection (5);

(C) an indication of any recommendations made under Subsection (5)(a)(iv);

(D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the executive board should no longer exist; and

(E) a recommendation regarding whether the administrator recommends the executive board should continue to exist; and

(iii) a list of each executive board, identified and reported by the Division of Archives and Record Services under Section 63A-16-601, that did not post a notice of a public meeting on the Utah Public Notice Website during the previous fiscal year.

(b) On or before September 1 of a calendar year in which the administrator prepares a report described in Subsection (6)(a), in accordance with Section 68-3-14, the administrator shall submit the report to:

(i) the president of the Senate;

(ii) the speaker of the House of Representatives; and

(iii) the Government Operations Interim Committee.

(c)(i) Within 60 days after the day on which an executive board fails to timely submit a report under Subsection (5), a legislative interim committee shall conduct a review to determine whether to recommend repeal of the executive board.

(ii) The Office of Legislative Research and General Counsel shall notify the chairs of an interim committee whose subject area most closely relates to an executive board described in Subsection (6)(c)(i) of:

(A) the name of the board;

(B) information regarding the function of the board; and

(C) the deadline by which the interim committee is required to conduct a review described in Subsection (6)(c)(i).

(iii) If there is not an interim committee with a subject area relating to the executive board, or if the interim committee described in Subsection (6)(c)(ii) is unable to

timely conduct the review described in Subsection (6)(c), the Government Operations Interim Committee shall conduct the review.

(iv) If an interim committee recommends that an executive board described in Subsection (6)(c)(i) be repealed, the Office of Legislative Research and General Counsel shall draft a bill repealing the executive board.

(7) The Legislature may not create an executive board except through a bill that receives a favorable recommendation by unanimous vote of an interim committee.

(8) Except for an executive board created by the Utah Constitution, an interim committee may determine that an executive board is an inactive board and recommend that the governor deactivate the executive board.

(9) Except for an executive board created by the Utah Constitution, an interim committee may recommend that the governor reactivate a deactivated executive board.

(10) If an interim committee recommends that the governor deactivate or reactivate an executive board, the chairs of the interim committee shall submit a written notice identifying the name of the executive board and the reason for the recommendation to:

(a) the governor;

(b) the chairs of the Legislative Management Committee;

(c) the administrator, as defined in Section 67-1-2.5; and

(d) the executive branch agency that oversees the board.

(11) Except for an executive board created by the Utah Constitution, the Legislature may deactivate or reactivate an executive board by concurrent resolution.

(12)(a) Except as provided in Subsection (12)(c), the governor may determine that an executive board is an inactive board:

(i) in response to the recommendation of an interim committee; or

(ii) based on the governor's own determination.

(b) Except as provided in Subsection (12)(c), if the governor determines that an executive board is an inactive board, the governor may deactivate the executive board.

(c) The governor may not deactivate an executive board if:

(i) the executive board is created by the Utah Constitution;

(ii) within the previous one-year period, the Legislature created the executive board, reauthorized the executive board, or, by concurrent resolution, reactivated the executive board; or

(iii) the board is created by a statute that expressly prohibits the governor from deactivating the executive board.

(d) An executive board that the governor deactivates under Subsection (12)(b), or that the Legislature deactivates by concurrent resolution, may not take an action or fulfill a duty that the executive board is otherwise statutorily authorized to take or fulfill.

(13)(a) Except as provided in Subsection (13)(c), the governor may determine that a deactivated executive board should be reactivated.

(b) Except as provided in Subsection (13)(c), if the governor determines that a deactivated executive board should be reactivated, the governor may reactivate the executive board.

(c) The governor may not reactivate an executive board if:

(i) within the previous one-year period, the Legislature deactivated the executive board by concurrent resolution; or

(ii) the board is created by a statute that expressly prohibits the governor from reactivating the executive board.

(d) An executive board that the governor reactivates under Subsection (13)(b), or that the Legislature reactivates by concurrent resolution, may take an action or fulfill a duty that the executive board is statutorily authorized to take or fulfill.

(14) Before the governor deactivates or reactivates an executive board under this section, the governor shall submit a written notice identifying the name of the board and the reason the governor has determined to deactivate or reactivate the executive board to:

(a) the chairs of the Legislative Management Committee;

(b) the chairs of the Government Operations Interim Committee;

(c) the administrator, as defined in Section 67-1-2.5; and

(d) the executive branch agency that oversees the board.

Section 56. Section **67-1-11** is amended to read:

67-1-11 (Effective 05/06/26). Sex balance in appointing board members.

(1) As used in this section, "appointing authority" means the speaker of the House, the president of the Senate, the governor, the governor's designee, nominating committee, or executive branch officer or other body empowered by statute or rule to make any appointment or nomination for appointment to any board, committee, bureau, commission, council, panel, or other entity.

(2) In making a nomination, appointment, or reappointment to fill a vacancy on any board, committee, bureau, commission, council, or other entity, the appointing authority shall strongly consider nominating, appointing, or reappointing a qualified individual whose [~~gender~~] sex is in the minority on that entity.

Section 57. Section **76-5d-101** is amended to read:

76-5d-101 (Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Adult" is an individual who is 18 years old or older.

(2) "Child" is an individual younger than 18 years old.

(3) "Female breast" means the undeveloped, partially developed, or developed breast of a female individual.

