

HB0279S02 compared with HB0279S01

~~{Omitted text}~~ shows text that was in HB0279S01 but was omitted in HB0279S02
inserted text shows text that was not in HB0279S01 but was inserted into HB0279S02

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1 **Higher Education Code Amendments**
 2026 GENERAL SESSION
 STATE OF UTAH
 Chief Sponsor: Val L. Peterson
 Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies sections of code related to institutions of higher education.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▸ includes private postsecondary educational institutions to certain sections of code that apply to
institutions of higher education; and
- 10 ▸ {~~modifies provisions related to institutions of higher education participating in public
procurement bidding; and~~}
- 12 ▸ makes technical changes.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

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17 **9-22-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session,
Chapter 9

19 **9-22-104 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapters 352, 365

20 **9-22-113 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session,
Chapter 9

22 **9-22-114 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2019, Chapter 487

24 **53-8-105 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 271, 393

27 ~~**{53H-3-1303 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First
Special Session, Chapter 8}**~~

25 **53H-11-306 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special
Session, Chapter 8

27 **58-37-3.5 (Effective 05/06/26) (Repealed 07/01/27)**, as last amended by Laws of Utah 2025, First
Special Session, Chapter 9

29 **63G-6a-2404 (Effective 05/06/26), as enacted by Laws of Utah 2014, Chapter 196**

30 **76-6-113 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 230

31 **76-8-705 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session,
Chapter 9

33 **77-11a-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 80

34 **79-3-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session,
Chapter 15

36 **79-6-106 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session,
Chapter 9

38

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

40 Section 1. Section **9-22-102** is amended to read:

41 **9-22-102. Definitions.**

As used in this chapter:

46 (1) "Computing partnerships" means a set of skills, knowledge, and aptitudes used in computer science,
information technology, or computer engineering courses and career options.

49 (2) "Director" means the director appointed by the STEM board to oversee the administration of the
STEM Action Center.

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- 51 (3) "Educator" means the same as that term is defined in Section 53E-6-102.
- 52 (4) "Foundation" means a foundation established as described in Subsections 9-22-104(3) and (4).
- 54 (5) "Fund" means the STEM Action Center Foundation Fund created in Section 9-22-105.
- 55 (6) "Grant program" means the Computing Partnerships Grants program created in this part.
- 56 (7) "High quality professional development" means professional development that meets high quality standards developed by the State Board of Education.
- 58 (8) "Institution of higher education" means the same as that term is defined in Section 53H-1-101.
- 60 (9) "K-16" means kindergarten through grade 12 and post-secondary education programs.
- 61 (10) "Private postsecondary educational institution" means the same as that term is defined in Section 53H-1-101.
- 63 ~~[(10)]~~ (11) "Provider" means a provider selected on behalf of the STEM board by the staff of the STEM board and the staff of the State Board of Education:
- 65 (a) through a request for proposals process; or
- 66 (b) through a direct award or sole source procurement process for a pilot described in Section 9-22-107.
- 68 ~~[(11)]~~ (12) "Review committee" means the committee established under Section 9-22-114.
- 69 ~~[(12)]~~ (13) "Stacked credentials" means credentials that:
- 70 (a) an individual can build upon to access an advanced job or higher wage;
- 71 (b) are part of a career pathway system;
- 72 (c) provide a pathway culminating in the equivalent of an associate's or bachelor's degree;
- 74 (d) facilitate multiple exit and entry points; and
- 75 (e) recognize sub-goals or momentum points.
- 76 ~~[(13)]~~ (14) "STEM" means science, technology, engineering, and mathematics.
- 77 ~~[(14)]~~ (15) "STEM Action Center" means the center described in Section 9-22-106.
- 78 ~~[(15)]~~ (16) "STEM board" means the STEM Action Center Board created in Section 9-22-103.
- 80 ~~[(16)]~~ (17) "Talent Ready Program" means the Talent Ready Utah Program created in Section 53H-13-303.
- 79 Section 2. Section **9-22-104** is amended to read:
- 80 **9-22-104. STEM Action Center Board -- Duties.**
- 84 (1) The STEM board shall:
- 85 (a) establish [a] the STEM Action Center to:
- 86 (i) coordinate STEM activities in the state among the following stakeholders:

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- 87 (A) the State Board of Education;
88 (B) school districts and charter schools;
89 (C) the Utah Board of Higher Education;
90 (D) institutions of higher education;
91 (E) private postsecondary educational institution;
92 [~~(E)~~] (F) parents of home-schooled students;
93 [~~(F)~~] (G) other state agencies; and
94 [~~(G)~~] (H) business and industry representatives;
95 (ii) align public education STEM activities with higher education STEM activities; and
97 (iii) create and coordinate best practices among public education and higher education;
99 (b) with the advice and consent of the Senate, appoint a director to oversee the administration of the
STEM Action Center;
101 (c) select a physical location for the STEM Action Center;
102 (d) strategically engage industry and business entities to cooperate with the STEM board:
103 (i) to support high quality professional development and provide other assistance for educators and
students; and
105 (ii) to provide private funding and support for the STEM Action Center;
106 (e) give direction to the STEM Action Center and the providers selected through a request for proposals
process pursuant to this part; and
108 (f) work to meet the following expectations:
109 (i) that at least 50 educators are implementing best practice learning tools in classrooms;
111 (ii) performance change in student achievement in each classroom participating in a STEM Action
Center project; and
113 (iii) that students from at least 50 schools [-]in the state [-]participate in the STEM competitions, fairs,
and camps described in Subsection 9-22-106(2)(d).
115 (2) The STEM board may:
116 (a) enter into contracts for the purposes of this part;
117 (b) apply for, receive, and disburse funds, contributions, or grants from any source for the purposes set
forth in this part;
119 (c) employ, compensate, and prescribe the duties and powers of individuals necessary to execute the
duties and powers of the STEM board;

