

1 **Speech, Language, and Hearing Occupations Licensing Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Evan J. Vickers

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies the regulations for hearing professionals.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▸ defines terms;
- 9 ▸ allows the division to create temporary working groups when no board is available to
- 10 assist the division;
- 11 ▸ allows an audiologist to supervise a hearing instrument specialist intern;
- 12 ▸ repeals the creation of the Speech-language Pathologist and Audiologist Licensing Board;
- 13 ▸ repeals the exemption permitting an individual to receive licensure as a speech-language
- 14 pathologist or an audiologist from the State Board of Education;
- 15 ▸ creates an alternative path for licensure as an audiologist and as a speech-language
- 16 pathologist;
- 17 ▸ aligns the unprofessional conduct standards of a hearing instrument specialist with the
- 18 unprofessional conduct standards of audiologists; and
- 19 ▸ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **53E-6-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
27 Session, Chapter 9

28 **53E-6-702 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 186
29 **53F-2-310 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 186
30 **53F-2-405 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 165
31 **53F-5-217 (Effective 05/06/26)**, as enacted by Laws of Utah 2020, Chapter 362
32 **53G-11-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 484
33 **53G-11-512 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 484
34 **58-1-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapter 181
35 **58-46a-102 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah
36 2020, Chapter 154
37 **58-46a-302 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah
38 2020, Chapter 339
39 **58-46a-302.5 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of
40 Utah 2023, Chapter 303
41 **58-46a-303 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah
42 2023, Chapter 303
43 **58-46a-305 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah
44 2019, Chapter 349
45 **58-46a-401 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994,
46 Chapter 28
47 **58-46a-501 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah
48 2020, Chapter 154
49 **58-46a-502 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah
50 2020, Chapter 154
51 **58-46a-503 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1998,
52 Chapter 249
53 **63I-2-253 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
54 Session, Chapter 9
55 **63I-2-258 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 277
56 **76-3-203.2 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 181

ENACTS:

57
58 **58-41-501 (Effective 05/06/26)**, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

59
60 **58-41-101 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-2, as last
61 amended by Laws of Utah 2020, Chapter 424)

62 **58-41-102 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-13, as
63 last amended by Laws of Utah 2009, Chapter 183)
64 **58-41-103 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-16, as
65 last amended by Laws of Utah 2025, Chapter 302)
66 **58-41-201 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-6, as last
67 amended by Laws of Utah 1993, Chapter 297)
68 **58-41-301 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-5, as last
69 amended by Laws of Utah 2024, Chapter 137)
70 **58-41-302 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-8, as last
71 amended by Laws of Utah 1993, Chapter 297)
72 **58-41-303 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-12, as
73 repealed and reenacted by Laws of Utah 1993, Chapter 297)
74 **58-41-304 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-5.5, as
75 enacted by Laws of Utah 2010, Chapter 397)
76 **58-41-305 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-4, as last
77 amended by Laws of Utah 2023, Chapter 329)
78 **58-41-306 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-17, as
79 last amended by Laws of Utah 2017, Chapter 43)
80 **58-41-307 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-14, as
81 last amended by Laws of Utah 1989, Chapter 207)
82 **58-41-401 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-9, as
83 repealed and reenacted by Laws of Utah 1993, Chapter 297)
84 **58-41-502 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-15, as
85 last amended by Laws of Utah 1989, Chapter 207)

REPEALS:

87 **58-41-1 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah
88 1989, Chapter 207
89 **58-41-3 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah
90 2020, Chapter 424
91 **58-46a-101 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994,
92 Chapter 28
93 **58-46a-304 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994,
94 Chapter 28
95

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

97 Section 1. Section **53E-6-102** is amended to read:

98 **53E-6-102 (Effective 05/06/26). Definitions.**

99 As used in this chapter:

- 100 (1) "Certificate" means a license issued by a governmental jurisdiction outside the state.
- 101 (2) "DOD civilian" means the same as that term is defined in Section 53H-11-202.
- 102 (3) "Educator" means:
- 103 (a) a person who holds a license;
- 104 (b) a teacher, counselor, administrator, librarian, or other person required, under rules of
- 105 the state board, to hold a license; [or]
- 106 (c) for an audiologist or a speech language pathologist, an individual who an LEA
- 107 employs and holds a credential from:
- 108 (i) the Division of Professional Licensing in accordance with Title 58, Chapter 41,
- 109 Speech-Language Pathology and Audiology Licensing Act; or
- 110 (ii) the State Board of Education; or
- 111 [(e)] (d) a person who is the subject of an allegation which has been received by an LEA,
- 112 the state board, or UPPAC and was, at the time noted in the allegation, a license
- 113 holder or a person employed in a position requiring licensure.
- 114 (4) "License" means an authorization issued by the state board that permits the holder to
- 115 serve in a professional capacity in the public schools.
- 116 (5) "National Board certification" means a current certificate issued by the National Board
- 117 for Professional Teaching Standards.
- 118 (6) "School" means a public or private entity that provides educational services to a minor
- 119 child.
- 120 (7) "UPPAC" means the Utah Professional Practices Advisory Commission.

121 Section 2. Section **53E-6-702** is amended to read:

122 **53E-6-702 (Effective 05/06/26). Reimbursement of legal fees and costs to**

123 **educators.**

124 (1) As used in this section:

- 125 (a) "Action" means any action, except those referred to in Section 52-6-201, brought
- 126 against an educator by an individual or entity other than:
- 127 (i) the entity who licenses the educator; and
- 128 (ii) the LEA that employs the educator or employed the educator at the time of the
- 129 alleged act or omission.

- 130 (b) "Educator" means:
- 131 (i) an individual who holds or is required to hold a license as defined by the state
- 132 board and is employed by an LEA located within the state[-] ; or
- 133 (ii) for an audiologist or a speech language pathologist, an individual who an LEA
- 134 employs and holds a credential from:
- 135 (A) the Division of Professional Licensing in accordance with Title 58, Chapter 41,
- 136 Speech-Language Pathology and Audiology Licensing Act; or
- 137 (B) the State Board of Education.
- 138 (2) Except as otherwise provided in Section 52-6-201, an educator is entitled to recover [
- 139 ~~reasonable attorneys' fees~~] reasonable attorney fees and costs incurred in the educator's
- 140 defense against an individual or entity who initiates an action against the educator if:
- 141 (a) the action is brought for any act or omission of the educator during the performance
- 142 of the educator's duties within the scope of the educator's employment; and
- 143 (b) it is dismissed or results in findings favorable to the educator.
- 144 (3) An educator who recovers under this section is also entitled to recover reasonable [
- 145 ~~attorneys' fees~~] attorney fees and costs necessarily incurred by the educator in recovering
- 146 the [~~attorneys' fees~~] attorney fees and costs allowed under Subsection (2).
- 147 Section 3. Section **53F-2-310** is amended to read:
- 148 **53F-2-310 (Effective 05/06/26). Stipends for special educators for additional days**
- 149 **of work.**
- 150 (1) As used in this section:
- 151 (a) "Special education teacher" means a teacher whose primary assignment is the
- 152 instruction of students with disabilities who are eligible for special education services.
- 153 (b) "Special educator" means a person employed by a school district, charter school, or
- 154 the Utah Schools for the Deaf and the Blind who holds:
- 155 (i) a license issued by the state board or, for a speech language pathologist, an
- 156 individual who an LEA employs and holds a credential from:
- 157 (A) the Division of Professional Licensing in accordance with Title 58, Chapter 41,
- 158 Speech-Language Pathology and Audiology Licensing Act; or
- 159 (B) the State Board of Education; and
- 160 (ii) a position as a:
- 161 (A) special education teacher;
- 162 (B) speech-language pathologist; or
- 163 (C) teacher of the deaf or hard of hearing;

- 164 (2) The Legislature shall annually appropriate money for stipends to special educators for
165 additional days of work:
- 166 (a) in recognition of the added duties and responsibilities assumed by special educators
167 to comply with federal law regulating the education of students with disabilities and
168 the need to attract and retain qualified special educators; and
169 (b) subject to future budget constraints.
- 170 (3)(a) The state board shall distribute money appropriated under this section to school
171 districts, charter schools, and the Utah Schools for the Deaf and the Blind for
172 stipends for special educators in the amount of \$200 per day for up to 10 additional
173 working days.
- 174 (b) Money distributed under this section shall include, in addition to the \$200 per day
175 stipend, money for the following employer-paid benefits:
- 176 (i) retirement;
177 (ii) workers' compensation;
178 (iii) Social Security; and
179 (iv) Medicare.
- 180 (4) A special educator receiving a stipend shall:
- 181 (a) work an additional day beyond the number of days contracted with the special
182 educator's school district or school for each daily stipend;
- 183 (b) schedule the additional days of work before or after the school year; and
184 (c) use the additional days of work to perform duties related to the IEP process,
185 including:
- 186 (i) administering student assessments;
187 (ii) conducting IEP meetings;
188 (iii) writing IEPs;
189 (iv) conferring with parents; and
190 (v) maintaining records and preparing reports.
- 191 (5) A special educator may:
- 192 (a) elect to receive a stipend for one to 10 days of additional work; or
193 (b) elect to not receive a stipend.
- 194 (6) A person who does not hold a full-time position as a special educator is eligible for a
195 partial stipend equal to the percentage of a full-time special educator position the person
196 assumes.
- 197 Section 4. Section **53F-2-405** is amended to read:

198 **53F-2-405 (Effective 05/06/26). Educator salary adjustments.**

199 (1) As used in this section, "educator" means a person employed by [~~a school district,~~
200 ~~charter school,~~] an LEA or regional education service agency [~~, or the Utah Schools for~~
201 ~~the Deaf and the Blind~~] who holds:

202 (a)(i) a license issued by the state board; and

203 (ii) a position as a:

204 (A) classroom teacher;

205 (B) speech pathologist;

206 (C) librarian or media specialist;

207 (D) preschool teacher;

208 (E) mentor teacher;

209 (F) teacher specialist or teacher leader;

210 (G) guidance counselor;

211 (H) audiologist;

212 (I) psychologist; or

213 (J) social worker; or

214 (b)(i) a license issued by the Division of Professional Licensing; and

215 (ii) a position as:

216 (A) a social worker[-];

217 (B) audiologist; or

218 (C) speech language pathologist.

219 (2) In recognition of the need to attract and retain highly skilled and dedicated educators,
220 the Legislature shall annually appropriate money for educator salary adjustments,
221 subject to future budget constraints.

222 (3)(a) The state board shall distribute to each school district, each charter school, each
223 regional education service agency, and the Utah Schools for the Deaf and the Blind
224 money that the Legislature appropriates for educator salary adjustments based on the
225 number of educator positions described in Subsection (1) in the school district, the
226 charter school, each regional education service agency, or the Utah Schools for the
227 Deaf and the Blind.

228 (b) Notwithstanding Subsection (3)(a), if appropriations are insufficient to provide the
229 full amount of educator salary adjustments described in this section, the state board
230 shall distribute money appropriated for educator salary adjustments to school
231 districts, charter schools, each regional education service agency, and the Utah

232 Schools for the Deaf and the Blind in proportion to the number of
233 full-time-equivalent educator positions in a school district, a charter school, each
234 regional education service agency, or the Utah Schools for the Deaf and the Blind as
235 compared to the total number of full-time-equivalent educator positions in school
236 districts, charter schools, each regional education service agency, and the Utah
237 Schools for the Deaf and the Blind.

238 (4) A school district, a charter school, each regional education service agency, or the Utah
239 Schools for the Deaf and the Blind shall award bonuses to educators as follows:

240 (a) for fiscal year 2026, the amount of the salary adjustment for each
241 full-time-equivalent educator is:

242 (i) if Chapter 6, Part 4, Utah Fits All Scholarship Program, is funded and in effect,
243 \$10,350; or

244 (ii) if Chapter 6, Part 4, Utah Fits All Scholarship Program, is not funded and in
245 effect, \$5,175;

246 (b) an individual who is not a full-time educator shall receive a partial salary adjustment
247 based on the number of hours the individual works as an educator;

248 (c) a salary adjustment may not be awarded if an educator has received an unsatisfactory
249 rating on the educator's three most recent evaluations; and

250 (d) for a fiscal year beginning on or after July 1, 2024, the amount of the salary
251 adjustment is equal to:

252 (i) the amount of salary adjustment in the preceding fiscal year; and

253 (ii) a percentage increase that is equal to the percentage increase in the value of the
254 WPU in the preceding fiscal year.