(4) "HIV infection" means an indication of a Human Immunodeficiency Virus (HIV) infection determined by current medical standards and detected by any of the following:

(a) presence of antibodies to HIV, verified by a positive confirmatory test, such as Western blot with an interpretation based on criteria currently recommended by the Association of State and Territorial Public Health Laboratory Directors or another confirmatory test approved by the Utah State Health Laboratory;

(b) presence of HIV antigen;

(c) isolation of HIV; or

(d) demonstration of HIV proviral DNA.

(5) "HIV positive individual" means an individual who has an HIV infection.

(6) "Local law enforcement agency" means an agency responsible for investigating violations of offenses in Part 2, General Offenses, the filing of charges that may lead to convictions, and the conducting of, or obtaining the results of, tests for HIV infection.

(7) "Positive" means an indication of HIV infection.

(8) "Prostituted individual" means an individual engaged in prostitution or sexual solicitation.

(9) "Prostitution" means engaging in sexual activity with another individual in exchange for a fee or the functional equivalent of a fee.

(10) "Public place" means a place to which the public or any substantial group of the public has access.

(11) "Sexual activity" means, regardless of the [~~gender~~] sex of either participant:

(a) an act of masturbation, sexual intercourse, or any sexual act involving the genitals of one individual and the mouth or anus of another individual; or

(b) the touching of the genitals, female breast, or anus of one individual with any other body part of another individual with the intent to sexually arouse or gratify either individual.

(12) "Sexual solicitation" means the conduct described in Section 76-5d-209, sexual

solicitation by an actor offering to engage in sexual activity for compensation.

(13) "Test" means a test for HIV infection in accordance with standards recommended by the Department of Health and Human Services.

Section 58. Section **77-7-17.5** is amended to read:

77-7-17.5 (Effective 05/06/26). Physical body cavity search policy -- Requirements.

(1) As used in this section:

(a) "Arrestee" means an individual who is in the custody of law enforcement for an offense for which the individual has not been convicted.

(b)(i) "Body cavity" includes the anus, rectum, vagina, esophagus, or stomach.

(ii) "Body cavity" does not include the mouth, ear canal, or nasal passages.

(c)(i) "Physical body cavity search" means a search of a body cavity of an individual that involves touching the individual with:

(A) any part of another individual's body; or

(B) an instrument or other item.

(ii) "Physical body cavity search" does not include a clothed, pat down search.

(2) Each county jail shall adopt and implement a policy that meets the minimum standards contained in a model policy established by the Commission on Criminal and Juvenile Justice.

(3) The model policy shall specify the minimum standards and procedures to be followed by the county jail when a body cavity search is performed on an arrestee within the county jail's jurisdiction, including:

(a) stating with specificity the circumstances under which a body cavity search may be performed on an arrestee;

(b) designating who may authorize the performance of a body cavity search;

(c) designating specific jail staff or medical personnel who may perform a body cavity search;

(d) requiring any nonmedically trained jail staff who may perform a body cavity search to be trained on safe practices for conducting a body cavity search;

(e) requiring documentation of each body cavity search performed at the correctional facility, including:

(i) the identity of the arrestee searched;

(ii) the date, time, and location of the search;

(iii) the identity of the individual performing the search;

(iv) the identity of the individual authorizing the search;

(v) a description of the body areas searched and the procedures followed in performing the search; and

(vi) the circumstances necessitating the body cavity search; and

(f) designating rules and procedures to be followed, by authorized staff, when performing a body cavity search that account for the health and privacy interests of the arrestee, including:

(i) the location where a body cavity search must be performed;

(ii) the [~~gender~~] sex requirements of the individuals who perform or observe the search in relation to the [~~gender~~] sex of the arrestee being searched; and

(iii) methods to ensure the body cavity search is conducted with the minimal amount of touching necessary to effectuate the purposes of the search.

(4) A county jail's body cavity search policy is a public record.

Section 59. Section **78A-2-110** is amended to read:

78A-2-110 (Effective 05/06/26). Databases for judicial boards.

(1) As used in this section, "judicial board" means any judicial branch board, commission, council, committee, working group, task force, study group, advisory group, or other body with a defined limited membership that is created to operate for more than six months by:

(a) the constitution;

(b) statute;

(c) judicial order;

(d) any justice or judge;

(e) the Judicial Council;

(f) the state court administrator, a district court administrator, trial court executive, or a business and chancery court administrator; or

(g) any clerk or administrator in the judicial branch of state government.

(2) The Judicial Council shall designate an individual from the Judicial Council's staff to maintain a computerized database containing information about all judicial boards.

(3) The individual designated to maintain the database shall:

(a) ensure that the database contains:

(i) the name of the judicial board;

(ii) the statutory or constitutional authority for the creation of the judicial board;

(iii) the court or other judicial entity under whose jurisdiction the judicial board

operates or with which the judicial board is affiliated, if any;

(iv) the name, address, [~~gender~~] sex, telephone number, and county of each individual currently serving on the judicial board, along with a notation of all vacant or unfilled positions;

(v) the title of the position held by the individual who appointed each member of the judicial board;

(vi) the length of the term to which each member of the judicial board was appointed and the month and year that each judicial board member's term expires;

(vii) the organization, interest group, profession, local government entity, or geographic area that the member of the judicial board represents, if any;

(viii) whether or not the judicial board allocates state or federal funds and the amount of those funds allocated during the last fiscal year;

(ix) whether the judicial board is a policy board or an advisory board;

(x) whether or not the judicial board has or exercises rulemaking authority; and

(xi) any compensation and expense reimbursement that members of the executive board are authorized to receive;