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- 121 (d) prescribe the duties and powers of the STEM Action Center providers; and
122 (e) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to
administer this part.
- 124 (3) The STEM board may establish a foundation to assist in:
125 (a) the development and implementation of the programs authorized under this part to promote STEM
education; and
127 (b) implementation of other STEM education objectives described in this part.
- 128 (4) A foundation established by the STEM board under Subsection (3):
129 (a) may solicit and receive contributions from a private organization for STEM education objectives
described in this part;
131 (b) shall comply with the requirements described in Section 9-22-105;
132 (c) does not have power or authority to incur contractual obligations or liabilities that constitute a claim
against public funds;
134 (d) may not exercise executive or administrative authority over the programs or other activities
described in this part, except to the extent specifically authorized by the STEM board;
137 (e) shall provide the STEM board with information detailing transactions and balances associated with
the foundation; and
139 (f) may not:
140 (i) engage in lobbying activities;
141 (ii) attempt to influence legislation; or
142 (iii) participate in any campaign activity for or against:
143 (A) a political candidate; or
144 (B) an initiative, referendum, proposed constitutional amendment, bond, or any other ballot proposition
submitted to the voters.
- 143 Section 3. Section **9-22-113** is amended to read:
144 **9-22-113. Computer science initiative for public schools.**
- 148 (1) As used in this section:
149 (a) "Computational thinking" means the set of problem-solving skills and techniques that software
engineers use to write programs that underlie computer applications, including decomposition,
pattern recognition, pattern generalization, and algorithm design.
153 (b) "Computer coding" means the process of writing script for a computer program or mobile device.

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- 155 (c) "Educator" means the same as that term is defined in Section 53E-6-102.
- 156 (d) "Endorsement" means a stipulation, authorized by the State Board of Education and appended to a
license, that specifies the areas of practice to which the license applies.
- 158 (e) "Institution of higher education" means the same as that term is defined in Section 53H-1-101.
- 160 (f) "Employer" means a private employer, public employer, industry association, union, or the military.
- 162 (g) "License" means the same as that term is defined in Section 53E-6-102.
- 163 (h) "Private postsecondary educational institution" means the same as that term is defined in Section
53H-1-101.
- 165 (2) Subject to legislative appropriations, on behalf of the STEM board, the staff of the STEM board
and the staff of the State Board of Education shall collaborate to develop and implement a computer
science initiative for public schools by:
- 168 (a) creating an online repository that:
- 169 (i) is available for school districts and charter schools to use as a resource; and
- 170 (ii) includes high quality computer science instructional resources that are designed to teach students in
all grade levels:
- 172 (A) computational thinking skills; and
- 173 (B) computer coding skills;
- 174 (b) providing for professional development on teaching computer science by:
- 175 (i) including resources for educators related to teaching computational thinking and computer coding
in the STEM education high quality professional development application described in Section
9-22-110; and
- 178 (ii) providing statewide or regional professional development institutes; and
- 179 (c) awarding grants to a school district or charter school, on a competitive basis, that may be used to
provide incentives for an educator to earn a computer science endorsement.
- 182 (3) A school district or charter school may enter into an agreement with one or more of the following
entities to jointly apply for a grant under Subsection (2)(c):
- 184 (a) a school district;
- 185 (b) a charter school;
- 186 (c) an employer;
- 187 (d) a private postsecondary educational institution;
- 188 [~~(d)~~] (e) an institution of higher education; or

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- 189 ~~[(e)]~~ (f) a non-profit organization.
- 190 (4) To apply for a grant described in Subsection (2)(c), a school district or charter school shall submit a plan to the State Board of Education for the use of the grant, including a statement of purpose that describes the methods the school district or charter school proposes to use to incentivize an educator to earn a computer science endorsement.
- 194 (5) The State Board of Education and the STEM board shall encourage schools to independently pursue computer science and coding initiatives, subject to local school board or charter school governing board approval, based on the unique needs of the school's students.
- 198 (6) The STEM board shall include information on the status of the computer science initiative in the annual report described in Section 9-22-109.
- 197 Section 4. Section **9-22-114** is amended to read:
- 198 **9-22-114. Computing Partnerships Grants program.**
- 202 (1) There is created the Computing Partnerships Grants program consisting of the grants created in this part to provide for the design and implementation of a comprehensive K-16 computing partnerships program, based upon the following common elements:
- 205 (a) outreach and student engagement;
- 206 (b) courses and content;
- 207 (c) instruction and instructional support;
- 208 (d) work-based learning opportunities;
- 209 (e) student retention;
- 210 (f) industry engagement;
- 211 (g) stacked credentials that allow for multiple exit and entry points;
- 212 (h) competency-based learning strategies; and
- 213 (i) secondary and post-secondary collaborations.
- 214 (2) The grant program shall incentivize public schools and school districts to work with the STEM Action Center, staff of the State Board of Education, Talent Ready Utah, industry representatives, and secondary partners on the design and implementation of comprehensive K-16 computing partnerships through:
- 218 (a) leveraging existing resources for content, professional learning, and instruction, including existing career and technical education funds, programs, and initiatives;
- 220 (b) allowing for the support of professional learning for pre- and in-service educators;