255 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
256 state board:

257 (a) shall make rules to ensure that the LEAs do not:

258 (i) reduce or supplant a compensation increase from an increase in the WPU value
259 with an increase from the salary supplement in this section; or

260 (ii) reduce or artificially limit a teacher's salary to convert the salary supplement in
261 this section into a windfall to the LEA; and

262 (b) may make rules as necessary to administer this section.

263 (6)(a) Subject to future budget constraints, the Legislature shall appropriate sufficient
264 money each year to:

265 (i) maintain educator salary adjustments provided in prior years; and

- 266 (ii) provide educator salary adjustments to new employees.
- 267 (b) Money appropriated for educator salary adjustments shall include money for the
- 268 following employer-paid benefits:
- 269 (i) retirement;
- 270 (ii) worker's compensation;
- 271 (iii) social security; and
- 272 (iv) Medicare.
- 273 (7)(a) Subject to future budget constraints, the Legislature shall:
- 274 (i) maintain the salary adjustments provided to school administrators in the 2007-08
- 275 school year; and
- 276 (ii) provide salary adjustments for new school administrators in the same amount as
- 277 provided for existing school administrators.
- 278 (b) The appropriation provided for educator salary adjustments described in this section
- 279 shall include salary adjustments for school administrators as specified in Subsection
- 280 (7)(a).
- 281 (c) In distributing and awarding salary adjustments for school administrators, the state
- 282 board, a school district, a charter school, each regional education service agency, or
- 283 the Utah Schools for the Deaf and the Blind shall comply with the requirements for
- 284 the distribution and award of educator salary adjustments as provided in Subsections
- 285 (3) and (4).

286 Section 5. Section **53F-5-217** is amended to read:

287 **53F-5-217 (Effective 05/06/26). Grants for new and aspiring principals.**

- 288 (1) As used in this section:
- 289 (a) "Aspiring principal" means an educator who is:
- 290 (i) employed by an LEA; and
- 291 (ii) pursuing a school leadership license or license area of concentration through
- 292 enrollment in a state board approved school leadership program.
- 293 (b) "Educator" means:
- 294 (i) an individual who holds a professional educator license described in Section
- 295 53E-6-201[-] ; or
- 296 (ii) for an audiologist or a speech language pathologist, an individual who an LEA
- 297 employs and holds a credential from:
- 298 (A) the Division of Professional Licensing in accordance with Title 58, Chapter 41,
- 299 Speech-Language Pathology and Audiology Licensing Act; or

- 300 (B) the State Board of Education.
- 301 (c) "Eligible applicant" means one of the following that has established a mentoring
302 program for new principals, or agrees to establish a mentoring program during the
303 first year of funding, that meets the requirements as described in Subsection (6):
304 (i) a single LEA;
305 (ii) a group of more than one LEA that submits a joint application; or
306 (iii) a regional education service agency as described in Section 53G-4-410.
- 307 (d) "Internship" means an extended supervised experience for an aspiring principal to
308 engage in the work of a principal, designed to build and demonstrate the
309 competencies required for a school leadership license or license area of concentration.
- 310 (e) "New principal" means a principal hired by an LEA within the previous three years
311 who has not been previously employed as a principal by the LEA.
- 312 (f)(i) "Principal" means a school-level leader with executive authority, including:
313 (A) a principal;
314 (B) an assistant principal;
315 (C) a charter school director; or
316 (D) another school-based administrator.
- 317 (ii) "Principal" does not include:
318 (A) a school district administrator; or
319 (B) a director of two or more charter schools.
- 320 (g) "Residency" means a clinical experience for an aspiring principal that:
321 (i) takes place in a new setting, other than the aspiring principal's current position; and
322 (ii) that is designed to build and demonstrate the competencies required for a school
323 leadership license or license area of concentration.
- 324 (2)(a) An eligible applicant may apply to the state board for a grant to provide
325 professional learning and training activities for a new principal or an aspiring
326 principal.
- 327 (b) Subject to legislative appropriations, the state board shall award a grant to an eligible
328 applicant on a qualifying or competitive basis.
- 329 (c) The state board may award a grant to an eligible applicant for up to five years.
- 330 (d) The state board shall determine an eligible applicant's grant amount based on a
331 formula determined by the state board as described Subsection (6).
- 332 (3)(a) A grant recipient that receives a grant under this section may use the grant award:
333 (i) to provide mentoring activities to a new principal;

- 334 (ii) to provide job-embedded experiences such as an internship or residency to an
335 aspiring principal to help the aspiring principal meet school leader standards and
336 competencies required for licensure as a principal;
- 337 (iii) for activities designed to improve principal leadership, including:
338 (A) hiring a principal supervisor or a principal coach;
339 (B) providing professional learning activities to help a principal meet school
340 leadership standards and competencies for principal licensure established by
341 the state board; and
342 (C) other activities determined by the state board in Subsection (6); and
343 (iv) for planning purposes during the first year of the grant award.
- 344 (b) A grant recipient that receives a grant award under this section shall use the grant
345 award for activities that are evidenced-based.
- 346 (4) A grant recipient that receives a grant award under this section shall report to the state
347 board on the performance measures and reporting requirements described in Subsection
348 (6).
- 349 (5) On or before the November 2026 meeting, the state board shall report to the Education
350 Interim Committee on:
351 (a) the information described in Subsection (4); and
352 (b) for each grant recipient:
353 (i) how the grant recipient used the grant award;
354 (ii) the number and percent of principals receiving the professional learning and
355 training activities described in Subsection (3);
356 (iii) survey data collected from participating new principals and aspiring principals
357 regarding the quality and effectiveness of the professional learning and training
358 activities described in Subsection (3);
359 (iv) retention rates for all principals;
360 (v) teacher retention rates in each school with a new principal or aspiring principal
361 receiving the professional learning and training activities described in Subsection
362 (3); and
363 (vi) school accountability data described in Title 53E, Chapter 5, Accountability, for
364 each year the grant recipient uses the grant award to provide new and aspiring
365 principals with the professional learning and training activities described in
366 Subsection (3).
- 367 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

368 state board shall make rules establishing:

- 369 (a) mentoring program requirements for new principals;
- 370 (b) grant application and award procedures including a formula for determining an
- 371 eligible applicant's grant award amount;
- 372 (c) performance measures and reporting requirements for a grant recipient;
- 373 (d) principal leadership standards and competencies;
- 374 (e) a grant award distribution schedule; and
- 375 (f) professional learning activities to improve principal leadership for which a grant
- 376 recipient may use a grant award.

377 Section 6. Section **53G-11-501** is amended to read:

378 **53G-11-501 (Effective 05/06/26). Definitions.**

379 As used in this part:

- 380 (1) "Administrator" means an individual who supervises educators and holds an appropriate
- 381 license.
- 382 (2) "Career educator" means a licensed employee who has a reasonable expectation of
- 383 continued employment under the policies of a local school board.
- 384 (3) "Career employee" means an employee of a school district who has obtained a
- 385 reasonable expectation of continued employment based upon Section 53G-11-503 and
- 386 an agreement with the employee or the employee's association, district practice, or
- 387 policy.
- 388 (4) "Chronically absent" means a student who:
 - 389 (a) was enrolled in an LEA for at least 60 calendar days; and
 - 390 (b) missed 10% or more days of instruction, whether the absence was excused or not.
- 391 (5) "Contract term" or "term of employment" means the period of time during which an
- 392 employee is engaged by the school district under a contract of employment, whether oral
- 393 or written.
- 394 (6) "Dismissal" or "termination" means:
 - 395 (a) termination of the status of employment of an employee;
 - 396 (b) failure to renew or continue the employment contract of a career employee beyond
 - 397 the then-current school year;
 - 398 (c) reduction in salary of an employee not generally applied to all employees of the same
 - 399 category employed by the school district during the employee's contract term; or
 - 400 (d) change of assignment of an employee with an accompanying reduction in pay, unless
 - 401 the assignment change and salary reduction are agreed to in writing.

- 402 (7) "Educator" means an individual employed by a school district who is required to hold a
403 professional license issued by the state board or, for an audiologist or a speech language
404 pathologist, an individual who an LEA employs and holds a credential from the State
405 Board of Education or from the Division of Professional Licensing in accordance with
406 Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, except:
407 (a) a superintendent; or
408 (b) an individual who works less than three hours per day or is hired for less than half of
409 a school year.
- 410 (8)(a) "Employee" means a career or provisional employee of a school district, except as
411 provided in Subsection (7)(b).
412 (b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not
413 include:
414 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the
415 Blind;
416 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf
417 and the Blind; or
418 (iii) a temporary employee.
- 419 (9) "Formative evaluation" means a planned, ongoing process which allows educators to
420 engage in reflection and growth of professional skills as related to the Utah Effective
421 Teaching Standards.
- 422 (10) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates the
423 termination of an employee who started to work for a district most recently before
424 terminating a more senior employee.
- 425 (11) "Provisional educator" means an educator employed by a school district who has not
426 achieved status as a career educator within the school district.
- 427 (12) "Provisional employee" means an individual, other than a career employee or a
428 temporary employee, who is employed by a school district.
- 429 (13) "School board" means a local school board or, for the Utah Schools for the Deaf and
430 the Blind, the state board.
- 431 (14) "School district" or "district" means:
432 (a) a public school district; or
433 (b) the Utah Schools for the Deaf and the Blind.
- 434 (15) "Summative evaluation" means an evaluation that:
435 (a) a supervisor conducts;

- 436 (b) summarizes an educator's performance during an evaluation cycle; and
437 (c) a supervisor or school district may use to make decisions related to an educator's
438 employment.
- 439 (16) "Temporary employee" means an individual who is employed on a temporary basis as
440 defined by policies adopted by the school board. If the class of employees in question is
441 represented by an employee organization recognized by the school board, the school
442 board shall adopt the school board's policies based upon an agreement with that
443 organization. Temporary employees serve at will and have no expectation of continued
444 employment.
- 445 (17)(a) "Unsatisfactory performance" means a deficiency in performing work tasks that
446 may be:
- 447 (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
 - 448 (ii) remediated through training, study, mentoring, or practice.
- 449 (b) "Unsatisfactory performance" does not include the following conduct that is
450 designated as a cause for termination under Section 53G-11-512 or a reason for
451 license discipline by the state board or Utah Professional Practices Advisory
452 Commission:
- 453 (i) a violation of work policies;
 - 454 (ii) a violation of school board policies, state board rules, or law;
 - 455 (iii) a violation of standards of ethical, moral, or professional conduct; or
 - 456 (iv) insubordination.
- 457 Section 7. Section **53G-11-512** is amended to read:
- 458 **53G-11-512 (Effective 05/06/26). Local school board to establish dismissal**
459 **procedures.**
- 460 (1) A local school board shall, by contract with its employees or their associations, or by
461 resolution of the local school board, establish procedures for dismissal of employees in
462 an orderly manner without discrimination.
- 463 (2) The local school board shall ensure that the procedures described in Subsection (1)
464 include:
- 465 (a) standards of due process;
 - 466 (b) causes for dismissal; and
 - 467 (c) procedures and standards related to developing and implementing a plan of
468 assistance for a career employee whose performance is unsatisfactory.
- 469 (3) The local school board shall ensure that the procedures and standards for a plan of

- 470 assistance adopted under Subsection (2)(c) require a plan of assistance to identify:
- 471 (a) specific, measurable, and actionable deficiencies;
- 472 (b) the available resources provided for improvement; and
- 473 (c) a course of action to improve employee performance.
- 474 (4) If a career employee exhibits both unsatisfactory performance as described in
- 475 Subsection [~~53G-11-501(16)(a)~~] 53G-11-501(17)(a) and conduct described in Subsection [~~53G-11-501(16)(b)~~] 53G-11-501(17)(b), an employer:
- 476
- 477 (a) may:
- 478 (i) attempt to remediate the conduct of the career employee; or
- 479 (ii) terminate the career employee for cause if the conduct merits dismissal consistent
- 480 with procedures established by the local school board; and
- 481 (b) is not required to develop and implement a plan of assistance for the career
- 482 employee, as provided in Section 53G-11-514.
- 483 (5) If the conduct of a career employee described in Subsection (4) is satisfactorily
- 484 remediated, and unsatisfactory performance issues remain, an employer shall develop
- 485 and implement a plan of assistance for the career employee, as provided in Section
- 486 53G-11-514.
- 487 (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily
- 488 remediated, an employer:
- 489 (a) may dismiss the career employee for cause in accordance with procedures
- 490 established by the local school board that include standards of due process and causes
- 491 for dismissal; and
- 492 (b) is not required to develop and implement a plan of assistance for the career
- 493 employee, as provided in Section 53G-11-514.
- 494 Section 8. Section **58-1-203** is amended to read:
- 495 **58-1-203 (Effective 05/06/26). Duties, functions, and responsibilities of division in**
- 496 **collaboration with board -- Construction Services Commission.**
- 497 (1) [~~The following duties, functions, and responsibilities of the division shall be performed~~
- 498 ~~by the division with the collaboration and assistance of the appropriate board:] The~~
- 499 division shall perform the following duties, functions, and responsibilities with the
- 500 collaboration and assistance of the appropriate board:
- 501 (a) defining which schools, colleges, universities, departments of universities, military
- 502 educational and training programs, or other institutions of learning are reputable and
- 503 in good standing with the division;

- 504 (b) prescribing license qualifications;
- 505 (c) prescribing rules governing applications for licenses;
- 506 (d) providing for a fair and impartial method of examination of applicants;
- 507 (e) defining unprofessional conduct, by rule, to supplement the definitions under this
- 508 chapter or other licensing chapters;
- 509 (f) establishing advisory peer committees to the board and prescribing their scope of
- 510 authority; and
- 511 (g) establishing conditions for reinstatement and renewal of licenses.
- 512 (2) Notwithstanding Subsection (1), the duties, functions, and responsibilities of the
- 513 division outlined in Subsection (1) shall, instead, be performed by the Construction
- 514 Services Commission for all purposes of Title 58, Chapter 55, Utah Construction Trades
- 515 Licensing Act.
- 516 (3) If no appropriate board is available to advise the division, the division may create
- 517 temporary working groups with members of the relevant occupation and the public to
- 518 assist the division in executing the duties, functions, and responsibilities described in
- 519 Subsection (1).