(b) make the information contained in the database available to the public upon request;

(c) cooperate with other entities of state government to publish the data or useful summaries of the data;

(d) prepare, publish, and distribute an annual report by April 1 of each year that includes, as of March 1 of that year:

(i) the total number of judicial boards;

(ii) the name of each of those judicial boards and the court, council, administrator, executive, or clerk under whose jurisdiction the executive board operates or with which the judicial board is affiliated, if any;

(iii) for each court, council, administrator, executive, or clerk, the total number of judicial boards under the jurisdiction of or affiliated with that court, council, administrator, executive, or clerk;

(iv) the total number of members for each of those judicial boards;

(v) whether each board is a policymaking board or an advisory board and the total number of policy boards and the total number of advisory boards; and

(vi) the compensation, if any, paid to the members of each of those judicial boards; and

(e) distribute copies of the report described in Subsection (3)(d) to:

(i) the chief justice of the Utah Supreme Court;

(ii) the state court administrator;

(iii) the governor;

(iv) the president of the Utah Senate;

(v) the speaker of the Utah House;

(vi) the Office of Legislative Research and General Counsel; and

(vii) any other persons who request a copy of the annual report.

Section 60. Section **78B-6-2401** is amended to read:

78B-6-2401 (Effective 05/06/26). Definitions.

As used in this part:

(1) "AMA guides" means the edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment in effect at the time of the performance of an examination or test on an exposed individual.

(2) "Asbestos" means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, asbestiform winchite, asbestiform richterite, asbestiform amphibole minerals, and any of these minerals that have been chemically treated or altered, including all minerals defined as asbestos in 29 C.F.R. Sec. 1910 at the time the asbestos action is filed.

(3) "Asbestosis" means bilateral diffuse interstitial fibrosis of the lungs caused by the inhalation of asbestos fibers.

(4)(a) "Asbestos action" means a claim for damages or other civil or equitable relief presented in a civil action resulting from, based on, or related to:

(i) the health effects of exposure to asbestos, including:

(A) loss of consortium;

(B) wrongful death;

(C) mental or emotional injury;

(D) risk or fear of disease or other injury; and

(E) costs of medical monitoring or surveillance; and

(ii) any other derivative claim made by or on behalf of an individual exposed to asbestos or a representative, spouse, parent, child, or other relative of that individual.

(b) "Asbestos action" does not include a claim for workers' compensation or veterans benefits.

(5) "Asbestos trust" means a:

(a) government-approved or court-approved trust that is intended to provide compensation to claimants arising out of, based on, or related to the health effects of exposure to asbestos or asbestos-containing products;

(b) qualified settlement fund that is intended to provide compensation to claimants arising out of, based on, or related to the health effects of exposure to asbestos or asbestos-containing products;

(c) compensation fund or claims facility created as a result of an administrative or legal action that is intended to provide compensation to claimants arising out of, based on, or related to the health effects of exposure to asbestos or asbestos-containing products;

(d) court-approved bankruptcy that is intended to provide compensation to claimants arising out of, based on, or related to the health effects of exposure to asbestos or asbestos-containing products; or

(e) plan of reorganization or trust pursuant to 11 U.S.C. Sec. 524(g) or 11 U.S.C. Sec. 1121(a) or other applicable provision of law that is intended to provide compensation to claimants arising out of, based on, or related to the health effects of exposure to asbestos or asbestos-containing products.

(6) "ATS testing standards" means the official technical statements from the American Thoracic Society for pulmonary function testing in effect at the time of the performance of an examination or test on an exposed individual.

(7) "Board-certified physician in internal medicine" means a licensed physician who is certified by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine.

(8) "Board-certified physician in occupational medicine" means a licensed physician who is certified in the specialty of:

(a) occupational medicine by the American Board of Preventative Medicine; or

(b) occupational and environmental medicine by the American Osteopathic Board of Preventative Medicine.

(9) "Board-certified physician in pathology" means a licensed physician:

(a) who holds primary certification in anatomic pathology or clinical pathology from the American Board of Pathology or the American Osteopathic Board of Pathology; and

(b) whose professional practice is principally in the field of pathology involving regular evaluation of pathology materials obtained from surgical or postmortem specimens.

(10) "Board-certified physician in pulmonary medicine" means a licensed physician who is

certified in the specialty of pulmonary medicine by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine.

(11) "Certified B reader" means a physician who is certified as a B reader by the National Institute for Occupational Safety and Health.

(12) "Chest x-ray" means a chest film taken in accordance with applicable state and federal laws and taken in the posterior-anterior view.

(13) "Exposed individual" means an individual whose exposure to asbestos is the basis for the asbestos action.

(14) "FEV1" means the maximal volume of air expelled in the first second during performance of spirometry.

(15) "FEV1/FVC ratio" means the ratio that is calculated from FEV1 divided by FVC.

(16) "FVC" means the maximal volume of air expired with maximum effort from a position of full inspiration.

(17) "ILO system" means the system for the classification of chest x-rays provided in the International Labour Office's Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses in effect at the time of the performance of an examination or test on an exposed individual.

(18) "Law firm" means a person that employs a lawyer.

(19) "Lawyer" means an individual who is authorized to provide legal services in any state or territory of the United States.

(20)(a) "Nonmalignant condition" means a condition that may be caused by asbestos other than a diagnosed cancer.

(b) "Nonmalignant condition" does not include asbestos-related lung cancer accompanied by asbestosis.