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- 221 (c) supporting activities that promote and enhance access, diversity, and equity;
222 (d) supporting collaborations and partnerships between K-12, institutions of higher education,
 private postsecondary educational institutions, cultural and community partners, and industry
 representatives;
225 (e) identifying the appropriate credentials that align with industry needs and providing the credentials in
 a stacked credentials pathway;
227 (f) implementing a collaborative network that enables sharing and identification of best practices; and
229 (g) providing infrastructure assistance that allows for the support of new courses and the expansion of
 capacity for existing courses.
- 231 (3) The grant program shall include the following:
232 (a) rigorous and relevant metrics that are shared by all grant participants; and
233 (b) an evaluation by the STEM Action Center of the grant program that identifies best practices.
- 235 (4) The STEM Action Center, in consultation with the State Board of Education, shall:
236 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules:
238 (i) for the administration of the grant program and awarding of grants; and
239 (ii) that define outcome-based measures appropriate to the type of grant awarded under this part;
241 (b) establish a grant application process;
242 (c) in accordance with Subsection (5), establish a review committee to make recommendations for:
244 (i) metrics to analyze the quality of a grant application;
245 (ii) approval of a grant application; and
246 (iii) criteria to establish a requirement for an applicant to demonstrate financial need; and
248 (d) with input from the review committee, adopt metrics to analyze the quality of a grant application.
250 (5)
 (a) The review committee shall consist of K-16 educators, staff of the State Board of Education,
 representatives of Talent Ready Utah, post-secondary partners, and industry representatives.
253 (b) The review committee shall:
254 (i) review a grant application submitted;
255 (ii) make recommendations to a grant applicant to modify the grant application, if necessary; and
257 (iii) make recommendations regarding the final disposition of an application.
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- (6) The STEM Action Center shall report annually on the grant program to the State Board of Education and any findings and recommendations on the grant program shall be included in the STEM Action Center annual report to the Education Interim Committee.

Section 5. Section **53-8-105** is amended to read:

53-8-105. Duties of Highway Patrol.

- (1) In addition to the duties in this chapter, the Highway Patrol shall:

- (a) enforce the state laws and rules governing use of the state highways;
- (b) regulate traffic on all highways and roads of the state;
- (c) assist the governor in an emergency or at other times at his discretion;
- (d) in cooperation with federal, state, and local agencies, enforce and assist in the enforcement of all state and federal laws related to the operation of a motor carrier on a highway, including all state and federal rules and regulations;
- (e) inspect certain vehicles to determine road worthiness and safe condition as provided in Section 41-6a-1630;
- (f) upon request, assist with any condition of unrest existing or developing on a campus or related facility of an institution of higher education or private postsecondary educational institution;
- (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the state liquor laws;
- (h) provide security and protection for both houses of the Legislature while in session as the speaker of the House of Representatives and the president of the Senate find necessary;
- (i) enforce the state laws and rules governing use of capitol hill; and
- (j) carry out the following for the Supreme Court and the Court of Appeals:
 - (i) provide security and protection to those courts when in session in the capital city of the state;
 - (ii) execute orders issued by the courts; and
 - (iii) carry out duties as directed by the courts.

- (2)
- (a) The division and the department shall annually:

- (i) evaluate the inventory of new and existing state highways, in coordination with relevant local law enforcement agencies, to determine which law enforcement agency is best suited to patrol and enforce state laws and regulate traffic on each state highway; and

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(ii) before October 1 of each year, report to the Transportation Interim Committee and the Criminal Justice Appropriations Subcommittee regarding:

(A) significant changes to the patrol and enforcement responsibilities resulting from the evaluation described in Subsection (2)(a)(i); and

(B) any budget request necessary to accommodate additional patrol and enforcement responsibilities.

(b) The division and the department shall, before July 1 of each year, coordinate with the Department of Transportation created in Section 72-1-201 regarding patrol and enforcement responsibilities described in Subsection (2)(a) and incident management services on state highways.

(3)

(a) A district court and a justice court shall collect and maintain data regarding violations in Sections 41-6a-1712, 41-6a-1713, and 72-7-409.

(b) Each court shall transmit dispositions described in Subsection (3)(a) electronically to the department.

~~{Section 6. Section 53H-3-1303 is amended to read: }~~

53H-3-1303. Restrictions on higher education entities bidding on architect or engineering services in public procurement projects.

(1) As used in this section:

(a) "Architect-engineer services" means those professional services within the scope of the practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in Section 58-22-102.

(b) "Contribution" means the same as that term is defined in Section 63G-6a-2402.

~~[(b)]~~ (c) "Government entity" means a state agency, an institution of higher education, a county, a municipality, a local school district, a special district, or a special service district.

(d) "Solicitation" means the same as that term is defined in Section 63G-6a-103.

(e) "Solicitation response" means the same as that term is defined in Section 63G-6a-103.

(f) "Standard procurement process" means the same as that term is defined in Section 63G-6a-103.

(g) "Vendor" means the same as that term is defined in Section 63G-6a-103.