520 Section 9. Section **58-41-101**, which is renumbered from Section 58-41-2 is renumbered

521 and amended to read:

522 **CHAPTER 41. Speech-Language Pathology and Audiology Licensing Act**

523 **Part 1. General Provisions**

524 **~~[58-41-2]~~ 58-41-101 (Effective 05/06/26) (Repealed 07/01/29). Definitions.**

525 [In addition to the definitions in Section 58-1-102, as] As used in this chapter:

- 526 (1) "AAA" means the American Academy of Audiology.
- 527 (2) "ABA" means the American Board of Audiology.
- 528 (3) "ASHA" means the American Speech-Language-Hearing Association.
- 529 [~~(2) "Association" means the Utah Speech-Language-Hearing Association.~~]
- 530 [~~(3)~~] (4) "Audiologist" means [a person who practices audiology or who holds himself out to
- 531 the public directly or indirectly by any means, act, title, identification, performance,
- 532 method, or procedure as one who nonmedically examines, measures, tests, interprets,
- 533 evaluates, assesses, diagnoses, directs, instructs, treats, counsels, prescribes, and
- 534 recommends for persons affected by or suspected of having disorders of or conditions of
- 535 hearing loss, or assists persons in achieving the reception, communication, and
- 536 perception of sound and determines the range, nature, and degree of hearing function

537 related to communication needs, or provides audiology services and uses audio
538 electronic equipment and provides audiology services and consultation regarding noise
539 control and hearing conservation, conducts tests and interpretation of vestibular function
540 and nystagmus, prepares ear impressions and provides ear molds, aids, accessories,
541 prescriptions, and prostheses for hearing, evaluates sound environment and equipment,
542 and calibrates instruments used in testing and supplementing auditory function. A
543 person is deemed to be an audiologist if the person directly or indirectly provides or
544 offers to provide these services or functions set forth in Subsection (4) or any related
545 function.] an independent hearing and balance healthcare practitioner with the education
546 to assess, diagnose, manage, and non-medically treat disorders of the auditory and
547 vestibular systems across the lifespan.

548 [(4)] (5)(a) ["Audiology" means the application of principles, methods, and procedures,
549 and measuring, testing, examining, interpreting, diagnosing, predicting, evaluating,
550 prescribing, consulting, treating, instructing, and researching, which is related to
551 hearing, vestibular function, and the disorders of hearing, to related language and
552 speech disorders and to aberrant behavior related to hearing loss or vestibular
553 function, for the purpose of preventing and modifying disorders related to hearing
554 loss or vestibular function, and planning, directing, managing, conducting, and
555 participating in hearing conservation, evoked potentials evaluation, nonmedical
556 tinnitus evaluation or treatment, noise control, habilitation, and rehabilitation
557 programs, including hearing aid evaluation, assistive listening device evaluation,
558 prescription, preparation, and dispensing, and auditory training and lip reading.]
559 "Audiology" means the prevention, diagnosis, and treatment of a disorder related to
560 hearing or vestibular function.

561 (b) "Audiology" includes administering and interpreting electrophysiologic
562 measurements of neural function.

563 [(5)] (6) ["Audiology aide"] "Audiology assistant" means an individual who:

- 564 (a) meets the minimum qualifications [established by the board for audiology aides.
565 Those qualifications shall be substantial but less than those established by this
566 chapter for licensing an audiologist] the division makes by rule in accordance with
567 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
568 (b) does not act independently; and
569 (c) works under the personal direction and direct supervision of a licensed audiologist
570 who accepts responsibility for the acts and performance of that audiology [aide]

- 571 assistant under this chapter.
- 572 [~~(6) "Board" means the Speech-language Pathology and Audiology Licensing Board~~
573 ~~created under Section 58-41-6.]~~
- 574 (7) "CCC" means the [~~certificate of clinical competence~~] Certificate of Clinical Competence
575 awarded by [~~the American Speech-Language-Hearing Association~~] ASHA.
- 576 (8)(a) "Licensed individual" means an individual who is:
- 577 (i) licensed under this chapter; or
- 578 (ii) licensed in accordance with Chapter 41a, Audiology and Speech-language
579 Pathology Interstate Compact, if the license is not expired, suspended, or revoked.
- 580 [~~(8) "CFY" means the clinical fellowship year prescribed by ASHA.]~~
- 581 (9) "Disorder" means the condition of decreased, absent, or impaired:
- 582 (a) auditory, speech, voice, or language function; or
- 583 (b) ability to communicate or swallow.
- 584 (10) "Hearing instrument" means the same as that term is defined in Section 58-46a-102.
- 585 (11) "Hearing [~~aid-~~] instrument dealer" means [~~one-~~] a person who sells, repairs, and adjusts [~~]~~
586 hearing aids] a hearing instrument.
- 587 [~~(11) "Licensed audiologist" means any individual to whom a license has been issued under~~
588 ~~this chapter or Chapter 41a, Audiology and Speech-language Pathology Interstate~~
589 ~~Compact, if the license is in force and has not been suspended or revoked.]~~
- 590 [~~(12) "Licensed speech-language pathologist" means any individual licensed under this~~
591 ~~chapter or Chapter 41a, Audiology and Speech-language Pathology Interstate Compact,~~
592 ~~if the license is in force and has not been suspended or revoked.]~~
- 593 [~~(13) "Person" means any individual, group, organization, partnership, or corporate body,~~
594 ~~except that only an individual may be licensed under this chapter.]~~
- 595 [~~(14)] (12)(a) "Invasive procedure" means a procedure that the division determines by~~
- 596 rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
597 presents a high-risk to a patient and impacts the essential functions of
598 communication, breathing, feeding, or swallowing.
- 599 (b) "Invasive procedure" includes:
- 600 (i) endoscopy;
- 601 (ii) fiberoptic endoscopic evaluation of swallowing;
- 602 (iii) pharyngeal electrical stimulation; and
- 603 (iv) tracheostomy management.
- 604 (13)(a) "Over-the-counter hearing aid" means an air-conduction hearing aid, as defined

- 605 in 21 C.F.R. Sec. 800.30(b), that is intended for use by a person that is at least 18
606 years old to compensate for mild to moderate hearing impairment.
- 607 (b) "Over-the-counter hearing aid" includes a device that is available over-the-counter,
608 without the supervision, prescription, or other order, involvement, or intervention of a
609 licensed person, to consumers through in-person transactions, by mail, or online.
- 610 (c) "Over-the-counter hearing aid" does not include a device that requires implantation
611 or other surgical intervention.
- 612 (14) "Practice of audiology" means rendering or offering to render to [individuals, groups,
613 agencies, organizations, industries] an individual, a group, an agency, an organization, an
614 industry, or the public [any performance or] a service in audiology.
- 615 (15) "Practice of speech-language pathology" [means rendering, prescribing, or offering to
616 render to individuals, groups, agencies, organizations, industries or the public any
617 service in speech-language pathology] means applying speech-language pathology to
618 identify, prevent, ameliorate, or modify a disorder of speech, voice, language, cognitive
619 communication, or swallowing.
- 620 (16) "Prescribe" means to:
- 621 (a) determine, specify, and give the directions, procedures, or rules for [a person] an
622 individual to follow in determining and ordering the preparation, delivery, and use of
623 specific mechanical, acoustic, or electronic aids to hearing or speech; and
- 624 (b) determine or designate a remedy for [a person] an individual.
- 625 (17) "Prescription" means a written or oral order for the delivery or execution of that which
626 has been prescribed.
- 627 (18) "Speech-language pathologist" means:
- 628 (a) [a person] an individual who practices speech-language pathology or who [holds
629 himself out to] represents to the public as a speech-language pathologist by [any
630 means, or by any] a service or function the [person] individual performs, directly or
631 indirectly, or by using the terms "speech-language pathologist," "speech-language
632 therapist," "language disability specialist," or [any] a variation, derivation, synonym,
633 coinage, or [whatever expresses, employs, or implies] expression or implication of
634 these terms, names, or functions; or
- 635 (b) [a person] an individual who performs [any of the functions] a function described in
636 Subsection (19) or [any related functions] a related function.
- 637 (19) "Speech-language pathology" means the application of principles, methods, and
638 procedures for [the examination, measurement, prevention, testing, identification,

639 evaluation, diagnosis, treatment, instruction, modification, prescription, restoration,
 640 counseling, habilitation, prediction, management, and research related to the
 641 development and the disorders or disabilities of human communication, speech, voice,
 642 language, cognitive communication, or oral, pharyngeal, or laryngeal sensorimotor
 643 competencies, for the purpose of identifying, evaluating, diagnosing, prescribing,
 644 preventing, managing, correcting, ameliorating, or modifying those disorders and their
 645 effects in individuals or groups of individuals] the measuring, testing, evaluating,
 646 predicting, counseling, treating, instructing, habilitating, or rehabilitating for speech,
 647 voice, language, communication, cognitive-communication, or the ability to swallow.

648 (20) [~~"Speech-language pathology aide"~~] "Speech-language pathology assistant" means an
 649 individual who:

650 (a) meets the minimum qualifications [~~established by the board for speech-language~~
 651 ~~pathology aides. Those qualifications shall be substantial but less than those~~
 652 ~~established by this chapter for licensing a speech-language pathologist~~] the division
 653 makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative
 654 Rulemaking Act;

655 (b) does not act independently; and

656 (c) works under the personal direction and direct supervision of a licensed
 657 speech-language pathologist who accepts the responsibility for the acts and
 658 performances of that speech-language pathology [~~aide~~] assistant while working under
 659 this chapter.

660 (21) "Treatment" means [~~the services of a speech-language pathologist or audiologist to~~
 661 ~~examine, diagnose, correct, or ameliorate~~] the examination, diagnosis, correction, or
 662 amelioration of a speech or hearing [disorders, abnormalities] disorder, abnormality, or
 663 behavior[, or their effects].

664 (22) "Unprofessional conduct" [~~as defined in~~] means the same as that term is defined in
 665 Section 58-1-501 and as [may be further defined by rule includes:] the division may
 666 further define by rule the division makes in accordance with Title 63G, Chapter 3, Utah
 667 Administrative Rulemaking Act.

668 [(a) failing to maintain a level of professional practice consistent with all initial and
 669 subsequent requirements by which a license is achieved or maintained under this
 670 chapter;]

671 [(b) utilizing substandard or inappropriate facilities or equipment;]

672 [(c) treating any disorder for which the licensee has not had the necessary training and

- 707 (a) The nonpublic members of the board shall be licensed to provide and shall be
 708 engaged in providing speech-language pathology or audiology services to the public
 709 as a major interest as follows:
- 710 (i) one member shall be in private practice as a primary professional interest and
 711 activity or shall be a provider or speech-language pathology or audiology services
 712 at large;
 - 713 (ii) one member shall be from a nonschool clinic setting which provides ongoing
 714 speech-language pathology or audiology services;
 - 715 (iii) one member shall be a provider of speech-language pathology and audiology
 716 services in the elementary or secondary schools; and
 - 717 (iv) one member shall be a provider of a speech-language pathology and audiology
 718 college or university training program.
- 719 (b) At no time may the board consist of more than two members who represent
 720 speech-language pathology or more than two members who represent audiology.
- 721 (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- 722 (3) The duties and responsibilities of the board shall be in accordance with Sections
 723 58-1-202 and 58-1-203.