(21) "Pathological evidence of asbestosis" means a statement by a board-certified physician in pathology that more than one representative section of lung tissue demonstrates a pattern of peribronchiolar or parenchymal scarring in the presence of characteristic asbestos bodies and there is no other more likely explanation for the presence of the fibrosis.

(22) "Plaintiff" means:

(a) the person bringing the asbestos action, including a personal representative if the asbestos action is brought by an estate; or

(b) a conservator or next friend if the asbestos action is brought on behalf of a minor or legally incapacitated individual.

(23) "Plethysmography" means the test for determining lung volume in which the exposed individual is enclosed in a chamber equipped to measure pressure, flow, or volume change.

(24) "Predicted lower limit of normal" means the fifth percentile of healthy populations based on age, height, and [~~gender~~] sex as referenced in the AMA guides.

(25) "Pulmonary function testing" means spirometry, lung volume testing, and diffusion capacity testing, including appropriate measurements, quality control data, and graphs, that are performed in accordance with the methods of calibration and techniques provided in the AMA guides and the ATS testing standards in effect at the time of the performance of a test on an exposed individual.

(26) "Qualified physician" means a licensed physician who:

(a) is a board-certified physician in internal medicine, a board-certified physician in occupational medicine, a board-certified physician in pathology, or a board-certified physician in pulmonary medicine, as is appropriate to the diagnostic specialty in question;

(b)(i) conducted a physical examination of the exposed individual and took a detailed occupational, exposure, medical, smoking, and social history from the exposed individual; or

(ii) if the exposed individual is deceased, reviewed the pathology material and took a detailed history from the individual most knowledgeable about the information forming the basis of the asbestos action;

(c)(i) treated the exposed individual and had a physician-patient relationship with the exposed individual at the time of the physical examination; or

(ii) if the licensed physician is a board-certified physician in pathology, examined tissue samples or pathological slides of the exposed individual;

(d) prepared or directly supervised the preparation and final review of a medical report under this part; and

(e) has not relied on any examinations, tests, radiographs, reports, or opinions of a doctor, clinic, laboratory, or testing company that performed an examination, test, radiograph, or screening of the exposed individual in violation of a law, regulation, licensing requirement, or medical ethics requirement of the state in which the examination, test, radiograph, or screening of the exposed individual was conducted.

(27) "Radiological evidence of asbestosis" means a quality 1 or 2 chest x-ray showing bilateral small, irregular opacities, classified by width as s, t, or u, that occur primarily in

the lower lung zones graded by a certified B reader as at least 1/0 on the ILO system.

(28) "Radiological evidence of diffuse bilateral pleural thickening" means a quality 1 or 2 chest x-ray showing diffuse bilateral pleural thickening of at least b2 on the ILO system and blunting of at least one costophrenic angle as classified by a certified B reader.

(29) "Spirometry" means a test of air capacity of the lung through a spirometer that measures the volume of air inspired and expired.

(30) "Supporting test results" means a report by a certified B reader, x-ray examinations, diagnostic imaging of the chest, pathology reports, pulmonary function testing, and other tests, which are reviewed by the diagnosing physician or qualified physician in reaching the physician's conclusions.

(31) "Sworn declaration" means the same as that term is defined in Section 78B-18a-102.

(32) "Timed gas dilution" means a method for measuring total lung capacity in which the individual breaths into a spirometer containing a known concentration of an inert and insoluble gas for a specific time and the concentration of that inert and insoluble gas in the lung is compared to the concentration of that type of gas in the spirometer.

(33) "Total lung capacity" means the volume of gas contained in the lungs at the end of the maximal inspiration.

(34) "Trust claims materials" means a final executed proof of claim and all other documents and information related to a claim against an asbestos trust, including:

(a) claims forms and supplementary materials;

(b) affidavits;

(c) depositions and trial testimony;

(d) work history;

(e) medical and health records;

(f) documents reflecting the status of a claim against an asbestos trust; and

(g) all documents relating to the settlement of the trust claim if the trust claim has settled.

(35) "Trust governance documents" means all documents that relate to eligibility and payment levels, including:

(a) claims payment matrices; and

(b) trust distribution procedures or plans for reorganization for an asbestos trust.

(36) " Veterans benefits" means a program for benefits in connection with military service administered by the United States Department of Veterans Affairs under United States Code, Title 38, Veterans Benefits.

(37)(a) "Workers' compensation" means a program administered by the United States or

a state to provide benefits, funded by a responsible employer or the employer's insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries.

(b) "Workers' compensation" includes the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. Sec. 901 et seq., and Federal Employees' Compensation Act, 5 U.S.C. Sec. 8101 et seq.

(c) "Workers' compensation" does not include the Federal Employers' Liability Act, 45 U.S.C. Sec. 51 et seq.

Section 61. Section **79-2-203** is amended to read:

79-2-203 (Effective 05/06/26). Policy board members.

(1) Members of a policy board within the department shall be appointed consistent with the following criteria:

(a) geographical distribution;

(b) expertise or personal experience with subject matter;

(c) diversity of opinion and political preference; and

(d) [~~gender~~] sex, cultural, and ethnic representation.

(2) The governor may remove a member at any time for official misconduct, habitual or willful neglect of duty, or for other good and sufficient cause.

(3) No member of the Legislature may serve as a member of a division policy board.

(4)(a) In addition to the disclosures required by Section 67-16-7, a board member shall disclose any conflict of interest to the board.