(2) When a government entity elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of the government entity's competitive procurement process:

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- (a) a higher education entity, or any part of one, may not submit a proposal in response to the government entity's competitive procurement process; and
- 326 (b) the government entity may not award a contract to perform the architect or engineering services solicited in the competitive procurement process to a higher education entity or any part of one.
- 329 (3)
- (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a higher education entity may, in a private capacity, submit a proposal in response to the competitive procurement process.
- 332 (b) An employee of a higher education entity may not use any supplies, materials, or other resources owned by, or any persons matriculating at, attending, or employed by, the higher education entity in:
- 335 (i) preparing a response to the competitive procurement process; or
- 336 (ii) completing any work, assignment, or contract awarded to the employee resulting from that competitive procurement process.
- 338 (4) Notwithstanding Title 63G, Chapter 6a, Utah Procurement Code, as part of a standard procurement process conducted by an institution:
- 340 (a) the institution or an institution employee acting on the institution's behalf may:
- 341 (i) request a contribution or sponsorship in the institution's solicitation;
- 342 (ii) accept a contribution or sponsorship offered by a vendor; or
- 343 (iii) based on whether a vendor is a sponsor or a donor of the institution:
- 344 (A) award a contract or grant;
- 345 (B) make a procurement decision; or
- 346 (C) take an action relating to the administration of a contract or grant; and
- 347 (b) a vendor may offer a contribution or sponsorship in the vendor's solicitation response.

302 Section 6. Section **53H-11-306** is amended to read:

303 **53H-11-306. Police officer's and firefighter's survivor tuition waiver.**

- 351 (1) As used in this section:
- 352 (a) "Child" means an individual who:
- 353 (i) is a natural or adopted child of a deceased peace officer or deceased firefighter; and
- 354 (ii) was under the age of 25 at the time of the peace officer's or firefighter's death.
- 355 (b) "Department" means the Department of Public Safety.
- 356 (c)
- (i) "Fees" means general course fees, in addition to tuition, that are:

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- 357 (A) imposed by an institution of higher education; and
358 (B) required to be paid by a student to engage in a course of study at the institution of higher
education.
- 360 (ii) "Fees" does not include a special course fee.
- 361 (d) "Killed" means that the peace officer's or firefighter's death is the direct and proximate result of a
traumatic injury incurred in the line of duty.
- 363 (e) "Line of duty" means an action that a peace officer or firefighter is obligated or authorized to
perform by rule, regulation, condition of employment or service, or law, including a social,
ceremonial, or athletic function that the peace officer or firefighter is assigned to or compensated for
by the public agency being served.
- 367 (f) "Occupational disease" means a disease that routinely constitutes a special hazard in, or is
commonly regarded as concomitant of, the peace officer's or firefighter's occupation.
- 370 (g) "Traumatic injury" means a wound or the condition of the body caused by external force, including
an injury inflicted by bullet, explosive, sharp instrument, blunt object, or other physical blow,
fire, smoke, chemical, electricity, climatic condition, infectious disease, radiation, or bacteria, but
excluding an occupational disease.
- 374 (h) "Tuition" means tuition and fees at the rate charged for residents of the state.
- 375 (i)
- (i) "Utah firefighter" or "firefighter" means a member, including volunteer members and members
paid on call, of a fire department or other organization that provides fire suppression and other fire-
related services, of a political subdivision who is responsible for or is in a capacity that includes
responsibility for the extinguishment of fires.
- 380 (ii) "Utah firefighter" or "firefighter" does not include a person whose job description, duties, or
responsibilities do not include direct involvement in fire suppression.
- 383 (j) "Utah peace officer" or "peace officer" means an employee of a law enforcement agency that is part
of or administered by a private postsecondary educational institution, the state, or any of its political
subdivisions, and whose duties consist primarily of the prevention and detection of crime and the
enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.
- 388 (2) Subject to the limitations in Subsections (3), (4), and (5), an institution of higher education shall
waive tuition for each child and surviving spouse of a Utah peace officer or Utah firefighter who has
been killed or is killed in the line of duty if the individual meets the following requirements:

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- 392 (a) applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of
study leading to a degree or certificate;
- 394 (b) is a resident student of the state as determined under Section 53H-11-202;
- 395 (c) applies to the department for a waiver of tuition under this section and provides evidence
satisfactory to the department that:
- 397 (i) the applicant is the surviving spouse or child of a peace officer or firefighter who was killed in the
line of duty;
- 399 (ii) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of
Subsection (3); and
- 401 (iii) the applicant meets the other requirements of this section;
- 402 (d) for a child of a peace officer or firefighter killed in the line of duty, applies under Subsection (2)(c)
for the first time before turning 25 years old;
- 404 (e) maintains satisfactory academic progress, as defined by the institution of higher education, for each
term or semester in which the individual is enrolled, which may be measured by the definition used
for federal student assistance programs under Title IV of the Higher Education Act of 1965; and
- 408 (f) has not achieved a bachelor's degree and has received tuition reimbursement under this section for
less than 124 semester credits or 180 quarter credits at an institution of higher education.
- 411 (3) A child or surviving spouse of a peace officer or firefighter who was killed in the line of duty is
eligible for a tuition waiver under this section of not more than nine semesters or the equivalent
number of quarters.
- 414 (4) Tuition shall be waived only to the extent that the tuition is not covered or paid by any scholarship,
trust fund, statutory benefit, or any other source of tuition coverage available for a waiver under this
section.
- 417 (5) An institution of higher education shall waive tuition under this section only for courses that are
applicable toward the degree or certificate requirements of the program in which the child or
surviving spouse is enrolled.
- 420 (6) Upon receiving an application under Subsection (2)(c), the department shall determine whether the
applicant and the courses for which tuition waiver is sought meet the requirements of this section
and, if so, shall approve the application and notify the institution that the application has been
approved.

