

Representative **Matthew H. Gwynn** proposes the following amendments:

1. *Line 40:*

40 (5) (a) "Medical examination" means a physical examination an employer requires as a
41 condition of pre-employment, employment, or continued employment.
42 (b) "Medical examination" includes drug testing.
43 (c) **"Medical examination" does not include an appointment conducted to obtain clearance**
for an employee to return to work following an injury or illness that occurs outside the course
and scope of employment.

2. *Line 55 through 62:*

55 any employee or person applying for employment to submit to or obtain a physical
56 examination, unless such employer shall pay all costs of such physical examination.]
57 (1) An employer may not:
58 (a) charge an individual a fee for a medical examination; {or}
59 (b) require an individual to obtain a medical examination unless the employer pays the
60 costs the health care provider charges the individual {;};
61 (c) **require an employee to receive a medical exam that the employer requires outside of the**
employee's shift without pay; or
62 (d) **require an employee to use leave to receive a medical exam that the employer requires.**
63 (2) An employer may not require an individual to pay for a medical examination even if
64 the employer reimburses the individual.

3. *Line 85 through 93:*

85 (ii) the penalty for a period not to exceed 20 days.
86 (d) The division shall:
87 (i) retain 50% of the money the division receives from a penalty payment under
88 Subsection (3)(b) for the costs of administering this chapter; and
89 **{(ii) pay the sum the division retains under Subsection (3)(d)(i) to the state treasurer; }**
90 **{and}**
91 **{(iii)} (ii) pay the 50% not retained under Subsection (3)(d)(i) to the individual.**
92 (4) The commission may make rules in accordance with Title 63G, Chapter 3, Utah
93 Administrative Rulemaking Act, to enforce this chapter.