(b) Notwithstanding Section 67-16-9, a board member with a substantial conflict may serve on the board if the member refrains from voting on a board action when the conflict involves:

(i) a direct financial interest in the subject under consideration; or

(ii) an entity or asset that could be substantially affected by the outcome of board action.

Section 62. Section **81-9-204** is amended to read:

81-9-204 (Effective 05/06/26). Custody and parent-time of a minor child -- Custody factors -- Preferences.

(1) In a proceeding between parents in which the custody and parent-time of a minor child is at issue, the court shall consider the best interests of the minor child in determining any form of custody and parent-time.

(2) The court shall determine whether an order for custody or parent-time is in the best

interests of the minor child by a preponderance of the evidence.

(3) In determining any form of custody and parent-time under Subsection (1), the court shall consider:

(a) for each parent, and in accordance with Section 81-9-104, evidence of domestic violence, physical abuse, or sexual abuse involving the minor child, the parent, or a household member of the parent;

(b) whether the parent has intentionally exposed the minor child to:

(i) pornography; or

(ii) material harmful to minors, as "material" and "harmful to minors" are defined in Section 76-5c-101; and

(c) whether custody and parent-time would endanger the minor child's health or physical or psychological safety.

(4) In determining the form of custody and parent-time that is in the best interests of the minor child, the court may consider, among other factors the court finds relevant, the following for each parent:

(a) evidence of psychological maltreatment;

(b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the developmental needs of the minor child, including the minor child's:

(i) physical needs;

(ii) emotional needs;

(iii) educational needs;

(iv) medical needs; and

(v) any special needs;

(c) the parent's capacity and willingness to function as a parent, including:

(i) parenting skills;

(ii) co-parenting skills, including:

(A) ability to appropriately communicate with the other parent;

(B) ability to encourage the sharing of love and affection; and

(C) willingness to allow frequent and continuous contact between the minor child and the other parent, except that, if the court determines that the parent is acting to protect the minor child from domestic violence, neglect, or abuse, the parent's protective actions may be taken into consideration; and

(iii) ability to provide personal care rather than surrogate care;

(d) the past conduct and demonstrated moral character of the parent as described in

Subsection (9);

(e) the emotional stability of the parent;

(f) the parent's inability to function as a parent because of drug abuse, excessive drinking, or other causes;

(g) the parent's reason for having relinquished custody or parent-time in the past;

(h) duration and depth of desire for custody or parent-time;

(i) the parent's religious compatibility with the minor child;

(j) the parent's financial responsibility;

(k) the child's interaction and relationship with step-parents, extended family members of other individuals who may significantly affect the minor child's best interests;

(l) who has been the primary caretaker of the minor child;

(m) previous parenting arrangements in which the minor child has been happy and well-adjusted in the home, school, and community;

(n) the relative benefit of keeping siblings together;

(o) the stated wishes and concerns of the minor child, taking into consideration the minor child's cognitive ability and emotional maturity;

(p) the relative strength of the minor child's bond with the parent, meaning the depth, quality, and nature of the relationship between the parent and the minor child; and

(q) any other factor the court finds relevant.

(5)(a) A minor child may not be required by either party to testify unless the trier of fact determines that extenuating circumstances exist that would necessitate the testimony of the minor child be heard and there is no other reasonable method to present the minor child's testimony.

(b)(i) The court may inquire and take into consideration the minor child's desires regarding future custody or parent-time schedules, but the expressed desires are not controlling and the court may determine the minor child's custody or parent-time otherwise.

(ii) The desires of a minor child who is 14 years old or older shall be given added weight, but is not the single controlling factor.

(c)(i) If an interview with a minor child is conducted by the court in accordance with Subsection (5)(b), the interview shall be conducted by the court in camera.

(ii) The prior consent of the parties may be obtained but is not necessary if the court finds that an interview with a minor child is the only method to ascertain the minor child's desires regarding custody.

(6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody.

(b) The court may not consider the disability of a parent as a factor in awarding custody or modifying an award of custody based on a determination of a substantial change in circumstances, unless the court makes specific findings that:

(i) the disability significantly or substantially inhibits the parent's ability to provide for the physical and emotional needs of the minor child at issue; and

(ii) the parent with a disability lacks sufficient human, monetary, or other resources available to supplement the parent's ability to provide for the physical and emotional needs of the minor child at issue.

(c) Nothing in this section may be construed to apply to adoption proceedings under Chapter 13, Adoption.

(7) This section does not establish:

(a) a preference for either parent solely because of the [~~gender~~] sex of the parent; or

(b) a preference for or against joint physical custody or sole physical custody, but allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the minor child.

(8) When an issue before the court involves custodial responsibility in the event of a deployment of a parent who is a service member and the service member has not yet been notified of deployment, the court shall resolve the issue based on the standards in Sections 81-10-306 through 81-10-309.

(9) In considering the past conduct and demonstrated moral standards of each party under Subsection (4)(d) or any other factor a court finds relevant, the court may not:

(a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently than the court would consider or treat the lawful possession or use of any prescribed controlled substance; or

(ii) discriminate against a parent because of the parent's status as a:

(A) cannabis production establishment agent, as that term is defined in Section

4-41a-102;

(B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;

(C) medical cannabis courier agent, as that term is defined in Section 26B-4-201; or

(D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or

(b) discriminate against a parent based upon the parent's agreement or disagreement with a minor child of the couple's:

(i) assertion that the minor child's gender identity is different from the minor child's biological sex;

(ii) practice of having or expressing a different gender identity than the minor child's biological sex; or

(iii) sexual orientation.