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(7) The department shall provide the necessary forms and applications and cooperate with the institution of higher education in developing efficient procedures for the implementation of this section.

(8) The Legislature may annually appropriate the funds necessary to implement this section, including money to offset the tuition waivers at each institution.

Section 7. Section **58-37-3.5** is amended to read:

58-37-3.5. Drugs for behavioral health treatment.

(1) As used in this section:

(a) "Drug" means any form of psilocybin or methylenedioxymethamphetamine that is in federal Food and Drug Administration Phase 3 testing for an investigational drug described in 21 C.F.R. Part 312.

(b) "Healthcare system" means:

(i) a privately-owned, non-profit, vertically-integrated healthcare system that operates at least 15 licensed hospitals in the state;~~[-or]~~

(ii) a health care system closely affiliated with an institution of higher education listed in Section 53H-1-102~~[-]~~ ; or

(iii) a health care system closely affiliated with a private postsecondary educational institution as defined in Section 53H-1-101.

(2) A healthcare system may develop a behavioral health treatment program that includes a treatment based on a drug that the healthcare system determines is supported by a broad collection of scientific and medical research.

(3) A healthcare system described in Subsection (2):

(a) shall ensure that a drug used under the exclusive authority of this section is used by a patient only under the direct supervision and control of the healthcare system and the healthcare system's health care providers who are licensed under this title; and

(b) may not provide treatments that are authorized exclusively under this section to an individual who is not at least 18 years old.

(4) Before July 1, 2026, a healthcare system that creates a behavioral health treatment program under this section shall provide a written report to the Health and Human Services Interim Committee regarding:

(a) drugs used;

(b) health outcomes of patients;

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- (c) side effects of any drugs used; and
- (d) any other information necessary for the Legislature to evaluate the medicinal value of any drugs.
- (5) An individual or entity that complies with this section when using, distributing, possessing, administering, or supervising the use of, a drug is not guilty of a violation of this title.

Section 8. Section 63G-6a-2404 is amended to read:

63G-6a-2404. Unlawful conduct -- Exceptions -- Classification of offenses.

- (1)
 - (a) It is unlawful for a person who has or is seeking a contract with or a grant from a public entity knowingly to give, or offer, promise, or pledge to give, a gratuity or kickback to:
 - (i) the public entity;
 - (ii) a procurement professional or contract administration professional; or
 - (iii) an individual who the person knows is a family member of an individual described in Subsection (1)(a)(ii).
 - (b) It is not unlawful for a public agency to give, offer, promise, or pledge to give a contribution to another public agency.
 - (c) A person is not guilty of unlawful conduct under Subsection (1)(a) for:
 - (i) giving or offering, promising, or pledging to give a contribution to a public entity, unless done with the intent to induce the public entity, in exchange, to:
 - (A) award a contract or grant;
 - (B) make a procurement decision; or
 - (C) take an action relating to the administration of a contract or grant; or
 - (ii) giving or offering, promising, or pledging to give something of value to an organization to which a procurement professional or contract administration professional belongs, unless done with the intent to induce a public entity, in exchange, to:
 - (A) award a contract or grant;
 - (B) make a procurement decision; or
 - (C) take an action relating to the administration of a contract or grant.
- (2)
 - (a) It is unlawful for a procurement professional or contract administration professional, or a family member of either, knowingly to receive or accept, offer or agree to receive or accept, or ask for a

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promise or pledge of, a gratuity or kickback from a person who has or is seeking a contract with or a grant from a public entity.

(b) An individual is not guilty of unlawful conduct under Subsection (2)(a) for receiving or accepting, offering or agreeing to receive or accept, or asking for a promise or pledge of a contribution on behalf of a public entity, unless done with the intent that the public entity, in exchange:

(i) award a contract or grant;

(ii) make a procurement decision; or

(iii) take an action relating to the administration of a contract or grant.

(3) Notwithstanding Subsections (1) and (2), it is not unlawful for a person to give or receive, offer to give or receive, or promise or pledge to give or ask for a promise or pledge of, a hospitality gift, if:

(a) the total value of the hospitality gift is less than \$10; and

(b) the aggregate value of all hospitality gifts from the person to the recipient in a calendar year is less than \$50.

(4) Notwithstanding Subsections (1) and (2), as part of a standard procurement process conducted by an institution of higher education described in Section 53H-1-102:

(a) the institution or an institution employee acting on the institution's behalf may:

(i) request a contribution, sponsorship, or other value-added offering in the institution's solicitation; or

(ii) consider and evaluate, as part of a solicitation's evaluation criteria, a contribution, sponsorship, or other value-added offering offered in a vendor's solicitation response; and

(b) a vendor may offer a contribution, sponsorship, or other value-added offering in the vendor's solicitation response.

~~[(4)]~~ (5) A person who engages in the conduct made unlawful under Subsection (1) or (2) is guilty of:

(a) a second degree felony, if the total value of the gratuity or kickback is \$1,000 or more;

(b) a third degree felony, if the total value of the gratuity or kickback is \$250 or more but less than \$1,000;

(c) a class A misdemeanor, if the total value of the gratuity or kickback is \$100 or more but less than \$250; and

(d) a class B misdemeanor, if the total value of the gratuity or kickback is less than \$100.