724 Section 13. Section **58-41-301**, which is renumbered from Section 58-41-5 is renumbered
 725 and amended to read:

726 **Part 3. Licensure**

727 **~~[58-41-5]~~ 58-41-301 (Effective 05/06/26) (Repealed 07/01/29). Licensure**
 728 **requirements.**

- 729 ~~[(1) To obtain and maintain a license as an audiologist beginning July 1, 2010, an applicant~~
 730 ~~must:]~~
- 731 ~~[(a) submit a completed application in the form and content prescribed by the division~~
 732 ~~and pay a fee to the department in accordance with Section 63J-1-504;]~~
 - 733 ~~[(b) provide the committee with verification that the applicant is the legal holder of a~~
 734 ~~clinical doctor's degree or AuD, in audiology, from an accredited university or~~
 735 ~~college, based on a program of studies primarily in the field of audiology;]~~
 - 736 ~~[(c) be in compliance with the regulations of conduct and codes of ethics for the~~
 737 ~~profession of audiology;]~~
 - 738 ~~[(d) submit to the board certified evidence of having completed at least one academic~~
 739 ~~year of professional experience, at least 30 hours per week, of direct clinical~~
 740 ~~experience in treatment and management of patients, supervised and attested to by~~

- 741 one holding an audiologist license under this chapter, the CCC, or their full
742 equivalent; and]
- 743 ~~[(e) pass a nationally standardized examination in audiology which is the same as or~~
744 ~~equivalent to the examination required for the CCC and with pass-fail criteria~~
745 ~~equivalent to current ASHA standards, and the board may require the applicant to~~
746 ~~pass an acceptable practical demonstration of clinical skills to an examining~~
747 ~~committee of licensed audiologists appointed by the board.]~~
- 748 (1) An individual may not engage in the practice of audiology or the practice of
749 speech-language pathology without being a licensed individual.
- 750 (2) To obtain a license as an audiologist an applicant shall:
- 751 (a) submit a completed application in a form the division approves;
752 (b) pay a fee to the department in accordance with Section 63J-1-504;
753 (c)(i) submit evidence of a current and unrestricted ASHA Certificate of Clinical
754 Competence, an ABA Certification, or an equivalent as the division approves by
755 rule the division makes in accordance with Title 63G, Chapter 3, Utah
756 Administrative Rulemaking Act; or
- 757 (ii)(A) submit evidence that the applicant holds a clinical doctorate degree in
758 audiology from an accredited university or college;
- 759 (B) comply with the regulations of conduct and the codes of ethics for the
760 profession of audiology;
- 761 (C) submit evidence of having completed at least one academic year of
762 professional experience, consisting of at least 30 hours per week of direct
763 clinical experience in treatment and management of patients supervised and
764 attested to by a licensed audiologist or an audiologist certified by a national
765 organization as the division approves by rule made in accordance with Title
766 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 767 (D) pass a nationally standardized examination in audiology that is the same as, or
768 equivalent to, the examination required for the CCC, with pass-fail criteria
769 equivalent to current ASHA standards.
- 770 ~~[(2) To obtain and maintain a license as an audiologist prior to July 1, 2010, an applicant~~
771 ~~shall:]~~
- 772 ~~[(a) comply with Subsections (1)(a), (c), (d), and (e); and]~~
- 773 ~~[(b) provide the committee with verification that the applicant has received at least a~~
774 ~~master's degree in the area of audiology from an accredited university or college;~~

775 based on a program of studies primarily in the field of audiology, and holds the CCC
776 or its full equivalent.]

777 (3)(a) An individual who, [~~prior to July 1, 2010~~] before May 6, 2026, is licensed as an
778 audiologist under this chapter [~~is, on or after July 1, 2010~~], is considered to hold a
779 current license under this chapter as an audiologist and is subject to this chapter.

780 (b) Beginning on May 6, 2026, an individual who holds a credential issued by the State
781 Board of Education on or after July 1, 2020, and before May 6, 2026, and performs
782 the functions of a speech-language pathologist or audiologist, shall apply to the
783 division for licensure as a speech-language pathologist or audiologist and renew the
784 credential in accordance with Section 58-41-303.

785 (4)(a)(i) An audiology assistant shall meet the minimum qualifications the division
786 makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative
787 Rulemaking Act.

788 (ii) The division shall make the minimum qualifications substantial but less than
789 those established by this chapter for licensure as an audiologist.

790 (b) An audiology assistant shall work under the personal direction and direct supervision
791 of a licensed audiologist who accepts the responsibility for the acts and performances
792 of the audiology assistant.

793 (c) An audiology assistant shall work within the audiology assistant scope of practice, as
794 the division defines by rule the division makes in accordance with Title 63G, Chapter
795 3, Utah Administrative Rulemaking Act.

796 [~~(4)~~] (5) To obtain [~~and maintain~~] a license as a speech-language pathologist[;], an applicant [~~]~~
797 must] shall:

798 [(a) ~~comply with Subsection (1)(a);~~]

799 (a) submit a completed application in a form the division approves;

800 (b) pay a fee to the department in accordance with Section 63J-1-504; and

801 [(b)] (c)(i) submit evidence of a current and unrestricted ASHA Certificate of Clinical
802 Competence or an equivalent as the division approves by rule the division makes
803 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

804 (ii)(A) provide the [eommittee] division with verification that the applicant has
805 received at least a master's degree in speech-language pathology from an
806 accredited university or college, based on a program of studies primarily in the
807 field of speech-language pathology;

808 [(e)] (B) [~~be in compliance~~] comply with the regulations of conduct and code of

- 809 ethics for the profession of speech-language pathology;
- 810 ~~[(d)] (C)~~ ~~[comply with Subsection (1)(b), except that the supervision and~~
- 811 ~~attestation requirement shall be from a licensed speech-language pathologist~~
- 812 ~~rather than a licensed audiologist; and] submit to the division certified evidence~~
- 813 ~~of having completed at least one academic year of professional experience,~~
- 814 ~~consisting of at least 30 hours per week of direct clinical experience in~~
- 815 ~~treatment and management of patients supervised and attested to by a licensed~~
- 816 ~~speech-language pathologist, or a speech-language pathologist certified by the~~
- 817 ~~CCC, or an equivalent organization as the division approves by rule made in~~
- 818 ~~accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;~~
- 819 ~~and~~
- 820 (D) pass a nationally standardized examination in speech-language pathology that
- 821 is the same as, or equivalent to, the examination required for the CCC, with
- 822 pass-fail criteria equivalent to current ASHA standards.
- 823 ~~[(e) pass a nationally standardized examination in speech-language pathology which is~~
- 824 ~~the same as or equivalent to the examination required for the CCC and with pass-fail~~
- 825 ~~criteria equivalent to current ASHA standards, and the board may require the~~
- 826 ~~applicant to pass an acceptable practical demonstration of clinical skills to an~~
- 827 ~~examining committee of licensed speech-language pathologists appointed by the~~
- 828 ~~board.]~~
- 829 (6) To perform an invasive procedure, a speech-language pathologist shall comply with the
- 830 standards the division makes by rule in accordance with Title 63G, Chapter 3, Utah
- 831 Administrative Rulemaking Act.

832 Section 14. Section **58-41-302**, which is renumbered from Section 58-41-8 is renumbered

833 and amended to read:

834 **[~~58-41-8~~ 58-41-302 (Effective 05/06/26) (Repealed 07/01/29). Issuance of license.**

835 ~~[Upon the recommendation of the board the division shall issue licenses in accordance~~

836 ~~with Section 58-1-301.] After the division reviews and approves the application, the division~~

837 ~~shall issue a license in accordance with Section 58-1-301.~~

838 Section 15. Section **58-41-303**, which is renumbered from Section 58-41-12 is renumbered

839 and amended to read:

840 **[~~58-41-12~~ 58-41-303 (Effective 05/06/26) (Repealed 07/01/29). Term of license --**

841 **Expiration -- Renewal.**

842 (1)(a) Each license issued under this chapter shall be issued in accordance with a

843 two-year renewal cycle established by rule the division makes in accordance with
 844 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

845 (b) ~~[A renewal period may be extended or shortened.]~~ The division may extend or
 846 shorten the renewal period by as much as one year to maintain established renewal
 847 cycles or to change an established renewal cycle.

848 (c) The division shall make rules in accordance with Title 63G, Chapter 3, Utah
 849 Administrative Rulemaking Act, to determine the first renewal period of an
 850 individual described in Subsection 58-41-301(3)(b).

851 (2) ~~[At the time of renewal the licensee shall show satisfactory evidence of completion of~~
 852 ~~scheduled graduate level professional training, related clinically to the profession of~~
 853 ~~speech-language pathology or audiology, as may be established by the division by rule,~~
 854 ~~in cooperation with the board.]~~ At the time of renewal the licensee shall show
 855 satisfactory evidence of:

856 (a) completing 20 hours of continuing education that the division approves by rule made
 857 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 858 within the preceding two-year renewal cycle, consistent with standards for
 859 maintaining professional competency in audiology or speech-language pathology; or
 860 (b) possessing an active certification in good standing from a nationally recognized
 861 professional organization that requires continuing education equivalent to or
 862 exceeding 20 hours per two-year cycle.

863 (3) Each license automatically expires on the expiration date shown on the ~~[license unless~~
 864 ~~renewed by the licensee in accordance with Section 58-1-308]~~ license.

865 Section 16. Section **58-41-304**, which is renumbered from Section 58-41-5.5 is renumbered
 866 and amended to read:

867 **[58-41-5.5] 58-41-304 (Effective 05/06/26) (Repealed 07/01/29). Temporary**
 868 **licenses.**

869 ~~[(1)(a) The division may issue a temporary license to an applicant for an audiology~~
 870 ~~license who:]~~

871 ~~[(i) has obtained a master's or doctorate degree in audiology prior to July 1, 2010, or~~
 872 ~~a clinical doctorate degree in audiology or AuD, after June 30, 2010; and]~~

873 ~~[(ii) is practicing audiology in a year of clinical fellowship.]~~

874 ~~[(b) The temporary license is valid for up to 12 months.]~~

875 ~~[(2)(a) The division may issue a temporary license to an applicant for a~~
 876 ~~speech-language pathology license who:]~~

877 (i) has completed all requirements for licensure as a speech-language pathologist
878 under this chapter, except for Subsection 58-41-5(4)(d); and]

879 [(ii) is practicing speech-language pathology in a year of clinical fellowship.]

880 [(b) The temporary license is valid for up to 12 months.]

881 (1) The division may issue a temporary audiology license to an applicant who:

882 (a) obtains a master's or doctorate degree in audiology before July 1, 2010, or obtains a
883 clinical doctorate degree in audiology after June 30, 2010; and

884 (b) is practicing audiology for a year of clinical fellowship that the division approves.

885 (2) The division may issue a temporary speech-language pathology license to an applicant
886 who:

887 (a) completes all requirements for licensure as a speech-language pathologist, except for
888 Subsection 58-41-301(5)(c)(ii)(A); and

889 (b) is practicing speech-language pathology for a year of clinical fellowship.

890 (3) A temporary license is valid for up to 12 months from the day after the day on which the
891 division issues the temporary license.

