

**Drinking Water Utilities Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Colin W. Jack**

Senate Sponsor: Heidi Balderree

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**LONG TITLE****Committee Note:**

The Public Utilities, Energy, and Technology Interim Committee recommended this bill.

Legislative Vote: 14 voting for 0 voting against 4 absent

**General Description:**

This bill addresses security at drinking water facilities.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires a community water system to:
  - complete an emergency response plan; and
  - report a security breach to the Utah Cyber Center within two hours of discovering the breach;
- requires the Division of Drinking Water to report annually to two legislative committees on security at community water systems;
- classifies a community water system's emergency response plan as a protected record; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**19-4-106 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah 2023, Chapter 238**63G-2-305 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

ENACTS:

31 **19-4-117 (Effective 05/06/26), Utah Code Annotated 1953**

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

34 Section 1. Section **19-4-106** is amended to read:

35 **19-4-106 (Effective 05/06/26) (Repealed 07/01/29). Director -- Appointment --**  
36 **Authority.**

37 (1) The executive director shall appoint the director. The director shall serve under the  
38 administrative direction of the executive director.

39 (2) The director shall:

40 (a) develop programs to promote and protect the quality of the public drinking water  
41 supplies of the state;

42 (b) advise, consult, and cooperate with other agencies of this and other states, the federal  
43 government, and with other groups, political subdivisions, and industries in  
44 furtherance of the purpose of this chapter;

45 (c) review plans, specifications, and other data pertinent to proposed or expanded water  
46 supply systems to ensure proper design and construction; [and]

47 (d) ensure that a community water system has an emergency response plan that meets  
48 the requirements described in Subsection 19-4-117(2);

49 [(d)] (e) subject to the provisions of this chapter, enforce rules made by the board  
50 through the issuance of orders that may be subsequently revoked, which orders may  
51 require:

52 (i) discontinuance of use of unsatisfactory sources of drinking water;

53 (ii) suppliers to notify the public concerning the need to boil water; or

54 (iii) suppliers in accordance with existing rules, to take remedial actions necessary to  
55 protect or improve an existing water system; and

56 [(e)] (f) as authorized by the board and subject to the provisions of this chapter, act as  
57 executive secretary of the board under the direction of the chair of the board.

58 (3) The director may authorize employees or agents of the department, after reasonable  
59 notice and presentation of credentials, to enter any part of a public water system at  
60 reasonable times to inspect the facilities and water quality records required by board  
61 rules, conduct sanitary surveys, take samples, and investigate the standard of operation  
62 and service delivered by public water systems.

63 (4) As provided in this chapter and in accordance with rules made by the board, the director  
64 may:

- (a) issue and enforce a notice of violation and an administrative order; and
- (b) assess and make a demand for payment of an administrative penalty arising from a violation of this chapter, a rule or order issued under the authority of this chapter, or the terms of a permit or other administrative authorization issued under the authority of this chapter.

~~[(5)(a) The director shall study how water providers, municipalities, counties, and state agencies may find greater efficiencies through improved coordination, consolidation, and regionalization related to:]~~

~~[(i) water use and conservation; and]~~

~~[(ii) administrative and economic efficiencies.]~~

~~[(b) The study under this Subsection (5) shall consider recommendations including incentives, funding, regulatory changes, and statutory changes to promote greater coordination and efficiency and to help meet water infrastructure needs statewide.]~~

~~[(c) The director shall:]~~

~~[(i) conduct the study in conjunction with the Division of Water Resources; and]~~

~~[(ii) consult with a diverse group consisting of water providers, state agencies, local governments, and relevant stakeholders to help the director conduct the study and develop recommendations described in this Subsection (5).]~~

~~[(d) On or before October 30, 2024, the director shall provide a written report of the study's findings, including any recommended legislative action, to the Natural Resources, Agriculture, and Environment Interim Committee.]~~

Section 2. Section **19-4-117** is enacted to read:

**19-4-117 (Effective 05/06/26). Emergency response plan required for community water systems -- Requirements -- Report.**

(1) As used in this section:

(a) "Authorized employee" means an employee of a community water system authorized to access:

(i) an operational technology;

(ii) a control system; or

(iii) a secure area.

