

1 **Employment Medical Examination Expense Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: Derrin R. Owens

2
3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions relating to an expense when an employer requires a medical
6 examination.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▸ defines terms;
- 10 ▸ prohibits an employer from requiring an individual to pay for a medical examination;
- 11 ▸ prohibits an employer from using reimbursement to cover the cost of a medical
12 examination;
- 13 ▸ provides a mechanism for enforcement;
- 14 ▸ grants rulemaking authority to the Labor Commission; and
- 15 ▸ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **34-33-101**, Utah Code Annotated 1953

23 **34-33-103**, Utah Code Annotated 1953

24 RENUMBERS AND AMENDS:

25 **34-33-102**, (Renumbered from 34-33-1, as last amended by Laws of Utah 2024, Chapter
26 365)

27 **34-33-104**, (Renumbered from 34-33-2, as last amended by Laws of Utah 2018, Chapter

28 148)

29

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

31 Section 1. Section **34-33-101** is enacted to read:

32 **34-33-101 . Definitions.**

33 As used in this chapter:

34 (1) "Commission" means the Labor Commission created in Section 34A-1-103.

35 (2) "Division" means the Division of Antidiscrimination and Labor created in Section
 36 34A-1-202.

37 (3)(a) "Employer" means the same as that term is defined in 29 U.S.C. Sec. 203.

38 (b) "Employer" includes a prospective employer.

39 (4) "Health care provider" means the same as that term is defined in Section 78B-3-403.

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 allow an
 44 employee to take or return from medical leave following an injury or illness that
 45 occurs outside the course and scope of employment.

46 Section 2. Section **34-33-102**, which is renumbered from Section 34-33-1 is renumbered
 47 and amended to read:

48 **[34-33-1] 34-33-102 . Unlawful for employer to charge employee medical**
 49 **examination fee.**

50 [It shall be unlawful for any person, firm, corporation or partnership to charge any
 - 51 person a medical fee for the physical examination of any applicant for employment with such
 - 52 person, firm, corporation or partnership, or to deduct the cost of such physical examination
 - 53 from the money earned by such employee or to make any charge for or to deduct from the
 - 54 earnings of such employee any medical fee for any physical examination upon the
 - 55 re-employment of any employee who may have discontinued such employment, or who may
 - 56 have been discharged or whose employment has otherwise been terminated; nor shall any
 - 57 employer, as a condition of pre-employment, employment, or continued employment, require
 - 58 any employee or person applying for employment to submit to or obtain a physical
 - 59 examination, unless such employer shall pay all costs of such physical examination.]

60 (1) An employer may not:

61 (a) charge an individual a fee for a medical examination;

- 62 (b) require an individual to obtain a medical examination unless the employer pays the
63 costs the health care provider charges the individual;
64 (c) require an employee to receive a medical exam that the employer requires outside of
65 the employee's shift without pay; or
66 (d) require an employee to use leave to receive a medical exam that the employer
67 requires.

68 (2) An employer may not require an individual to pay for a medical examination even if
69 the employer reimburses the individual.

70 Section 3. Section **34-33-103** is enacted to read:

71 **34-33-103 . Enforcement -- Remedy -- Rulemaking authority.**

72 (1) The division shall enforce compliance with this chapter by:

- 73 (a) investigating alleged violations of this chapter; and
74 (b) determining the validity of a claim for a violation of this chapter that an individual
75 files with the division in accordance with Subsection (2).

76 (2)(a) An individual may file a claim with the division for a violation of this chapter.

77 (b) An individual shall file a claim under this Subsection (2) within one year after the
78 day on which the individual pays the employer a fee for a medical examination or
79 pays a health care provider for a medical examination.

80 (3)(a) If the division determines a claim filed in accordance with Subsection (2) is valid,
81 the division shall order the employer to reimburse the fee the individual paid to the
82 employer and the cost the individual paid to the health care provider for the medical
83 examination.

84 (b) The division may assess against an employer who violates this chapter, a penalty of
85 up to 5% of:

- 86 (i) the fee the individual paid to the employer; and
87 (ii) the cost the individual paid to the health care provider for the medical
88 examination.

89 (c) The division shall assess the penalty described in Subsection (3)(b) daily until the
90 employer pays:

- 91 (i) the individual the amount the employer owes to the individual; and
92 (ii) the penalty for a period not to exceed 20 days.

93 (d) The division shall:

- 94 (i) retain 50% of the money the division receives from a penalty payment under
95 Subsection (3)(b) for the costs of administering this chapter; and

96 (ii) pay the 50% not retained under Subsection (3)(d)(i) to the individual.

97 (4) The commission may make rules in accordance with Title 63G, Chapter 3, Utah

98 Administrative Rulemaking Act, to enforce this chapter.

99 Section 4. Section **34-33-104**, which is renumbered from Section 34-33-2 is renumbered
100 and amended to read:

101 **[34-33-2] 34-33-104 . Violation a misdemeanor.**

102 [~~Any person, firm, corporation or partnership violating~~] A person that violates the
103 provisions of this chapter is guilty of a class B misdemeanor.

104 Section 5. **Effective Date.**

105 This bill takes effect on May 6, 2026.