892 Section 17. Section **58-41-305**, which is renumbered from Section 58-41-4 is renumbered
893 and amended to read:

894 **[~~58-41-4~~ 58-41-305 (Effective 05/06/26) (Repealed 07/01/29). Exemptions from**
895 **chapter.**

896 (1) [~~In addition to the exemptions from licensure in Section 58-1-307, the~~] The following [
897 persons may engage in the practice of] individuals may engage in the practice of
898 speech-language pathology [and] or the practice of audiology subject to the stated
899 circumstances and limitations without being [licensed under this chapter] a licensed
900 individual:

901 (a) a qualified [~~person~~] individual licensed in this state under [~~any~~] law existing in this
902 state [~~prior to~~] before May 13, 1975, engaging in the profession for which the [~~person~~]
903 individual is licensed;

904 (b) [~~a medical doctor, physician, physician assistant, or surgeon licensed in this state,~~
905 ~~engaging in his or her specialty in the practice of medicine]~~ a physician or a
906 physician's assistant;

907 (c) [~~a hearing aid~~] except as provided in Subsection (2), a hearing instrument dealer or
908 salesperson selling, fitting, adjusting, and repairing [hearing aids] a hearing instrument,
909 and conducting hearing tests solely for that purpose[. However, a hearing aid dealer
910 may not conduct audiologic testing on persons younger than 18 years old except

- 911 ~~under the direct supervision of an audiologist licensed under this chapter;~~] ;
- 912 (d) a person who has obtained a valid and current credential issued by the State Board of
 913 Education while specifically performing the functions of a speech-language
 914 pathologist or audiologist solely within the confines of, under the direction and
 915 jurisdiction of, and in the academic interest of the school employing the person;
- 916 (e) ~~[a person employed as a speech-language pathologist or audiologist by federal
 917 government agencies or subdivisions or, prior to July 1, 1989, by state or local
 918 government agencies or subdivisions, while specifically performing speech-language
 919 pathology or audiology services solely within the confines of, under the direction and
 920 jurisdiction of, and in the specific interest of the agency or subdivision;]~~ an individual
 921 that a federal government agency or subdivision or, before July 1, 1989, a state or
 922 local government agency or subdivision, employs as a speech-language pathologist or
 923 audiologist while performing a speech-language pathology or audiology service
 924 within the confines of, under the direction and jurisdiction of, and in the specific
 925 interest of the agency or subdivision;
- 926 (f) ~~[a person]~~ an individual identified in Subsections (1)(d) and (e) may offer lectures for [
 927 ~~a fee, or monetary or other~~] compensation[;] without being [~~licensed~~] a licensed
 928 individual;
- 929 (g) ~~[a person employed by]~~ an individual an accredited college or university employs as
 930 a speech-language pathologist or audiologist performing [~~the services or functions~~
 931 ~~described in~~] a service or function this chapter describes if the [~~services or functions~~
 932 ~~are~~] individual provides the service or function:
- 933 (i) ~~[performed]~~ solely as an assigned teaching function of the [~~person's~~] individual's
 934 employment;
- 935 (ii) solely in academic interest and pursuit as a function of the [~~person's~~] individual's
 936 employment;
- 937 (iii) in no way for the [~~person's~~] individual's own interest; and
- 938 (iv) ~~[provided]~~ for no [~~fee, monetary or otherwise;~~] compensation other than the [
 939 ~~person's agreed~~] individual's institutional salary;
- 940 (h) ~~[a person]~~ an individual pursuing a course of study leading to a degree in
 941 speech-language pathology or audiology while enrolled in an accredited college or
 942 university, provided:
- 943 (i) those activities constitute an assigned, directed, and supervised part of the [
 944 ~~person's curricular~~] individual's study, and in no other interest;

- 945 (ii) that ~~[all]~~examinations, tests, histories, charts, progress notes, reports,
946 correspondence, documents, and records the ~~[person]~~ individual produces ~~[be~~
947 ~~identified clearly]~~ are clearly identified as having been conducted and prepared by
948 a student in training;
- 949 (iii) that the ~~[person]~~ individual is obviously identified and designated by appropriate
950 title clearly indicating the ~~[person's]~~ individual's training status; and
- 951 (iv) that the ~~[person]~~ individual does not hold out directly or indirectly to the public or
952 otherwise represent that the ~~[person]~~ individual is qualified to practice
953 independently;
- 954 (i) ~~[a person]~~ an individual trained in elementary audiometry and qualified to perform
955 basic audiometric tests while employed by and under the direct supervision of a
956 licensed medical doctor to perform solely for the licensed medical doctor, the
957 elementary conventional audiometric tests of air conduction screening, air conduction
958 threshold testing, and tympanometry;
- 959 (j) ~~[a person]~~ an individual performing the functions of a speech-language pathologist or
960 audiologist for the sole purpose of obtaining required professional experience under
961 the provisions of this chapter and only during the period the ~~[person]~~ individual is
962 obtaining the required professional experience, if the ~~[person:]~~ individual meets the
963 training requirements;
964 ~~[(i) meets all training requirements; and]~~
965 ~~[(ii) is professionally responsible to and under the supervision of a speech-language~~
966 ~~pathologist or audiologist who holds the CCC or a state license in~~
967 ~~speech-language pathology or audiology;]~~
- 968 (k) ~~[a corporation, partnership, trust, association, group practice, or similar organization]~~
969 a person engaging in speech-language pathology or audiology services without
970 certification or license, if acting only through ~~[employees]~~ an employee who is a
971 licensed individual or consisting only of ~~[persons who are licensed under this chapter]~~
972 licensed individuals;
- 973 (l) ~~[a person]~~ an individual who is not a resident of this state performing a
974 speech-language pathology or audiology ~~[services]~~ service in this state if:
975 (i) the ~~[services are performed]~~ individual performs the service for no more than one
976 month in any calendar year in ~~[association]~~ connection with a licensed
977 speech-language pathologist or a licensed audiologist~~[-licensed under this chapter];~~
978 and

- 979 (ii) the ~~[person]~~ individual meets the qualifications and examination requirements for
 980 application for licensure described in Section ~~[58-41-5]~~ 58-41-301;
- 981 (m) ~~[a person]~~ an individual certified under Title 53E, Public Education System -- State
 982 Administration, as a teacher of the deaf, ~~[from providing the services or performing~~
 983 ~~the functions the person]~~ providing a service or performing a function that the
 984 individual is certified to perform;~~[-and]~~
- 985 (n) ~~[a person]~~ an individual who is:
 986 (i) trained in newborn hearing screening as ~~[described in rules made by]~~the
 987 Department of Health and Human Services describes in rules made in accordance
 988 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 989 (ii) working under the indirect supervision of a licensed audiologist responsible for a
 990 newborn hearing screening program ~~[established by]~~the Department of Health
 991 and Human Services makes under Section 26B-4-319[-] ; and
- 992 (o) an individual who is exempt under Section 58-1-307.
- 993 (2)(a)(i) A hearing instrument specialist may not fit or test an individual's hearing aid,
 994 or test the individual's hearing if the individual is less than 18 years old unless the
 995 hearing instrument specialist receives a written statement that the individual's
 996 hearing loss has received a medical evaluation and that the individual may be
 997 considered a candidate for a hearing aid.
- 998 (ii) A hearing instrument specialist may not fit or test an individual's hearing aid, or
 999 test the individual's hearing if the individual is less than six years old.
- 1000 (b) The medical evaluation in Subsection (2)(a)(i) shall have taken place no more than
 1001 six months before the day on which the hearing instrument specialist fits or tests the
 1002 hearing aid or the hearing of the individual.
- 1003 (c) The written statement in Subsection (2)(a)(i) shall be signed by:
 1004 (i) a physician or surgeon licensed under Title 58, Chapter 67, Utah Medical Practice
 1005 Act;
 1006 (ii) an osteopathic physician licensed under Title 58, Chapter 68, Utah Osteopathic
 1007 Medical Practice Act;
 1008 (iii) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
 1009 Assistant Act; or
 1010 (iv) an audiologist licensed under this chapter.
- 1011 (3) No individual is exempt from this chapter if the individual performs or provides a
 1012 service as a speech-language pathologist or an audiologist:

1013 (a) for compensation that the recipient of the service pays; or
 1014 (b) for compensation that is outside the scope of the individual's employment position as
 1015 a speech-language pathologist or an audiologist in a branch or subdivision of local,
 1016 state, or federal government, or as otherwise identified in this section.

1017 (4) The State Board of Education may not issue a credential to a person performing the
 1018 functions of a speech-language pathologist or audiologist on or after May 6, 2026.

1019 [~~(2) No person is exempt from the requirements of this chapter who performs or provides~~
 1020 ~~any services as a speech-language pathologist or audiologist for which a fee, salary,~~
 1021 ~~bonus, gratuity, or compensation of any kind paid by the recipient of the service; or who~~
 1022 ~~engages any part of his professional work for a fee practicing in conjunction with, by~~
 1023 ~~permission of, or apart from his position of employment as speech-language pathologist~~
 1024 ~~or audiologist in any branch or subdivision of local, state, or federal government or as~~
 1025 ~~otherwise identified in this section.]~~

1026 Section 18. Section **58-41-306**, which is renumbered from Section 58-41-17 is renumbered
 1027 and amended to read:

1028 **[58-41-17] 58-41-306 (Effective 05/06/26) (Repealed 07/01/29). Requirements for**
 1029 **selling a hearing instrument.**

1030 [(1) As used in this section:]

1031 [(a) "Hearing aid" means a wearable instrument or device designed or offered for the
 1032 purpose of aiding or compensating for human hearing loss, including its parts,
 1033 attachments, or accessories.]

1034 [(b) "Hearing aid" does not include a device that is surgically implanted in the cochlea or
 1035 under the skin near the ear.]

1036 [(2)] (1) ~~[A person licensed under this chapter who]~~ A person that offers to sell a hearing ~~[aid]~~
 1037 instrument to a consumer shall inform the consumer about ~~[hearing aids]~~ hearing
 1038 instruments that work with assistive listening systems that are compliant with the ADA
 1039 Standards for Accessible Design adopted by the United States Department of Justice in
 1040 accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.

1041 [(3)] (2) ~~[A person licensed under this chapter who]~~ A person that sells a ~~[hearing aid]~~
 1042 hearing instrument to a consumer shall provide a written receipt or written contract to
 1043 the consumer that provides the consumer with a 30-day right to cancel the purchase and
 1044 to obtain a refund if the consumer returns ~~[the hearing aid]~~ a hearing instrument to the
 1045 seller in the same condition as when purchased, excluding ordinary wear and tear.

1046 [(4)] (3) The written receipt or contract shall notify the consumer of the 30-day right to

1047 cancel in at least 12-point font.

1048 ~~[(5)]~~ (4) The 30-day right to cancel period shall commence from the [date] later of the day
 1049 after the day on which:

1050 (a) the ~~[hearing aid]~~ hearing instrument is originally delivered to the consumer~~[-or]~~ ;

1051 (b) ~~[the date the written receipt]~~ the written receipt is dated; or

1052 (c) the contract is delivered to the consumer~~[-, whichever is later]~~.

1053 (5) The 30-day right to cancel period is paused while the hearing instrument dealer

1054 possesses or controls the hearing instrument after the hearing instrument's original

1055 delivery.

1056 ~~[(6) The 30-day period shall be tolled for any period during which the hearing aid seller,~~
 1057 ~~dealer, or fitter has possession or control of the hearing aid after its original delivery.]~~

1058 ~~[(7)]~~ (6) Upon exercise of the 30-day right to cancel a ~~[hearing aid]~~ hearing instrument
 1059 purchase, the seller of the [hearing aid is entitled to] hearing instrument may collect from

1060 the purchaser a cancellation fee equal to the actual cost ~~[that will be incurred by the~~

1061 ~~seller in order to return the hearing aid]~~ the seller incurs returning the hearing instrument

1062 to the manufacturer, [provided that] if the written receipt or contract states the exact

1063 amount that [will be retained by] the seller will retain as a cancellation fee.

1064 Section 19. Section **58-41-307**, which is renumbered from Section 58-41-14 is renumbered
 1065 and amended to read:

1066 **[58-41-14] 58-41-307 (Effective 05/06/26) (Repealed 07/01/29). Single license for**
 1067 **speech-language pathologist and audiologist -- Single fee.**

1068 (1) An applicant who qualifies to be licensed as both a speech-language pathologist

1069 and audiologist shall receive a single license reflecting licensure in both classifications.

1070 (2) ~~[A fee may only be assessed for a single license]~~ The division may assess a fee only for
 1071 a single license.

