

Employment Medical Examination Expense Amendments

House Amendments

Amendment 2

February 04, 2026 01:52 PM

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.

(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 { ~~:~~ } ;

(c) require an employee to receive a medical exam that the employer requires outside of the employee's shift without pay; or

(d) require an employee to use leave to receive a medical exam that the employer requires.

61 (2) An employer may not require an individual to pay for a medical examination even if
 62 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.