(10)(a) The court shall consider evidence of domestic violence if evidence of domestic violence is presented.

(b) The court shall consider as primary, the safety and well-being of the minor child and the parent who experiences domestic violence.

(c) A court shall consider an order issued by a court in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or substantiated potential harm to the minor child.

(d) If a parent relocates because of an act of domestic violence or family violence by the other parent, the court shall make specific findings and orders with regards to the application of Section 81-9-209.

(11) Absent a showing by a preponderance of evidence of real harm or substantiated potential harm to the minor child:

(a) it is in the best interest of the minor child to have frequent, meaningful, and continuing access to each parent following separation or divorce;

(b) each parent is entitled to and responsible for frequent, meaningful, and continuing access with the parent's minor child consistent with the minor child's best interests; and

(c) it is in the best interest of the minor child to have both parents actively involved in parenting the minor child.

(12) Notwithstanding any other provision of this chapter, the court may not grant custody or parent-time of a minor child to a parent convicted of a sexual offense, as defined in

Section 77-37-2, that resulted in the conception of the minor child unless:

(a) the nonconvicted biological parent, or the legal guardian of the minor child, consents to custody or parent-time and the court determines it is in the best interest of the minor child to award custody or parent-time to the convicted parent; or

(b) after the date of the conviction, the convicted parent and the nonconvicted parent cohabit and establish a mutual custodial environment for the minor child.

(13) A denial of custody or parent-time under Subsection (12) does not:

(a) terminate the parental rights of the parent denied parent-time or custody; or

(b) affect the obligation of the convicted parent to financially support the minor child.

Section 63. Section **81-9-402** is amended to read:

81-9-402 (Effective 05/06/26). Custody and visitation for individuals other than a parent -- Venue.

(1)(a) In accordance with Section 80-2a-201, it is the public policy of this state that a parent retain the fundamental right and duty to exercise primary control over the care, supervision, upbringing, and education of a minor child of the parent.

(b) There is a rebuttable presumption that a parent's decisions are in the minor child's best interests.

(2) The presumption in Subsection [~~(1)~~] (1)(b) is rebutted and a court may grant custodial or visitation rights to an individual other than a parent if the court finds, by clear and convincing evidence, that the individual seeking custodial or visitation rights has established that:

(a) the individual has intentionally assumed the role and obligations of a parent;

(b) the individual and the minor child have formed a substantial emotional bond and created a parent-child type relationship;

(c) the individual substantially contributed emotionally or financially to the minor child's well being;

(d) the assumption of the parental role is not the result of a financially compensated surrogate care arrangement;

(e) the continuation of the relationship between the individual and the minor child is in the minor child's best interest;

(f) the loss or cessation of the relationship between the individual and the minor child would substantially harm the minor child; and

(g) the parent:

(i) is absent as of the time of filing of the petition;

(ii) does not have the ability to exercise primary physical custody of the minor child as of the time of filing of the petition; or

(iii) has abused or neglected the minor child, or that another court has found that the parent has abused or neglected the minor child.

(3) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350, an individual shall file a verified petition, or a petition supported by an affidavit, for custodial or visitation rights to the minor child in the juvenile court if a matter is pending in the juvenile court, or in the district court in the county where the minor child:

(a) currently resides; or

(b) lived with a parent or an individual other than a parent who acted as a parent within six months before the commencement of the action.

(4) An individual may file a petition under this section in a pending divorce, parentage action, or other proceeding, including a proceeding in the juvenile court involving custody of or visitation with a minor child.

(5) The petition shall include detailed facts supporting the petitioner's right to file the petition including the criteria set forth in Subsection (2) and residency information described in Section 81-11-209.

(6) An individual may not file a petition under this section against a parent who is actively serving outside the state in any branch of the military.

(7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the Utah Rules of Civil Procedure on all of the following:

(a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;

(b) any individual who has court-ordered custody or visitation rights;

(c) the minor child's guardian;

(d) the guardian ad litem, if one has been appointed;

(e) an individual or agency that has physical custody of the minor child or that claims to have custody or visitation rights; and

(f) any other individual or agency that has previously appeared in any action regarding custody of or visitation with the minor child.

(8) The court may order a custody evaluation to be conducted in any proceeding brought under this section.

(9) The court may enter temporary orders in a proceeding brought under this section pending the entry of final orders.

(10) Except as provided in Subsection (11), a court may not grant custody of a minor child

under this section to an individual:

(a) who is not the parent of the minor child; and

(b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no contest to a felony or attempted felony involving conduct that constitutes any of the following:

(i) child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-109.4, and 76-5-114;

(ii) child abuse homicide, as described in Section 76-5-208;

(iii) child kidnapping, as described in Section 76-5-301.1;

(iv) human trafficking of a child, as described in Section 76-5-308.5;

(v) sexual abuse of a minor, as described in Section 76-5-401.1;

(vi) rape of a child, as described in Section 76-5-402.1;

(vii) object rape of a child, as described in Section 76-5-402.3;

(viii) sodomy on a child, as described in Section 76-5-403.1;

(ix) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated sexual abuse of a child, as described in Section 76-5-404.3;

(x) sexual exploitation of a minor, as described in Section 76-5b-201;

(xi) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1; or

(xii) an offense in another state that, if committed in this state, would constitute an offense described in this Subsection (10).

(11)(a) As used in this Subsection (11), "disqualifying offense" means an offense listed in Subsection (10) that prevents a court from granting custody except as provided in this Subsection (11).