1072 Section 20. Section **58-41-401**, which is renumbered from Section 58-41-9 is renumbered
 1073 and amended to read:

1074 **Part 4. License Denial and Discipline**

1075 **[58-41-9] 58-41-401 (Effective 05/06/26) (Repealed 07/01/29). Grounds for denial**
 1076 **of license -- Resumption of practice.**

1077 ~~[(1) Grounds for refusal to issue a license to an applicant, for refusal to renew the license of~~

1078 ~~a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to~~

1079 ~~issue a public or private reprimand to a licensee, and to issue cease and desist orders~~

1080 ~~shall be in accordance with Section 58-1-401.]~~

- 1081 [(2)] (1) The division may:
- 1082 (a) refuse to issue a license to an applicant;
- 1083 (b) refuse to renew a license;
- 1084 (c) revoke, suspend, or restrict a license;
- 1085 (d) place a licensed individual on probation;
- 1086 (e) issue a public or private reprimand to a licensed individual; or
- 1087 (f) issue a cease and desist order.
- 1088 (2) [After one year from the date of revocation of a license, application may be made to the
- 1089 board for relicensing.] A licensed individual who has a license revoked may submit an
- 1090 application for licensure to the division after one year from the day after the day on
- 1091 which the division revoked the licensed individual's license.
- 1092 (3) The division shall perform an act listed in Subsection (1) in accordance with Section
- 1093 58-1-401.
- 1094 Section 21. Section **58-41-501** is enacted to read:
- 1095 **Part 5. Unlawful and Unprofessional Conduct - Penalties**
- 1096 **58-41-501 (Effective 05/06/26). Unprofessional conduct.**
- 1097 A licensed individual engages in unprofessional conduct if the individual:
- 1098 (1) fails to make an appropriate referral to a qualified health care provider with respect to a
- 1099 condition the licensed individual detects in a patient if the condition is generally
- 1100 recognized in the profession as one the licensed individual should refer;
- 1101 (2) designates a hearing instrument for a patient whose hearing will not be sufficiently
- 1102 improved to justify prescribing and selling the hearing instrument;
- 1103 (3) makes false, misleading, deceptive, fraudulent, or exaggerated claims with respect to the
- 1104 practice of audiology or the practice of speech-language pathology;
- 1105 (4) fails to exercise caution in providing a patient a prognosis to ensure the patient is not led
- 1106 to expect results that the individual cannot accurately predict;
- 1107 (5) fails to provide appropriate follow-up care and consultation with respect to a patient to
- 1108 whom the individual prescribed and sold a hearing instrument after being informed by
- 1109 the patient that the hearing instrument does not produce the results represented by the
- 1110 licensed individual;
- 1111 (6) fails to disclose in writing to the patient the charge for all services and hearing
- 1112 instruments prescribed and sold to a patient before providing the services or hearing
- 1113 instrument;
- 1114 (7) fails to refund fees paid by a patient for a hearing instrument and all accessories, upon a

- 1115 determination by the division that the patient has not obtained the recovery of hearing
1116 the licensed individual represented in writing before sale of the hearing instrument;
- 1117 (8) pays a professional individual consideration for referral of a patient;
- 1118 (9) fails, when acting as a supervising speech-language pathologist or a supervising
1119 audiologist, to provide supervision and training;
- 1120 (10) fails to describe in any advertisement, presentation, purchase, or trial agreement, the
1121 circuitry of a hearing instrument as being either "digital" or "analog" or other acceptable
1122 terms as the division determines by rule the division makes in accordance with Title
1123 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1124 (11) fails to follow the guidelines or policies of the United States Federal Trade
1125 Commission in any advertisement;
- 1126 (12) fails to adhere to the rules and regulations prescribed by the United States Food and
1127 Drug Administration as pertaining to a hearing instrument;
- 1128 (13) fails to keep the equipment used in the practice of speech-language pathology and
1129 audiology properly calibrated and in good working condition;
- 1130 (14) fails to comply with Section 58-41-306;
- 1131 (15) fails to provide as part of each transaction between a licensed individual and a patient
1132 related to testing for hearing loss and selling of a hearing instrument, written
1133 documentation that includes:
- 1134 (a) identification of services and products provided to a patient and the charges for each
1135 service or product; and
- 1136 (b) a statement whether any hearing instrument provided to a patient is "new," "used," or
1137 "reconditioned" and the terms and conditions of any warranty or guarantee that
1138 applies to each instrument;
- 1139 (16) before providing services or products to a patient, fails to:
- 1140 (a) advise the patient about the expected results of the services and products; or
- 1141 (b) obtain written informed consent from the patient regarding offered services,
1142 products, and the expected results of the services and products in a form the division
1143 approves;
- 1144 (17) fails to obtain the patient's informed consent and agreement to purchase the hearing
1145 instrument before designating an appropriate hearing instrument;
- 1146 (18) if a hearing instrument does not substantially enhance the patient's hearing consistent
1147 with the representations of the licensed individual at the time informed consent was
1148 given before the sale and fitting of the hearing instrument, fails to provide:

- 1149 (a) necessary intervention to produce satisfactory hearing recovery results consistent
 1150 with representations made; or
 1151 (b) for the refund of fees the patient paid for the hearing instrument to the licensed
 1152 individual within a reasonable time after finding that the hearing instrument does not
 1153 substantially enhance the patient's hearing;
 1154 (19) fails to maintain a level of professional practice consistent with all initial and
 1155 subsequent requirements by which licensure is achieved or maintained under this
 1156 chapter;
 1157 (20) utilizes substandard or inappropriate facilities or equipment; or
 1158 (21) treats a disorder for which the licensed individual has not had the necessary training
 1159 and experience.

1160 Section 22. Section **58-41-502**, which is renumbered from Section 58-41-15 is renumbered
 1161 and amended to read:

1162 **[58-41-15] 58-41-502 (Effective 05/06/26) (Repealed 07/01/29). Violation of**
 1163 **chapter -- Penalties.**

1164 ~~[A person who violates any provision of this chapter is, upon conviction, guilty of a~~
 -1165 ~~class A misdemeanor. Whenever any person other than a licensed speech-language~~
 -1166 ~~pathologist or audiologist has engaged in any practice that constitutes an offense under this~~
 -1167 ~~chapter, a court of appropriate jurisdiction may issue an injunction or other appropriate order~~
 -1168 ~~restraining that conduct.]~~

- 1169 (1) An individual who violates a provision of this chapter is guilty of a class A
 1170 misdemeanor.
 1171 (2) If an individual other than a licensed individual engages in conduct that violates this
 1172 chapter, a court with jurisdiction may issue an injunction or other appropriate order to
 1173 restrain the conduct.

1174 Section 23. Section **58-46a-102** is amended to read:

1175 **58-46a-102 (Effective 05/06/26) (Repealed 07/01/33). Definitions.**

1176 ~~[In addition to the definitions in Section 58-1-102, as]~~ As used in this chapter:

- 1177 (1) "Direct supervision" means ~~[that]~~ supervision where the supervising audiologist or
 1178 supervising hearing instrument specialist is present in the same facility as is the ~~[person]~~
 1179 individual being supervised and is available for immediate in person consultation.
 1180 ~~[(2) "Hearing instrument" or "hearing aid" means any device designed or offered to be worn~~
 1181 ~~on or by an individual to enhance human hearing, including the device's specialized~~
 1182 ~~parts, attachments, or accessories.]~~

- 1183 (2)(a) "Hearing instrument" means a wearable device offered to compensate for human
 1184 hearing loss, including the device's parts, attachments, or accessories.
- 1185 (b) "Hearing instrument" includes an acoustic-air conduction amplification device that
 1186 the United States Food and Drug Administration regulates as hearing aids.
- 1187 (c) "Hearing instrument" does not include a device that is surgically implanted in the
 1188 cochlea or under the skin near the ear.
- 1189 (3) "Hearing instrument intern" means ~~[a person licensed]~~ an individual licensed under this
 1190 chapter who is obtaining education and experience in the practice of a hearing
 1191 instrument specialist under the supervision of a supervising hearing instrument specialist
 1192 or supervising audiologist.
- 1193 (4) "Hearing instrument specialist" means an individual who:
- 1194 (a) establishes a place of business to practice as a hearing instrument specialist;
 1195 (b) tests the hearing of a human patient over five years old for the sole purpose of
 1196 determining whether the use of a hearing instrument will improve hearing loss
 1197 sufficiently to justify prescribing and selling the hearing instrument and whether that
 1198 hearing instrument will be in the best interest of the patient;
 1199 (c) provides the patient a written statement of prognosis regarding the need for or
 1200 usefulness of a hearing instrument for the patient's condition;
 1201 (d) prescribes an appropriate hearing instrument;
 1202 (e) makes impressions or ear molds for the fitting of a hearing instrument;
 1203 (f) sells and professionally places the hearing instrument on a patient;
 1204 (g) evaluates the hearing loss overcome by the installation of the hearing instrument and
 1205 evaluates the hearing recovery against the representations the hearing instrument
 1206 specialist made to the patient;
 1207 (h) intervenes to produce satisfactory hearing recovery results from a hearing
 1208 instrument; or
 1209 (i) instructs the patient on the use and care of the hearing instrument.
- 1210 ~~[(4)]~~ (5) "Indirect supervision" means ~~[that]~~ supervision where the supervising hearing
 1211 instrument specialist or supervising audiologist is not required to be present in the same
 1212 facility as ~~[is the person]~~ the individual being supervised, but is available for voice to
 1213 voice contact by telephone, radio, or other means at the initiation of the ~~[person being-]~~
 1214 supervised individual.
- 1215 ~~[(5) "Practice of a hearing instrument specialist" means:]~~
- 1216 ~~[(a) establishing a place of business to practice as a hearing instrument specialist;]~~

- 1217 ~~[(b) testing the hearing of a human patient over the age of 17 for the sole purpose of~~
 1218 ~~determining whether a hearing loss will be sufficiently improved by the use of a~~
 1219 ~~hearing instrument to justify prescribing and selling the hearing instrument and~~
 1220 ~~whether that hearing instrument will be in the best interest of the patient;]~~
 1221 ~~[(e) providing the patient a written statement of prognosis regarding the need for or~~
 1222 ~~usefulness of a hearing instrument for the patient's condition;]~~
 1223 ~~[(d) prescribing an appropriate hearing instrument;]~~
 1224 ~~[(e) making impressions or earmolds for the fitting of a hearing instrument;]~~
 1225 ~~[(f) sale and professional placement of the hearing instrument on a patient;]~~
 1226 ~~[(g) evaluating the hearing loss overcome by the installation of the hearing instrument~~
 1227 ~~and evaluating the hearing recovery against the representations made to the patient by~~
 1228 ~~the hearing instrument specialist;]~~
 1229 ~~[(h) necessary intervention to produce satisfactory hearing recovery results from a~~
 1230 ~~hearing instrument; or]~~
 1231 ~~[(i) instructing the patient on the use and care of the hearing instrument.]~~
 1232 (6)(a) "Licensed individual" means an individual who is:
 1233 (i) licensed under this chapter; or
 1234 (ii) licensed under this chapter before May 6, 2026, if the license is not expired,
 1235 suspended, or revoked.
 1236 (b) "Licensed individual" means the same as a licensed individual for purposes of
 1237 credentialing, paneling, insurance, reimbursement, portability, and compacts.
 1238 (7) "Supervising audiologist" means an audiologist who:
 1239 (a) holds a license and maintains good standing with the division;
 1240 (b) practices full-time as an audiologist and has done so for at least two years; and
 1241 (c) submits a request to the division on a form the division approves and receives
 1242 approval from the division to supervise a hearing instrument intern.
 1243 ~~[(6)] (8) "Supervising hearing instrument specialist" means a hearing instrument specialist~~
 1244 ~~who:~~
 1245 ~~[(a) is licensed by and in good standing with the division;]~~
 1246 ~~[(b) has practiced full-time as a hearing instrument specialist for not less than two years;~~
 1247 ~~and]~~
 1248 ~~[(e) is approved as a supervisor by the division.]~~
 1249 (a) holds a license issued in accordance with this chapter and maintains good standing
 1250 with the division;

1251 (b) practices full-time as a hearing instrument specialist and has done so for at least two
 1252 years; and

1253 (c) submits a request to the division on a form the division approves and receives
 1254 approval from the division to supervise a hearing instrument intern.

1255 [~~(7)~~] (9) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.

1256 [~~(8)~~] (10) "Unprofessional conduct" means the same as that term is defined in Sections
 1257 58-1-501 and 58-46a-501.

1258 Section 24. Section **58-46a-302** is amended to read:

1259 **58-46a-302 (Effective 05/06/26) (Repealed 07/01/33). Qualifications for licensure.**

1260 (1) Each applicant for licensure as a hearing instrument specialist shall:

1261 (a) [~~submit to the division an application in a form prescribed by the division~~] submit an
 1262 application to the division on a form the division approves;

1263 (b) [~~pay a fee as determined by the division pursuant to Section 63J-1-504~~] pay a fee to
 1264 the division as determined under Section 63J-1-504;

1265 (c) pass an appropriate entry-level examination the division approves by rule in
 1266 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1267 (d) complete at least six months of training with a supervising hearing instrument
 1268 specialist or supervising audiologist;

1269 [~~have qualified for and currently hold board certification by the National Board for~~
 1270 ~~Certification - Hearing Instrument Sciences, or an equivalent certification approved~~
 1271 ~~by the division;]~~

1272 [~~(d)~~] (e) [~~have passed-~~] pass the [Utah Law and Rules Examination for Hearing
 1273 Instrument Specialists] Utah Hearing Instrument Specialists Law and Rule
 1274 Examination; and

1275 [~~(e)~~] (f) if the applicant holds a hearing instrument intern license, surrender the hearing
 1276 instrument intern license at the time of licensure as a hearing instrument specialist.