(b)(i) "Control system" means a physical or electronic system that implements a procedure or process for water treatment or water delivery at a community water system.

(ii) "Control system" includes:

- 99                    (A) a computer system that monitors or controls water treatment or water delivery  
100                    equipment in real time, including a supervisory control and data acquisition  
101                    system;
- 102                    (B) a computer device that performs calculations or processes data related to water  
103                    treatment or water delivery; and
- 104                    (C) a network device or server that allows an authorized employee to remotely  
105                    access a computer system or computer device that monitors or controls water  
106                    treatment or water delivery.
- 107                    (c) "Emergency response plan" means the plan described in Subsection (2) and 42  
108                    U.S.C. Sec. 300i-2(b).
- 109                    (d) "Operational technology" means a hardware, software, or firmware component of a  
110                    control system.
- 111                    (e) "Secure area" means an area in a community water system that is not normally  
112                    accessible by the public.
- 113                    (f)(i) "Security breach" means an incident that threatens the security of a community  
114                    water system with the potential to impact the quality or quantity of delivered  
115                    water.
- 116                    (ii) "Security breach" includes:
- 117                    (A) a breach of an operational technology or control system; or
- 118                    (B) an unauthorized attempt to delete, disable, destroy, or override data, an  
119                    application, a device, or a computer network.
- 120                    (2)(a) By no later than December 31, 2026, and July 1 annually thereafter, a supplier of  
121                    a community water system serving a population of 3,300 or greater shall complete an  
122                    emergency response plan.
- 123                    (b) By no later than July 1, 2027, and annually thereafter, a supplier of a community  
124                    water system serving a population less than 3,300 shall complete an emergency  
125                    response plan.
- 126                    (c) A supplier of a community water system shall report to the division on or before July  
127                    1 of each year whether the supplier has completed an emergency response plan  
128                    described in this Subsection (2).
- 129                    (d) An emergency response plan shall include a requirement to:
- 130                    (i) support and regularly update software used in a control system;
- 131                    (ii) deploy and maintain network protection for a control system, as needed;
- 132                    (iii) adopt best practices for secure authentication;

- 133 (iv) provide annual cybersecurity training to an employee who has regular access to  
134 an operational technology or control system;
- 135 (v) complete an internal assessment of the community water system's security  
136 vulnerabilities and implement corrective controls to address a security  
137 vulnerability;
- 138 (vi) promptly remove access to all operational technology and control systems from  
139 an employee whose employment is terminated;
- 140 (vii) prohibit an unauthorized copying of software and data;
- 141 (viii) ensure that an automated operational technology or control system can be  
142 operated manually, as needed;
- 143 (ix) report a security breach in accordance with Subsection (3);
- 144 (x) adopt other security and records management requirements in conformity with  
145 state and federal requirements; and
- 146 (xi) comply with a security directive by the director.
- 147 (e) A supplier of a community water system shall make available for review to the  
148 director or the director's authorized representative, upon request:
- 149 (i) the supplier's emergency response plan;
- 150 (ii) an incident report; and
- 151 (iii) any information related to an emergency response plan as requested by the  
152 director.
- 153 (f) For resources not related to water treatment and delivery owned or managed by a  
154 supplier of a community water system, the supplier may:
- 155 (i) create an alternative emergency response plan from the emergency response plan  
156 described in this Subsection (2); or
- 157 (ii) incorporate the emergency response plan developed under this Subsection (2), or  
158 any part thereof, into the emergency response plan for the resource not related to  
159 water treatment and delivery.
- 160 (3)(a) A supplier of a community water system shall report a security breach no later  
161 than two hours after the supplier discovers the security breach to the Utah Cyber  
162 Center created in Section 63A-16-1102.
- 163 (b) The Utah Cyber Center shall notify the division of a reported security breach  
164 described in Subsection (3)(a) as soon as possible, but not later than one day after  
165 receiving the report from the supplier.
- 166 (4)(a) By no later than October 31 of each year, the division shall submit a report on

167 security at community water systems in the state to:

168 (i) the Natural Resources, Agriculture, and Environment Interim Committee; and

169 (ii) the Public Utilities, Energy, and Technology Interim Committee.