~~[(5)]~~ (6) The criminal sanctions described in Subsection ~~[(4)]~~ (5) do not preclude the imposition of other penalties for conduct made unlawful under this part, in accordance with other applicable law, including:

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- (a) dismissal from employment or other disciplinary action;
- (b) for an elected officer listed in Section 77-6-1, removal from office as provided in Title 77, Chapter 6, Removal by Judicial Proceedings;
- (c) requiring the public officer or employee to return the value of the unlawful gratuity or kickback; and
- (d) any other civil penalty provided by law.

Section 9. Section **76-6-113** is amended to read:

76-6-113. Property damage resulting in economic interruption -- Enhanced penalties.

(1)

(a) As used in this section:

(i) "Business" means an enterprise carried on for the purpose of gain or economic profit.

(ii) "Governmental entity" means the state, a county, a municipality, a special district, a special service district, a school district, a state institution of higher education, or any other political subdivision or administrative unit of the state.

(iii) "Economic interruption" means any disruption or cessation to the operations of a business or governmental entity that results in:

(A) the business or governmental entity ceasing operations for at least one day; or

(B) the employees of the business or governmental entity being unable to perform labor for the business or governmental entity for at least one day.

(iv) "Private postsecondary educational institution" means the same as that term is defined in Section 53H-1-101.

(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

(2) An actor commits property damage resulting in economic interruption if:

(a) the actor intentionally, knowingly, recklessly, or negligently damages, defaces, or destroys a business's, private postsecondary educational institution's, or governmental entity's property; and

(b) the actor's actions under Subsection (2)(a) cause an economic interruption for the business, private postsecondary educational institution, or governmental entity.

(3) A violation of Subsection (2) is a class A misdemeanor.

(4) It is not a defense under this section that the actor did not know that the victim is a business, private postsecondary educational institution, or governmental entity.

(5) If the trier of facts finds that the actor committed a violation of Subsection (2), the actor is guilty of:

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(a) a third degree felony if the actor has two prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2); and

(b) a second degree felony if the actor has at least three prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2).

(6) A prior conviction used for a penalty enhancement under Subsection (5) is a conviction that is from a separate criminal episode than:

(a) the most recent violation of Subsection (2); and

(b) any other prior conviction that is used to enhance the penalty for the most recent violation of Subsection (2).

(7) The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment that the offense is subject to an enhancement under Subsection (5).

Section 10. Section **76-8-705** is amended to read:

76-8-705. Willful interference with lawful activities of students or faculty.

(1)

(a) As used in this section[;] :

(i) [~~"institution"~~] "Institution" means the same as that term is defined in Section 53H-1-101.

(ii) "Private postsecondary educational institution" means the same as that term is defined in Section 53H-1-101.

(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits willful interference with lawful activities of students or faculty if the actor, while on property that is owned, operated, or controlled by an institution or private postsecondary educational institution, willfully:

(a) denies to a student, school official, employee, or invitee lawful:

(i) freedom of movement;

(ii) use of the property or facilities; or

(iii) ingress or egress to the [~~institution's~~] institution or private postsecondary educational institution's physical facilities;

(b) impedes a faculty or staff member of the institution or private postsecondary educational institution in the lawful performance of the member's duties; or

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- 524 (c) impedes a student of the institution or private postsecondary educational institution in the lawful
pursuit of the student's educational activities.
- 526 (3) A violation of Subsection (2) is a class C misdemeanor.
- 551 Section 11. Section **77-11a-101** is amended to read:
- 552 **77-11a-101. Definitions.**
- As used in this chapter:
- 530 (1)
- (a) "Agency" means an agency of this state or a political subdivision of this state.
- 531 (b) "Agency" includes a law enforcement agency or a multijurisdictional task force.
- 532 (2) "Claimant" means:
- 533 (a) an owner of property;
- 534 (b) an interest holder; or
- 535 (c) an individual or entity who asserts a claim to any property for which an agency seeks to forfeit.
- 537 (3)
- (a) "Computer" means, except as provided in Subsection (3)(c), an electronic, magnetic, optical,
electrochemical, or other high-speed data processing device that performs logical, arithmetic, and
storage functions.
- 540 (b) "Computer" includes any device that is used for the storage of digital or electronic files, flash
memory, software, or other electronic information.
- 542 (c) "Computer" does not mean a computer server of an [~~Internet~~] internet or electronic service provider,
or the service provider's employee, if used to comply with the requirements under 18 U.S.C. Sec.
2258A.
- 545 (4)
- (a) "Contraband" means any property, item, or substance that is unlawful to produce or to possess under
state or federal law.
- 547 (b) "Contraband" includes:
- 548 (i) a controlled substance that is possessed, transferred, distributed, or offered for distribution in
violation of Title 58, Chapter 37, Utah Controlled Substances Act; or
- 551 (ii) a computer that:
- 552 (A) contains or houses child sexual abuse material, or is used to create, download, transfer, upload to a
storage account, or store any electronic or digital files containing child sexual abuse material; or