1277 (2) Each applicant for licensure as a hearing instrument intern shall:

1278 (a) [~~submit to the division an application in a form prescribed by the division~~] submit an
 1279 application to the division on a form the division approves;

1280 (b) [~~pay a fee as determined by the division pursuant to Section 63J-1-504;~~] pay a fee to
 1281 the division as determined under Section 63J-1-504;

1282 (c) [~~have passed-~~] pass the Utah Law and Rules Examination for Hearing Instrument
 1283 Specialists; and

1284 (d) present evidence acceptable to the division that the applicant, when licensed, will

1285 practice as a hearing instrument intern~~[-only]~~ under the supervision of a supervising
 1286 hearing instrument specialist or supervising audiologist in accordance with~~[:]~~ Section
 1287 58-46a-302.5.

1288 [(i) Section 58-46a-302.5; and]

1289 [(ii) the supervision requirements for obtaining board certification by the National
 1290 Board for Certification – Hearing Instrument Sciences, or an equivalent
 1291 certification approved by the division.]

1292 Section 25. Section **58-46a-302.5** is amended to read:

1293 **58-46a-302.5 (Effective 05/06/26) (Repealed 07/01/33). Supervision requirements**
 1294 **-- Hearing instrument interns.**

1295 (1) Except as provided in Subsection (2), a hearing instrument intern may~~[-only]~~ practice as
 1296 a hearing instrument intern only under the direct supervision of a [licensed] supervising
 1297 hearing instrument specialist or supervising audiologist.

1298 (2) A hearing instrument intern may practice under the indirect supervision of a [licensed]
 1299 supervising hearing instrument specialist if the hearing instrument [specialist] intern:

1300 (a) receives a passing score on a practical examination demonstrating acceptable skills in
 1301 the area of hearing testing [as approved by the division] the division requires by rule
 1302 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 1303 and

1304 (b) completes [the National Institute for Hearing instrument studies] an education and
 1305 examination program~~[-];~~ or an equivalent college level program [as approved by] that
 1306 the [division] division approves by rule made in accordance with Title 63G, Chapter
 1307 3, Utah Administrative Rulemaking Act.

1308 Section 26. Section **58-46a-303** is amended to read:

1309 **58-46a-303 (Effective 05/06/26) (Repealed 07/01/33). Term of license --**
 1310 **Expiration -- Renewal of specialist and intern licenses.**

1311 (1)(a)(i) [~~The division shall issue a license for a hearing instrument specialist in~~
 1312 ~~accordance with a two-year renewal cycle established by rule made in accordance~~
 1313 ~~with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~ Each license
 1314 issued under this chapter shall be issued in accordance with a two-year renewal
 1315 cycle established by rule the division makes in accordance with Title 63G,
 1316 Chapter 3, Utah Administrative Rulemaking Act.

1317 (ii) The division may extend or shorten the renewal period by as much as one year to
 1318 maintain established renewal cycles or to change an established renewal cycle.

1319 ~~[(ii) The division may by rule made in accordance with Title 63G, Chapter 3, Utah~~
 1320 ~~Administrative Rulemaking Act, extend or shorten a renewal period by as much as~~
 1321 ~~one year to stagger the renewal cycles the division administers.]~~

1322 ~~[(b) At the time of renewal, the licensed hearing instrument specialist shall demonstrate~~
 1323 ~~satisfactory evidence of each of the following:]~~

1324 ~~[(i) current certification by the National Board for Certification Hearing Instrument~~
 1325 ~~Sciences, or other acceptable certification approved by the division by rule made~~
 1326 ~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;]~~

1327 ~~[(ii) calibration of all appropriate technical instruments used in practice; and]~~

1328 ~~[(iii) completion of continuing professional education required in Section 58-46a-304.]~~

1329 ~~[(e)]~~ (b) As a condition for renewal or reinstatement of licensure, the applicant shall
 1330 attest that the applicant will:

1331 (i) maintain competence and safe practices; and

1332 (ii) provide evidence as the division determines by rule in accordance with Title 63G,
 1333 Chapter 3, Utah Administrative Rulemaking Act, documenting competence at the
 1334 division's request.

1335 (c) A hearing instrument specialist license automatically expires on the expiration date
 1336 shown on the ~~[license unless renewed by the licensee in accordance with Section~~
 1337 ~~58-1-308 or surrendered in accordance with Section 58-1-306]~~ license.

1338 (2)(a) The division shall issue a license for a hearing instrument intern for a term of
 1339 three years.

1340 (b) The division may renew a license for a hearing instrument intern for a term of three
 1341 years for good cause shown, as determined by rule made in accordance with Title
 1342 63G, Chapter 3, Utah Administrative Rulemaking Act.

1343 Section 27. Section **58-46a-305** is amended to read:

1344 **58-46a-305 (Effective 05/06/26) (Repealed 07/01/33). Exemptions from licensure.**

1345 In addition to the exemptions ~~[from licensure]~~ in Section 58-1-307, the following [
 -1346 ~~persons]~~ individuals may engage in ~~[acts and practices]~~ an act or practice included within the
 1347 definition of ~~[practice as a]~~ hearing instrument specialist or hearing instrument intern~~[-subject~~
 -1348 ~~to their professional licensure authorization and restrictions,]~~ without being licensed under this
 1349 chapter:

1350 (1) an audiologist licensed under the provisions of Chapter 41, Speech-Language Pathology
 1351 and Audiology Licensing Act;

1352 (2) a physician and surgeon licensed under the provisions of Chapter 67, Utah Medical

1353 Practice Act, or osteopathic physician licensed under the provisions of Chapter 68, Utah
 1354 Osteopathic Medical Practice Act; and
 1355 (3) a physician assistant licensed under the provisions of Chapter 70a, Utah Physician
 1356 Assistant Act.

1357 Section 28. Section **58-46a-401** is amended to read:

1358 **58-46a-401 (Effective 05/06/26) (Repealed 07/01/33). Grounds for denial of**
 1359 **license -- Disciplinary proceedings.**

1360 [~~Grounds for refusing to issue a license to an applicant, for refusing to renew the license
 -1361 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a
 -1362 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and
 -1363 desist order shall be in accordance with Section 58-1-401.~~]

1364 (1) The division may:

- 1365 (a) refuse to issue a license to an applicant;
- 1366 (b) refuse to renew a license;
- 1367 (c) revoke, suspend, or restrict a license;
- 1368 (d) place a licensed individual on probation;
- 1369 (e) issue a public or private reprimand to a licensed individual; or
- 1370 (f) issue a cease and desist order.

1371 (2) The division shall perform an act listed in Subsection (1) in accordance with Section
 1372 58-1-401.

1373 Section 29. Section **58-46a-501** is amended to read:

1374 **58-46a-501 (Effective 05/06/26) (Repealed 07/01/33). Unprofessional conduct.**

1375 "Unprofessional conduct" includes:

- 1376 (1) testing the hearing of a patient for any purpose other than to determine whether a
 1377 hearing loss will be improved by [~~the use of~~] using a hearing instrument;
- 1378 (2) failing to make an appropriate referral to a qualified health care provider with respect to
 1379 a condition [~~detected~~] a licensed individual detects in a patient [~~examined by a licensee~~
 1380 ~~under this chapter~~] if the condition is generally recognized in the profession as one [~~that~~
 1381 ~~should be referred~~] the licensed individual should refer;
- 1382 (3) designating a hearing instrument for a patient whose hearing will not be sufficiently
 1383 improved to justify prescribing and selling [~~of~~] the hearing instrument;
- 1384 (4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to
 1385 practice under this chapter and specifically with respect to the benefits of a hearing
 1386 instrument or the degree to which a hearing instrument will benefit a patient;

- 1387 (5) failing to exercise caution in providing a patient a prognosis to assure the patient is not
1388 led to expect results that cannot be accurately predicted;
- 1389 (6) failing to provide appropriate follow-up care and consultation with respect to a patient
1390 to whom a hearing instrument has been prescribed and sold upon being informed by the
1391 patient that the hearing instrument does not produce the results [~~represented by the~~
1392 licensee] the licensed individual represented;
- 1393 (7) failing to disclose in writing to the patient the charge for all services and hearing
1394 instruments prescribed and sold to a patient [~~prior to~~] before providing the services or
1395 hearing instrument;
- 1396 (8) failing to refund fees paid by a patient for a hearing instrument and all accessories, upon
1397 a determination by the division that the patient has not obtained the recovery of hearing [
1398 ~~represented by the licensee~~] the licensed individual represented in writing [~~prior to~~
1399 ~~designation and~~] before the sale of the hearing instrument;
- 1400 (9) paying [~~any~~] a professional [~~person~~] individual any consideration of any kind for referral
1401 of a patient;
- 1402 (10) failing, when acting as a supervising hearing instrument specialist or supervising
1403 audiologist, to provide supervision and training in hearing instrument sciences in
1404 accordance with Section 58-46a-302.5;
- 1405 (11) engaging in the practice as a hearing instrument intern when not under the supervision
1406 of a supervising hearing instrument specialist or supervising audiologist in accordance
1407 with Section 58-46a-302.5;
- 1408 (12) failing to describe [~~the circuitry~~] in any advertisement, presentation, purchase, or trial
1409 agreement, the circuitry of a hearing instrument as being either "digital" or "analog" [;] or
1410 other acceptable terms [~~as determined by the division~~] the division determines;
- 1411 (13) failing to follow the guidelines or policies of the United States Federal Trade
1412 Commission in any advertisement;
- 1413 (14) failing to adhere to the rules and regulations prescribed by the United States Food and
1414 Drug Administration as [~~they~~] the rules and regulations pertain to the hearing instrument
1415 specialist;
- 1416 (15) failing to maintain all equipment used in the practice of a hearing instrument specialist
1417 properly calibrated and in good working condition; [~~and~~]
- 1418 (16) failing to comply with any of the requirements set forth in Section 58-46a-502 or
1419 58-46a-503[-] ;
- 1420 (17) fitting or testing an individual's hearing aid, or testing an individual's hearing if the

1421 individual is less than 18 years old unless the hearing instrument specialist receives a
1422 written statement that the individual's hearing loss has received a medical evaluation and
1423 that the individual may be considered a candidate for a hearing aid; and
1424 (18) fitting or testing an individual's hearing aid, or testing an individual's hearing if the
1425 individual is less than six years old.

1426 Section 30. Section **58-46a-502** is amended to read:

1427 **58-46a-502 (Effective 05/06/26) (Repealed 07/01/33). Additional requirements**
1428 **for practicing as a hearing instrument specialist.**

1429 [~~A person~~] An individual engaging in the practice of a hearing instrument specialist shall:

- 1430 (1) have a regular place or places of business from which the [~~person~~] individual conducts
1431 business as a hearing instrument specialist and the place or places of business shall be
1432 represented to a patient and others with whom business is conducted by the street
1433 address at which the place of business is located;
- 1434 (2) include in all advertising or other representation the street address at which the business
1435 is located and the telephone number of the business at that street address;
- 1436 (3) provide as part of each transaction between a [~~licensee~~] licensed individual and a patient
1437 related to testing for hearing loss and selling of a hearing instrument written
1438 documentation provided to the patient that includes:
- 1439 (a) identification of [~~all services and products~~] a service or a product provided to the
1440 patient by the hearing instrument specialist and the charges for each service or
1441 product;
- 1442 (b) a statement whether [~~any~~] a hearing instrument provided to a patient is "new," "used,"
1443 or "reconditioned" and the terms and conditions of any warranty or guarantee that
1444 applies to each instrument; and
- 1445 (c) the identity and license number of each hearing instrument specialist or hearing
1446 instrument intern who provided services or products to the patient;
- 1447 (4) before providing services or products to a patient:
- 1448 (a) advise the patient regarding services and products offered to the patient, including
1449 the expected results of the services and products;
- 1450 (b) inform each patient who is being offered a hearing instrument about hearing
1451 instruments that work with assistive listening systems that are compliant with the
1452 ADA Standards for Accessible Design adopted by the United States Department of
1453 Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101
1454 et seq.; and

1455 (c) obtain written informed consent from the patient regarding offered services,
 1456 products, and the expected results of the services and products in a form [~~approved~~
 1457 ~~by the division~~] the division approves;

1458 [~~(5) refer all individuals under the age of 18 who seek testing of hearing to a physician or~~
 1459 ~~surgeon, osteopathic physician, physician assistant, or audiologist, licensed under the~~
 1460 ~~provisions of this title, and shall dispense a hearing aid] [~~to that individual only on~~
 1461 ~~prescription of a physician or surgeon, osteopathic physician, physician assistant, or~~
 1462 ~~audiologist;~~]~~

1463 [~~(6)~~] (5) obtain the patient's informed consent and agreement to purchase the hearing
 1464 instrument based on that informed consent either by the hearing instrument specialist or
 1465 the hearing instrument intern, before designating an appropriate hearing instrument; and

1466 [~~(7)~~] (6) if a hearing instrument does not substantially enhance the patient's hearing
 1467 consistent with the representations of the hearing instrument specialist at the time
 1468 informed consent was given [~~prior to~~] before the sale and fitting of the hearing
 1469 instrument, provide:

1470 (a) necessary intervention to produce satisfactory hearing recovery results consistent
 1471 with representations made; or

1472 (b) for the refund of fees paid by the patient for the hearing instrument to the hearing
 1473 instrument specialist within a reasonable time after finding that the hearing
 1474 instrument does not substantially enhance the patient's hearing.