170 (b) The report described in this Subsection (4) shall include:

171 (i) information collected by the division regarding security incidents and emergency  
172 response plans at community water systems in the state; and

173 (ii) recommendations from the division, if any, for legislative action and funding to  
174 improve physical and electronic security at community water systems.

175 (5) The director shall provide information and technical resources to a community water  
176 system completing an emergency response plan described in Subsection (2).

177 Section 3. Section **63G-2-305** is amended to read:

178 **63G-2-305 (Effective 05/06/26). Protected records.**

179 The following records are protected if properly classified by a governmental entity:

- 180 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has  
181 provided the governmental entity with the information specified in Section 63G-2-309;
- 182 (2) commercial information or nonindividual financial information obtained from a person  
183 if:  
184 (a) disclosure of the information could reasonably be expected to result in unfair  
185 competitive injury to the person submitting the information or would impair the  
186 ability of the governmental entity to obtain necessary information in the future;
- 187 (b) the person submitting the information has a greater interest in prohibiting access than  
188 the public in obtaining access; and
- 189 (c) the person submitting the information has provided the governmental entity with the  
190 information specified in Section 63G-2-309;
- 191 (3) commercial or financial information acquired or prepared by a governmental entity to  
192 the extent that disclosure would lead to financial speculations in currencies, securities, or  
193 commodities that will interfere with a planned transaction by the governmental entity or  
194 cause substantial financial injury to the governmental entity or state economy;
- 195 (4) records, the disclosure of which could cause commercial injury to, or confer a  
196 competitive advantage upon a potential or actual competitor of, a commercial project  
197 entity as defined in Subsection 11-13-103(4);
- 198 (5) test questions and answers to be used in future license, certification, registration,  
199 employment, or academic examinations;
- 200 (6) records, the disclosure of which would impair governmental procurement proceedings

or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties:

(a) a bid, proposal, application, or other information submitted to or by a governmental entity in response to:

(i) an invitation for bids;

(ii) a request for proposals;

(iii) a request for quotes;

(iv) a grant; or

(v) other similar document; or

(b) an unsolicited proposal, as defined in Section 63G-6a-712;

(7) information submitted to or by a governmental entity in response to a request for information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict the right of a person to have access to the information, after:

(a) a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or

(b)(i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and

(ii) at least two years have passed after the day on which the request for information is issued;

(8) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

(a) public interest in obtaining access to the information is greater than or equal to the governmental entity's need to acquire the property on the best terms possible;

(b) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

(c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity's plans to acquire the property;

(d) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity's estimated value of the property; or

- (e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78B-6-505;
- (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:
- (a) the public interest in access is greater than or equal to the interests in restricting access, including the governmental entity's interest in maximizing the financial benefit of the transaction; or
- (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;
- (10) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:
- (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;
- (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
- (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
- (d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or
- (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;
- (11) records the disclosure of which would jeopardize the life or safety of an individual;
- (12) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;
- (13) records that, if disclosed, would jeopardize the security or safety of a correctional



facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;

(14) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Health and Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;

(15) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;

(16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(17) records that are subject to the attorney client privilege;

(18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;

(19)(a)(i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and

(ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and

(b)(i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:

(A) members of a legislative body;

(B) a member of a legislative body and a member of the legislative body's staff; or

(C) members of a legislative body's staff; and

(ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;

(20)(a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and

(b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;

(21) a research request from a legislator to a legislative staff member and research findings prepared in response to the request;

(22) drafts, unless otherwise classified as public;

(23) records concerning a governmental entity's strategy about:

(a) collective bargaining; or

(b) imminent or pending litigation;