(b) An individual described in Subsection (10) may only be considered for custody of a minor child if the following criteria are met by clear and convincing evidence:

(i) the individual is a relative, as defined in Section 80-3-102, of the minor child;

(ii) at least 10 years have elapsed from the day on which the individual is successfully released from prison, jail, parole, or probation related to a disqualifying offense;

(iii) during the 10 years before the day on which the individual files a petition with the court seeking custody the individual has not been convicted, plead guilty, or plead no contest to an offense greater than an infraction or traffic violation that would likely impact the health, safety, or well-being of the minor child;

(iv) the individual can provide evidence of successful treatment or rehabilitation

directly related to the disqualifying offense;

(v) the court determines that the risk related to the disqualifying offense is unlikely to cause harm, as defined in Section 80-1-102, or potential harm to the minor child currently or at any time in the future when considering all of the following:

(A) the minor child's age;

(B) the minor child's [~~gender~~] sex;

(C) the minor child's development;

(D) the nature and seriousness of the disqualifying offense;

(E) the preferences of a minor child who is 12 years old or older;

(F) any available assessments, including custody evaluations, parenting assessments, psychological or mental health assessments, and bonding assessments; and

(G) any other relevant information;

(vi) the individual can provide evidence of the following:

(A) the relationship with the minor child is of long duration;

(B) that an emotional bond exists with the minor child; and

(C) that custody by the individual who has committed the disqualifying offense ensures the best interests of the minor child are met;

(vii)(A) there is no other responsible relative known to the court who has or likely could develop an emotional bond with the minor child and does not have a disqualifying offense; or

(B) if there is a responsible relative known to the court that does not have a disqualifying offense, Subsection (11)(d) applies; and

(viii) that the continuation of the relationship between the individual with the disqualifying offense and the minor child could not be sufficiently maintained through any type of visitation if custody were given to the relative with no disqualifying offense described in Subsection (11)(d).

(c) The individual with the disqualifying offense bears the burden of proof regarding why placement with that individual is in the best interest of the minor child over another responsible relative or equally situated individual who does not have a disqualifying offense.

(d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to the court who does not have a disqualifying offense:

(i) preference for custody is given to a relative who does not have a disqualifying

offense; and

(ii) before the court may place custody with the individual who has the disqualifying offense over another responsible, willing, and able relative:

(A) an impartial custody evaluation shall be completed; and

(B) a guardian ad litem shall be assigned.

(12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final decision on custody has not been made and to a case filed on or after March 25, 2017.

Section 64. Section **81-12-105** is amended to read:

81-12-105 (Effective 05/06/26). Contents of petition.

(1)(a) A petition under this chapter must be verified and include a copy of any existing child custody determination, if available.

(b) The petition must specify the risk factors for abduction, including the relevant factors described in Section 81-12-106.

(2) Subject to Subsection 81-11-209(5), if reasonably ascertainable, the petition must contain:

(a) the name, date of birth, and [~~gender~~] sex of the minor child;

(b) the customary address and current physical location of the minor child;

(c) the identity, customary address, and current physical location of the respondent;

(d) a statement of whether a prior action to prevent abduction or domestic violence has been filed by a party or other individual or entity having custody of the minor child, and the date, location, and disposition of the action;

(e) a statement of whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect, and the date, location, and disposition of the case; and

(f) any other information required to be submitted to the court for a child custody determination under Section 81-11-209.

Section 65. Section **81-12-106** is amended to read:

81-12-106 (Effective 05/06/26). Factors to determine risk of abduction.

(1) In determining whether there is a credible risk of abduction of a minor child, the court shall consider any evidence that the petitioner or respondent:

(a) has previously abducted or attempted to abduct the minor child;

(b) has threatened to abduct the minor child;

(c) has recently engaged in activities that may indicate a planned abduction, including:

(i) abandoning employment;

(ii) selling a primary residence;

(iii) terminating a lease;

(iv) closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;

(v) applying for a passport or visa or obtaining travel documents for the respondent, a family member, or the minor child; or

(vi) seeking to obtain the minor child's birth certificate or school or medical records;

(d) has engaged in domestic violence, stalking, or child abuse or neglect;

(e) has refused to follow a child custody determination;

(f) lacks strong familial, financial, emotional, or cultural ties to the state or the United States;

(g) has strong familial, financial, emotional, or cultural ties to another state or country;

(h) is likely to take the minor child to a country that:

(i) is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted minor child;

(ii) is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:

(A) the Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;

(B) is noncompliant according to the most recent compliance report issued by the United States Department of State; or

(C) lacks legal mechanisms for immediately and effectively enforcing a return order under the Hague Convention on the Civil Aspects of International Child Abduction;

(iii) poses a risk that the minor child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the minor child or because of human rights violations committed against a minor child;

(iv) has laws or practices that would:

(A) enable the respondent, without due cause, to prevent the petitioner from contacting the minor child;

(B) restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's [~~gender~~] sex, nationality, marital status, or religion; or

(C) restrict the minor child's ability legally to leave the country after the minor

child reaches the age of majority because of a minor child's [~~gender~~] sex, nationality, or religion;

(v) is included by the United States Department of State on a current list of state sponsors of terrorism;

(vi) does not have an official United States diplomatic presence in the country; or

(vii) is engaged in active military action or war, including a civil war, to which the minor child may be exposed;

(i) is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

(j) has had an application for United States citizenship denied;

(k) has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver license, or other government-issued identification card or has made a misrepresentation to the United States government;

(l) has used multiple names to attempt to mislead or defraud; or

(m) has engaged in any other conduct the court considers relevant to the risk of abduction.