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- 555 (B) contains the personal identifying information of another individual, as defined in Section
76-6-1101, whether that individual is alive or deceased, and the personal identifying information
has been used to create false or fraudulent identification documents or financial transaction cards in
violation of Title 76, Chapter 6, Part 5, Fraud.
- 560 (5) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 561 (6) "Court" means a municipal, county, or state court.
- 562 (7) "Division of Law Enforcement" means the division within the Department of Natural Resources
created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.
- 564 (8) "Evidence" means the same as that term is defined in Section 77-11c-101.
- 565 (9) "Forfeit" means to divest a claimant of an ownership interest in property seized by a peace officer or
agency.
- 567 (10) "Innocent owner" means a claimant who:
- 568 (a) held an ownership interest in property at the time of the commission of an offense subjecting the
property to seizure, and:
- 570 (i) did not have actual knowledge of the offense subjecting the property to seizure; or
- 571 (ii) upon learning of the commission of the offense, took reasonable steps to prohibit the use of the
property in the commission of the offense; or
- 573 (b) acquired an ownership interest in the property and had no knowledge that the commission of the
offense subjecting the property to seizure had occurred or that the property had been seized, and:
- 576 (i) acquired the property in a bona fide transaction for value;
- 577 (ii) was an individual, including a minor child, who acquired an interest in the property through probate
or inheritance; or
- 579 (iii) was a spouse who acquired an interest in property through dissolution of marriage or by operation
of law.
- 581 (11)
- (a) "Interest holder" means a secured party as defined in Section 70A-9a-102, a party with a right-of-
offset, a mortgagee, lien creditor, or the beneficiary of a security interest or encumbrance pertaining
to an interest in property, whose interest would be perfected against a good faith purchaser for value.
- 585 (b) "Interest holder" does not mean a person:
- 586 (i) who holds property for the benefit of or as an agent or nominee for another person; or
- 588 (ii) who is not in substantial compliance with any statute requiring an interest in property to be:

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- 590 (A) recorded or reflected in public records in order to perfect the interest against a good faith purchaser
for value; or
- 592 (B) held in control by a secured party, as defined in Section 70A-9a-102, in accordance with Section
70A-9a-314 in order to perfect the interest against a good faith purchaser for value.
- 595 (12) "Law enforcement agency" means:
- 596 (a) a municipal, county, state institution of higher education, private postsecondary educational
institution, or state police force or department;
- 598 (b) a sheriff's office; or
- 599 (c) a municipal, county, or state prosecuting authority.
- 600 (13) "Legislative body" means:
- 601 (a)
- (i) the Legislature, county commission, county council, city commission, city council, or town council
that has fiscal oversight and budgetary approval authority over an agency; or
- 604 (ii) the agency's governing political subdivision; or
- 605 (b) the lead governmental entity of a multijurisdictional task force, as designated in a memorandum of
understanding executed by the agencies participating in the task force.
- 608 (14) "Multijurisdictional task force" means a law enforcement task force or other agency comprised of
individuals who are employed by or acting under the authority of different governmental entities,
including federal, state, county, or municipal governments, or any combination of federal, state,
county, or municipal agencies.
- 612 (15) "Owner" means an individual or entity, other than an interest holder, that possesses a bona fide
legal or equitable interest in property.
- 614 (16) "Pawn or secondhand business" means the same as that term is defined in Section 13-32a-102.
- 616 (17) "Peace officer" means an employee:
- 617 (a) of an agency;
- 618 (b) whose duties consist primarily of the prevention and detection of violations of laws of this state or a
political subdivision of this state; and
- 620 (c) who is authorized by the agency to seize property.
- 621 (18)
- (a) "Proceeds" means:
- 622

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(i) property of any kind that is obtained directly or indirectly as a result of the commission of an offense; or

(ii) any property acquired directly or indirectly from, produced through, realized through, or caused by an act or omission regarding property under Subsection (18)(a)(i).

(b) "Proceeds" includes any property of any kind without reduction for expenses incurred in the acquisition, maintenance, or production of that property, or any other purpose regarding property under Subsection (18)(a)(i).

(c) "Proceeds" is not limited to the net gain or profit realized from the offense that subjects the property to seizure.

(19)

(a) "Property" means all property, whether real or personal, tangible or intangible.

(b) "Property" does not include contraband.

(20) "Prosecuting attorney" means:

(a) the attorney general and an assistant attorney general;

(b) a district attorney or deputy district attorney;

(c) a county attorney or assistant county attorney; and

(d) an attorney authorized to commence an action on behalf of the state.

(21) "Public interest use" means a:

(a) use by a government agency as determined by the legislative body of the agency's jurisdiction; or

(b) donation of the property to a nonprofit charity registered with the state.

(22) "Real property" means land, including any building, fixture, improvement, appurtenance, structure, or other development that is affixed permanently to land.

(23)

(a) "Seized property" means property seized by a peace officer or agency in accordance with Section 77-11a-201.

(b) "Seized property" includes property that the agency seeks to forfeit under Chapter 11b, Forfeiture of Seized Property.

Section 12. Section **79-3-202** is amended to read:

79-3-202. Powers and duties of survey.

(1) The survey shall:

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- (a) assist and advise state and local agencies~~[-and state educational institutions]~~ , institutions of higher education as defined in Section 53H-1-101, and private postsecondary educational institutions as defined in Section 53H-1-101 on geologic, paleontologic, and mineralogic subjects;
- 656 (b) collect and distribute reliable information regarding the mineral industry and mineral resources, topography, paleontology, and geology of the state;
- 658 (c) survey the geology of the state, including mineral occurrences and the ores of metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface and ground water resources, with special reference to their economic contents, values, uses, kind, and availability in order to facilitate their economic use;
- 662 (d) investigate the kind, amount, and availability of mineral substances contained in lands owned and controlled by the state, to contribute to the most effective and beneficial administration of these lands for the state;
- 665 (e) determine and investigate areas of geologic and topographic hazards that could affect the safety of, or cause economic loss to, the citizens of the state;
- 667 (f) assist local and state agencies in their planning, zoning, and building regulation functions by publishing maps, delineating appropriately wide special earthquake risk areas, and, at the request of state agencies or other governmental agencies, review the siting of critical facilities;
- 671 (g) cooperate with state agencies, political subdivisions of the state, quasi-governmental agencies, federal agencies, schools of higher education, and others in fields of mutual concern, which may include field investigations and preparation, publication, and distribution of reports and maps;
- 675 (h) collect and preserve data pertaining to mineral resource exploration and development programs and construction activities, such as claim maps, location of drill holes, location of surface and underground workings, geologic plans and sections, drill logs, and assay and sample maps, including the maintenance of a sample library of cores and cuttings;
- 680 (i) study and analyze other scientific, economic, or aesthetic problems as, in the judgment of the board, should be undertaken by the survey to serve the needs of the state and to support the development of natural resources and utilization of lands within the state;
- 684 (j) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the work accomplished by the survey, directly or in collaboration with others, and collect and prepare exhibits of the geological and mineral resources of this state and interpret their significance;
- 688

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(k) collect, maintain, and preserve data and information in order to accomplish the purposes of this section and act as a repository for information concerning the geology of this state;

(l) stimulate research, study, and activities in the field of paleontology;

(m) mark, protect, and preserve critical paleontological sites;

(n) collect, preserve, and administer critical paleontological specimens until the specimens are placed in a repository or curation facility;

(o) administer critical paleontological site excavation records;

(p) edit and publish critical paleontological records and reports; and

(q) collect the land use permits described in Sections 10-20-611 and 17-79-608.

(2)

(a) The survey may maintain as confidential, and not as a public record, information provided to the survey by any source.

(b) The board shall adopt rules in order to determine whether to accept the information described in Subsection (2)(a) and to maintain the confidentiality of the accepted information.

(c) The survey shall maintain information received from any source at the level of confidentiality assigned to it by the source.

(3) Upon approval of the board, the survey shall undertake other activities consistent with Subsection (1).

(4)

(a) Subject to the authority granted to the department, the survey may enter into cooperative agreements with the entities specified in Subsection (1)(g), if approved by the board, and may accept or commit allocated or budgeted funds in connection with those agreements.

(b) The survey may undertake joint projects with private entities if:

(i) the action is approved by the board;

(ii) the projects are not inconsistent with the state's objectives; and

(iii) the results of the projects are available to the public.

Section 13. Section **79-6-106** is amended to read:

79-6-106. Hydrogen advisory council.

(1) The department shall create a hydrogen advisory council within the office that consists of seven to nine members appointed by the executive director, in consultation with the director. The executive director shall appoint members with expertise in:

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- 720 (a) hydrogen energy in general;
721 (b) hydrogen project facilities;
722 (c) technology suppliers;
723 (d) hydrogen producers or processors;
724 (e) renewable and fossil based power generation industries; and
725 (f) fossil fuel based hydrogen feedstock providers.
726 (2)
(a) Except as required by Subsection (2)(b), a member shall serve a four-year term.
727 (b) The executive director shall, at the time of appointment or reappointment, adjust the length of
terms to ensure that the terms of council members are staggered so that approximately half of the
hydrogen advisory council is appointed every two years.
730 (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for
the unexpired term.
732 (3)
(a) A majority of the members appointed under this section constitutes a quorum of the hydrogen
advisory council.
734 (b) The hydrogen advisory council shall determine:
735 (i) the time and place of meetings; and
736 (ii) any other procedural matter not specified in this section.
737 (4) A member may not receive compensation or benefits for the member's service, but may receive per
diem and travel expenses in accordance with:
739 (a) Section 63A-3-106;
740 (b) Section 63A-3-107; and
741 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
743 (5) The office shall staff the hydrogen advisory council.
744 (6) The hydrogen advisory council may:
745 (a) develop hydrogen facts and figures that facilitate use of hydrogen fuel within the state;
747 (b) encourage cross-state cooperation with states that have hydrogen programs;
748 (c) work with state agencies, the private sector, and other stakeholders, such as environmental groups,
to:
750

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- (i) recommend realistic goals for hydrogen development that can be executed within realistic time frames; and
- 752 (ii) educate, discuss, consult, and make recommendations in hydrogen related matters that benefit the state;
- 754 (d) promote hydrogen research at an institution of higher education or a private postsecondary educational institution, as defined in Section 53H-1-101;
- 756 (e) make recommendations regarding how to qualify for federal funding of hydrogen projects, including hydrogen related projects for:
 - 758 (i) the state;
 - 759 (ii) a local government;
 - 760 (iii) a privately commissioned project;
 - 761 (iv) an educational project;
 - 762 (v) scientific development; and
 - 763 (vi) engineering and novel technologies;
- 764 (f) make recommendations related to the development of multiple feedstock or energy resources in the state such as wind, solar, hydroelectric, geothermal, coal, natural gas, oil, water, electrolysis, coal gasification, liquefaction, hydrogen storage, safety handling, compression, and transportation;
- 768 (g) make recommendations to establish statewide safety protocols for production, transportation, and handling of hydrogen for both residential and commercial applications;
- 771 (h) facilitate public events to raise the awareness of hydrogen and hydrogen related fuels within the state and how hydrogen can be advantageous to all forms of transportation, heat, and power generation;
- 774 (i) review and make recommendations regarding legislation; and
- 775 (j) make other recommendations to the director related to hydrogen development in the state.

Section 14. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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