(24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;

(25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

(26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

(27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;

(28) records of an institution of higher education defined in Section 53H-1-101 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

(29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;

(30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final

recommendations in these areas;

- (31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
- (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;
- (33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;
- (34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;
- (35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;
- (36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;
- (37) the name of a donor or a prospective donor to a governmental entity, including an institution of higher education defined in Section 53H-1-101, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:
  - (a) the donor requests anonymity in writing;
  - (b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection (37); and
  - (c) except for an institution of higher education defined in Section 53H-1-101, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;
- (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;

- 371 (39) a notification of workers' compensation insurance coverage described in Section  
372 34A-2-205;
- 373 (40) subject to Subsections (40)(g) and (h), the following records of an institution of higher  
374 education defined in Section 53H-1-101, which have been developed, discovered,  
375 disclosed to, or received by or on behalf of faculty, staff, employees, or students of the  
376 institution:
- 377 (a) unpublished lecture notes;
- 378 (b) unpublished notes, data, and information:
- 379 (i) relating to research; and
- 380 (ii) of:
- 381 (A) the institution of higher education defined in Section 53H-1-101; or
- 382 (B) a sponsor of sponsored research;
- 383 (c) unpublished manuscripts;
- 384 (d) creative works in process;
- 385 (e) scholarly correspondence; and
- 386 (f) confidential information contained in research proposals;
- 387 (g) this Subsection (40) may not be construed to prohibit disclosure of public  
388 information required pursuant to Subsection 53H-14-202(2)(a) or (b); and
- 389 (h) this Subsection (40) may not be construed to affect the ownership of a record;
- 390 (41)(a) records in the custody or control of the Office of the Legislative Auditor General  
391 that would reveal the name of a particular legislator who requests a legislative audit  
392 prior to the date that audit is completed and made public; and
- 393 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
394 Office of the Legislative Auditor General is a public document unless the legislator  
395 asks that the records in the custody or control of the Office of the Legislative Auditor  
396 General that would reveal the name of a particular legislator who requests a  
397 legislative audit be maintained as protected records until the audit is completed and  
398 made public;
- 399 (42) records that provide detail as to the location of an explosive, including a map or other  
400 document that indicates the location of:
- 401 (a) a production facility; or
- 402 (b) a magazine;
- 403 (43) information contained in the statewide database of the Division of Aging and Adult  
404 Services created by Section 26B-6-210;

- (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child Welfare Services;
- (45) information regarding National Guard operations or activities in support of the National Guard's federal mission;
- (46) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
- (47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;
- (48) except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:
- (a) the safety of the general public; or
  - (b) the security of:
    - (i) governmental property;
    - (ii) governmental programs; or
    - (iii) the property of a private person who provides the Division of Emergency Management information;
- (49) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;
- (50) as provided in Section 26B-2-709:
- (a) information or records held by the Department of Health and Human Services related to a complaint regarding a provider, program, or facility which the department is unable to substantiate; and
  - (b) information or records related to a complaint received by the Department of Health and Human Services from an anonymous complainant regarding a provider, program, or facility;
- (51) unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:
- (a) the individual is required to provide the information in order to comply with a law,

- ordinance, rule, or order of a government entity; and
- (b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:
- (i) the nature of the law, ordinance, rule, or order; and
- (ii) the individual complying with the law, ordinance, rule, or order;
- (52) the portion of the following documents that contains a candidate's residential or mailing address, if the candidate provides to the filing officer another address or phone number where the candidate may be contacted:
- (a) a declaration of candidacy, a nomination petition, or a certificate of nomination, described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- (53) the name, home address, work addresses, and telephone numbers of an individual that is engaged in, or that provides goods or services for, medical or scientific research that is:
- (a) conducted within the state system of higher education, as described in Section 53H-1-102; and
- (b) conducted using animals;
- (54) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation Commission concerning an individual commissioner's vote, in relation to whether a judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- (55) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;
- (56) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section 63L-11-202;
- (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- (58) in accordance with Section 73-10-33:
- (a) a management plan for a water conveyance facility in the possession of the Division of Water Resources or the Board of Water Resources; or
- (b) an outline of an emergency response plan in possession of the state or a county or