(2) In the hearing on a petition under this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the minor child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the minor child.

Section 66. Section **81-13-203** is amended to read:

81-13-203 (Effective 05/06/26). Who may adopt -- Adoption of a minor child.

(1) An adult may adopt a minor child in accordance with this section and this chapter.

(2) Except as otherwise provided in this section and subject to the placement requirements described in Section 81-13-403, a minor child may be adopted by:

(a) adults who are legally married to each other in accordance with the laws of this state, including adoption by a stepparent; or

(b) an adult who is not married.

(3) If an adult is cohabiting in a relationship that is not a legally valid and binding marriage under the laws of this state, the adult may not adopt a minor child unless the individual is a relative of the minor child or a recognized placement under the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et seq.

(4) A married adult who is lawfully separated from the married adult's spouse may not adopt a minor child without the consent of the married adult's spouse if the spouse is capable of giving consent.

(5) An adult may not adopt a minor child unless:

(a) the adult is at least 10 years older than the minor child; or

(b) at least one adult of a married couple is at least 10 years older than the minor child if a married couple is adopting the minor child.

(6) Except as provided in Subsection (7), an adult may not adopt a minor child if, before adoption is finalized, the adult has been convicted of, pleaded guilty to, or pleaded no contest to a felony or attempted felony involving conduct that constitutes:

(a) child abuse, as described in Section 76-5-109;

(b) aggravated child abuse, as described in Section 76-5-109.2;

(c) child abandonment, as described in Section 76-5-109.3;

(d) child torture, as described in Section 76-5-109.4;

(e) commission of domestic violence in the presence of a child, as described in Section 76-5-114;

(f) child abuse homicide, as described in Section 76-5-208;

(g) child kidnapping, as described in Section 76-5-301.1;

(h) human trafficking of a child, as described in Section 76-5-308.5;

(i) sexual abuse of a minor, as described in Section 76-5-401.1;

(j) rape of a child, as described in Section 76-5-402.1;

(k) object rape of a child, as described in Section 76-5-402.3;

(l) sodomy on a child, as described in Section 76-5-403.1;

(m) sexual abuse of a child, as described in Section 76-5-404.1;

(n) aggravated sexual abuse of a child, as described in Section 76-5-404.3;

(o) sexual exploitation of a minor, as described in Section 76-5b-201;

(p) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1; or

(q) an offense in another state that, if committed in this state, would constitute an offense described in this Subsection (6).

(7)(a) As used in this Subsection (7), "disqualifying offense" means an offense listed in Subsection (6) that prevents a court from considering an adult for adoption of a minor child except as provided in this Subsection (7).

(b) An adult described in Subsection (6) may only be considered for adoption of a minor child if the following criteria are met by clear and convincing evidence:

(i) at least 10 years have elapsed from the day on which the adult is successfully released from prison, jail, parole, or probation related to a disqualifying offense;

(ii) during the 10 years before the day on which the adult files a petition with the court seeking adoption, the adult has not been convicted, pleaded guilty, or pleaded no contest to an offense greater than an infraction or traffic violation that would likely impact the health, safety, or well-being of the minor child;

(iii) the adult can provide evidence of successful treatment or rehabilitation directly related to the disqualifying offense;

(iv) the court determines that the risk related to the disqualifying offense is unlikely to cause harm, as defined in Section 80-1-102, or potential harm to the minor child currently or at any time in the future when considering all of the following:

(A) the minor child's age;

(B) the minor child's [~~gender~~] sex;

(C) the minor child's development;

(D) the nature and seriousness of the disqualifying offense;

(E) the preferences of a minor child who is 12 years old or older;

(F) any available assessments, including custody evaluations, home studies, pre-placement adoptive evaluations, parenting assessments, psychological or mental health assessments, and bonding assessments; and

(G) any other relevant information;

(v) the adult can provide evidence of all of the following:

(A) the relationship with the minor child is of long duration;

(B) that an emotional bond exists with the minor child; and

(C) that adoption by the individual who has committed the disqualifying offense ensures the best interests of the minor child are met; and

(vi) the adoption is by:

(A) a stepparent whose spouse is the adoptee's parent and consents to the adoption; or

(B) subject to Subsection (7)(d), a relative of the minor child, as defined in Section 80-3-102, and there is not another relative without a disqualifying offense filing an adoption petition.

(c) The adult with the disqualifying offense bears the burden of proof regarding why adoption with that adult is in the best interest of the minor child over another responsible relative or equally situated adult who does not have a disqualifying

offense.

(d) If there is an alternative responsible relative who does not have a disqualifying offense filing an adoption petition:

(i) preference for adoption shall be given to a relative who does not have a disqualifying offense; and

(ii) before the court may grant adoption to the adult who has the disqualifying offense over another responsible, willing, and able relative:

(A) an impartial custody evaluation shall be completed; and

(B) a guardian ad litem shall be assigned.

(8) Subsections (6) and (7) apply to a case pending on March 25, 2017, for which a final decision on adoption has not been made and to a case filed on or after March 25, 2017.

Section 67. **Repealer.**

This bill repeals:

Section **26B-1-239, Systematic medical evidence review of hormonal transgender treatments.**

Section 68. **Effective Date.**

This bill takes effect on May 6, 2026.