1475 Section 31. Section **58-46a-503** is amended to read:

1476 **58-46a-503 (Effective 05/06/26) (Repealed 07/01/33). Testing period for a hearing**
 1477 **instrument.**

1478 (1)(a) [~~Any person licensed under this chapter who sells a hearing aid~~] A person that sells
 1479 a hearing instrument to a consumer shall provide a written receipt or a written
 1480 contract to the consumer.

1481 (b) The written receipt or the written contract shall provide the consumer with a 30-day
 1482 right to cancel the purchase if [~~the consumer finds that the hearing aid~~] the hearing
 1483 instrument does not function adequately for the consumer [~~and to~~] .

1484 (c) [~~obtain~~] A person that sells a hearing instrument shall provide a refund to the
 1485 consumer if the consumer returns the [~~hearing aid~~] hearing instrument to the [~~seller~~]
 1486 person in the same condition as when purchased, excluding ordinary wear and tear [~~excluded, as when purchased~~] within the 30-day right to cancel described in
 1487 Subsection (1)(b).

- 1489 (d) The written receipt or the written contract shall notify the consumer of the 30-day
 1490 right to cancel in at least [~~10~~] 12 point [~~type~~] font.
- 1491 (e) The 30-day right to cancel period shall commence from [~~either~~] the later of the day on
 1492 which:
- 1493 (i) [~~the date the hearing aid~~] the hearing instrument is originally delivered to the
 1494 consumer[~~or~~] ;
- 1495 (ii) [~~the date~~]the written receipt is dated; or
- 1496 (iii) the contract is delivered to the consumer[~~, whichever is later~~].
- 1497 (f) [~~The 30-day period shall be tolled for any period during which the hearing aid seller,~~
 1498 ~~dealer, or fitter has possession or control of the hearing aid after its original delivery]~~
 1499 The 30-day period is paused while the hearing instrument specialist possesses or
 1500 controls the hearing instrument after the hearing instrument's original delivery.
- 1501 (2)(a) Upon exercise of the right to cancel a [~~hearing aid~~] hearing instrument purchase,
 1502 the [~~seller of the hearing aid is entitled to a~~] hearing instrument specialist may collect
 1503 from the purchaser a cancellation fee [~~not to exceed~~] of up to 15% of all fees charged
 1504 to the consumer, including testing, fitting, counseling, and the purchase price of the [~~hearing aid~~]
 1505 hearing instrument.
- 1506 (b) [~~The exact amount of the cancellation fee shall be stated in the~~] The written receipt
 1507 or the written contract provided to the consumer shall state the exact amount of the
 1508 cancellation fee.
- 1509 Section 32. Section **63I-2-253** is amended to read:
- 1510 **63I-2-253 (Effective 05/06/26). Repeal dates: Titles 53 through 53G.**
- 1511 (1) Title 53, Chapter 2c, COVID-19 Health and Economic Response Act, is repealed July 1,
 1512 2026.
- 1513 (2) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem --
 1514 Report -- Expiration, is repealed December 31, 2025.
- 1515 (3) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is
 1516 repealed December 31, 2025.
- 1517 (4) Section 53-25-103, Airport dangerous weapon possession reporting requirements, is
 1518 repealed December 31, 2031.
- 1519 (5) Subsection 53-25-602(4)(b), regarding the rights of a peace officer placed onto a
 1520 prosecution agency's Brady identification system before May 7, 2025, is repealed
 1521 December 1, 2025.
- 1522 (6) Subsection 53-29-302(2)(b)(ii), regarding the requirement for the Department of

- 1523 Corrections to submit the results of risk assessments for sex offenders to the State
 1524 Commission on Criminal and Juvenile Justice, is repealed January 1, 2030.
- 1525 (7) Subsection 53E-3-501(7)(e)(ii), regarding a report on the packet method, is repealed
 1526 July 1, 2028.
- 1527 (8) Subsection 53E-6-102(3)(c)(ii), regarding a credential from the State Board of
 1528 Education, is repealed July 1, 2031.
- 1529 (9) Subsection 53E-6-702(1)(b)(ii)(B), regarding a credential from the State Board of
 1530 Education, is repealed July 1, 2031.
- 1531 (10) Subsection 53F-2-310(1)(b)(i)(B), regarding a credential from the State Board of
 1532 Education, is repealed July 1, 2031.
- 1533 (11) Subsections 53F-2-405(1)(a)(ii)(B) and (1)(a)(ii)(H), regarding a position as a speech
 1534 pathologist or as an audiologist, are repealed July 1, 2031.
- 1535 [(8)] (12) Subsection 53F-2-504(6), regarding a report on the Salary Supplement for Highly
 1536 Needed Educators, is repealed July 1, 2026.
- 1537 (13) Subsection 53F-5-217(1)(b)(ii)(B), regarding a credential from the State Board of
 1538 Education, is repealed July 1, 2031.
- 1539 [(9)] (14) Section 53F-5-221, Management of energy and water use pilot program, is
 1540 repealed July 1, 2028.
- 1541 [(10)] (15) Section 53F-5-222, Mentoring and Supporting Teacher Excellence and
 1542 Refinement Pilot Program, is repealed July 1, 2028.
- 1543 [(11)] (16) Section 53F-5-223, Stipends for Future Educators Grant Program, is repealed
 1544 July 1, 2028.
- 1545 (17) Subsection 53G-11-501(7), regarding a credential from the State Board of Education,
 1546 is repealed July 1, 2031.
- 1547 [(12)] (18) Subsection 53G-11-502(1), regarding implementation of the educator evaluation
 1548 process, is repealed July 1, 2029.
- 1549 [(13)] (19) Section 53G-11-506, Establishment of educator evaluation program -- Joint
 1550 committee, is repealed July 1, 2029.
- 1551 [(14)] (20) Section 53G-11-507, Components of educator evaluation program, is repealed
 1552 July 1, 2029.
- 1553 [(15)] (21) Section 53G-11-508, Summative evaluation timelines -- Review of summative
 1554 evaluations, is repealed July 1, 2029.
- 1555 [(16)] (22) Section 53G-11-509, Mentor for provisional educator, is repealed July 1, 2029.
- 1556 [(17)] (23) Section 53G-11-510, State board to describe a framework for the evaluation of

- 1557 educators, is repealed July 1, 2029.
- 1558 [(18)] (24) Section 53G-11-511, Rulemaking for privacy protection, is repealed July 1, 2029.
- 1559 [(19)] (25) Subsection 53G-11-520(1), regarding optional alternative educator evaluation
- 1560 processes, is repealed July 1, 2029.
- 1561 [(20)] (26) Subsection 53G-11-520(2), regarding an exception from educator evaluation
- 1562 process requirements, is repealed July 1, 2029.
- 1563 Section 33. Section **63I-2-258** is amended to read:
- 1564 **63I-2-258 (Effective 05/06/26). Repeal dates: Title 58.**
- 1565 [Reserved.]
- 1566 (1) Section 58-41-201, regarding the board, is repealed July 1, 2028.
- 1567 (2) Subsection 58-41-305(1)(d), regarding the State Board of Education issuing a person a
- 1568 credential, is repealed July 1, 2031.
- 1569 Section 34. Section **76-3-203.2** is amended to read:
- 1570 **76-3-203.2 (Effective 05/06/26). Definitions -- Use of dangerous weapon in**
- 1571 **offenses committed on or about school premises -- Enhanced penalties.**
- 1572 (1)(a) As used in this section "on or about school premises" means:
- 1573 (i)(A) in a public or private elementary or secondary school; or
- 1574 (B) on the grounds of any of those schools;
- 1575 (ii)(A) in a public or private institution of higher education; or
- 1576 (B) on the grounds of a public or private institution of higher education;
- 1577 (iii) within 1,000 feet of any school, institution, or grounds included in Subsections
- 1578 (1)(a)(i) and (ii); and
- 1579 (iv) in or on the grounds of a preschool or child care facility.
- 1580 (b) As used in this section:
- 1581 (i) "Dangerous weapon" [~~has the same definition as~~] means the same as that term is
- 1582 defined in Section 76-1-101.5.
- 1583 (ii) "Educator" means a person who is:
- 1584 (A) employed by a public school district; and
- 1585 (B) required to hold a certificate issued by the State Board of Education or, for an
- 1586 audiologist or a speech language pathologist, an individual who an LEA
- 1587 employs and holds a credential from the Division of Professional Licensing in
- 1588 accordance with Title 58, Chapter 41, Speech-Language Pathology and
- 1589 Audiology Certification Act, in order to perform duties of employment.
- 1590 (iii) "Within the course of employment" means that an educator is providing services

1591 or engaging in conduct required by the educator's employer to perform the duties
1592 of employment.

1593 (2) A person who, on or about school premises, commits an offense and uses or threatens to
1594 use a dangerous weapon, as defined in Section 76-1-101.5, in the commission of the
1595 offense is subject to an enhanced degree of offense as provided in Subsection (4).

1596 (3)(a) A person who commits an offense against an educator when the educator is acting
1597 within the course of employment is subject to an enhanced degree of offense as
1598 provided in Subsection (4).

1599 (b) As used in Subsection (3)(a), "offense" means:

1600 (i) an offense under Chapter 5, Offenses Against the Individual; and

1601 (ii) an offense under Chapter 6, Part 3, Robbery.

1602 (4) If the trier of fact finds beyond a reasonable doubt that the defendant, while on or about
1603 school premises, commits an offense and in the commission of the offense uses or
1604 threatens to use a dangerous weapon, or that the defendant committed an offense against
1605 an educator when the educator was acting within the course of the educator's
1606 employment, the enhanced penalty for a:

1607 (a) class B misdemeanor is a class A misdemeanor;

1608 (b) class A misdemeanor is a third degree felony;

1609 (c) third degree felony is a second degree felony; or

1610 (d) second degree felony is a first degree felony.

1611 (5) The enhanced penalty for a first degree felony offense of a convicted person:

1612 (a) is imprisonment for a term of not less than five years and which may be for life, and
1613 imposition or execution of the sentence may not be suspended unless the court finds
1614 that the interests of justice would be best served and states the specific circumstances
1615 justifying the disposition on the record; and

1616 (b) is subject also to the dangerous weapon enhancement provided in Section 76-3-203.8,
1617 except for an offense committed under Subsection (3) that does not involve a firearm.

1618 (6) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice
1619 upon the information or indictment that the defendant is subject to the enhanced degree
1620 of offense or penalty under Subsection (4) or (5).

1621 (7) In cases where an offense is enhanced under Subsection (4), or under Subsection (5)(a)
1622 for an offense committed under Subsection (2) that does not involve a firearm, the
1623 convicted person is not subject to the dangerous weapon enhancement in Section
1624 76-3-203.8.

- 1625 (8) The sentencing enhancement described in this section does not apply if:
- 1626 (a) the offense for which the person is being sentenced is:
- 1627 (i) a grievous sexual offense;
- 1628 (ii) child kidnapping under Section 76-5-301.1;
- 1629 (iii) aggravated kidnapping under Section 76-5-302; or
- 1630 (iv) forcible sexual abuse under Section 76-5-404; and
- 1631 (b) applying the sentencing enhancement provided for in this section would result in a
- 1632 lower maximum penalty than the penalty provided for under the section that
- 1633 describes the offense for which the person is being sentenced.

1634 Section 35. **Repealer.**

1635 This bill repeals:

1636 Section **58-41-1, Title of chapter.**

1637 Section **58-41-3, Scope of licenses -- Practicing without license prohibited.**

1638 Section **58-46a-101, Title.**

1639 Section **58-46a-304, Continuing professional education.**

1640 Section 36. **Effective Date.**

1641 This bill takes effect on May 6, 2026.