- 473 municipality;
- 474 (59) the following records in the custody or control of the Office of Inspector General of
- 475 Medicaid Services, created in Section 63A-13-201:
- 476 (a) records that would disclose information relating to allegations of personal
- 477 misconduct, gross mismanagement, or illegal activity of a person if the information
- 478 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
- 479 Services through other documents or evidence, and the records relating to the
- 480 allegation are not relied upon by the Office of Inspector General of Medicaid
- 481 Services in preparing a final investigation report or final audit report;
- 482 (b) records and audit workpapers to the extent they would disclose the identity of a
- 483 person who, during the course of an investigation or audit, communicated the
- 484 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
- 485 violation of a law, rule, or regulation adopted under the laws of this state, a political
- 486 subdivision of the state, or any recognized entity of the United States, if the
- 487 information was disclosed on the condition that the identity of the person be
- 488 protected;
- 489 (c) before the time that an investigation or audit is completed and the final investigation
- 490 or final audit report is released, records or drafts circulated to a person who is not an
- 491 employee or head of a governmental entity for the person's response or information;
- 492 (d) records that would disclose an outline or part of any investigation, audit survey plan,
- 493 or audit program; or
- 494 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
- 495 investigation or audit;
- 496 (60) records that reveal methods used by the Office of Inspector General of Medicaid
- 497 Services, the fraud unit, or the Department of Health and Human Services, to discover
- 498 Medicaid fraud, waste, or abuse;
- 499 (61) information provided to the Department of Health and Human Services or the Division
- 500 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
- 501 58-68-304(3) and (4);
- 502 (62) a record described in Section 63G-12-210;
- 503 (63) captured plate data that is obtained through an automatic license plate reader system
- 504 used by a governmental entity as authorized in Section 41-6a-2003;
- 505 (64) an audio or video recording created by a body-worn camera, as that term is defined in
- 506 Section 77-7a-103, that records sound or images inside a hospital or health care facility

as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in Section 78B-3-403, or inside a human service program as that term is defined in Section 26B-2-101, except for recordings that:

- (a) depict the commission of an alleged crime;
- (b) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;
- (c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
- (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or
- (e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;

(65) a record pertaining to the search process for a president of an institution of higher education described in Section 53H-3-302;

(66) an audio recording that is:

- (a) produced by an audio recording device that is used in conjunction with a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition;
- (b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:
  - (i) is responding to an individual needing resuscitation or with a life-threatening condition; and
  - (ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition; and
- (c) intended and used for purposes of training emergency responders how to improve their response to an emergency situation;

(67) records submitted by or prepared in relation to an applicant seeking a recommendation by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the Legislative Audit Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;

(68) work papers as defined in Section 31A-2-204;

(69) a record made available to Adult Protective Services or a law enforcement agency under Section 61-1-206;



- (70) a record submitted to the Insurance Department in accordance with Section 31A-37-201;
- (71) a record described in Section 31A-37-503;
- (72) any record created by the Division of Professional Licensing as a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- (73) a record described in Section 72-16-306 that relates to the reporting of an injury involving an amusement ride;
- (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political petition, or on a request to withdraw a signature from a political petition, including a petition or request described in the following titles:
- (a) Title 10, Utah Municipal Code;
  - (b) Title 17, Counties;
  - (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
  - (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
  - (e) Title 20A, Election Code;
- (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;
- (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection (74) or (75), in the custody of the lieutenant governor or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;
- (78) a record submitted to the Insurance Department under Section 31A-48-103;
- (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited under Section 63G-26-103;
- (80) an image taken of an individual during the process of booking the individual into jail, unless:
- (a) the individual is convicted of a criminal offense based upon the conduct for which the individual was incarcerated at the time the image was taken;
  - (b) a law enforcement agency releases or disseminates the image:
    - (i) after determining that the individual is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the image will assist in apprehending the individual or reducing or eliminating the threat; or
    - (ii) to a potential witness or other individual with direct knowledge of events relevant

- 575 to a criminal investigation or criminal proceeding for the purpose of identifying or  
576 locating an individual in connection with the criminal investigation or criminal  
577 proceeding;
- 578 (c) a judge orders the release or dissemination of the image based on a finding that the  
579 release or dissemination is in furtherance of a legitimate law enforcement interest; or  
580 (d) the image is displayed to a person who is permitted to view the image under Section  
581 17-72-802;
- 582 (81) a record:
- 583 (a) concerning an interstate claim to the use of waters in the Colorado River system;  
584 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
585 representative from another state or the federal government as provided in Section  
586 63M-14-205; and
- 587 (c) the disclosure of which would:
- 588 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
589 Colorado River system;
- 590 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to  
591 negotiate the best terms and conditions regarding the use of water in the Colorado  
592 River system; or
- 593 (iii) give an advantage to another state or to the federal government in negotiations  
594 regarding the use of water in the Colorado River system;
- 595 (82) any part of an application described in Section 63N-16-201 that the Governor's Office  
596 of Economic Opportunity determines is nonpublic, confidential information that if  
597 disclosed would result in actual economic harm to the applicant, but this Subsection (82)  
598 may not be used to restrict access to a record evidencing a final contract or approval  
599 decision;
- 600 (83) the following records of a drinking water or wastewater facility:
- 601 (a) an engineering or architectural drawing of the drinking water or wastewater facility;[  
602 and]
- 603 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the  
604 drinking water or wastewater facility uses to secure, or prohibit access to, the records  
605 described in Subsection (83)(a); and
- 606 (c) any record related to an emergency response plan or incident report described in  
607 Section 19-4-117;
- 608 (84) a statement that an employee of a governmental entity provides to the governmental

entity as part of the governmental entity's personnel or administrative investigation into potential misconduct involving the employee if the governmental entity:

(a) requires the statement under threat of employment disciplinary action, including possible termination of employment, for the employee's refusal to provide the statement; and

(b) provides the employee assurance that the statement cannot be used against the employee in any criminal proceeding;

(85) any part of an application for a Utah Fits All Scholarship account described in Section 53F-6-402 or other information identifying a scholarship student as defined in Section 53F-6-401;

(86) a record:

(a) concerning a claim to the use of waters in the Great Salt Lake;

(b) relating to a judicial proceeding, administrative proceeding, or negotiation with a person concerning the claim, including a representative from another state or the federal government; and

(c) the disclosure of which would:

(i) reveal a legal strategy relating to the state's claim to the use of the water in the Great Salt Lake;

(ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms and conditions regarding the use of water in the Great Salt Lake; or

(iii) give an advantage to another person including another state or to the federal government in negotiations regarding the use of water in the Great Salt Lake;

(87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is reclassified as public as described in Subsection 13-2-11(4);

(88) a record of the Utah water agent, appointed under Section 73-10g-702:

(a) concerning a claim to the use of waters;

(b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative from another state, a tribe, the federal government, or other government entity as provided in Title 73, Chapter 10g, Part 7, Utah Water Agent; and

(c) the disclosure of which would:

(i) reveal a legal strategy relating to the state's claim to the use of the water;

(ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use of water; or

- 643 (iii) give an advantage to another state, a tribe, the federal government, or other  
644 government entity in negotiations regarding the use of water; and  
645 (89) a record created or maintained for an investigation of the Prosecutor Conduct  
646 Commission, created in Section 63M-7-1102, that contains any personal identifying  
647 information of a prosecuting attorney, including:  
648 (a) a complaint, or a document that is submitted or created for a complaint, received by  
649 the Prosecutor Conduct Commission; or  
650 (b) a finding by the Prosecutor Conduct Commission.

651 Section 4. **Effective Date.**

652 This bill takes effect on May 6, 2026.