

Steve Eliason proposes the following substitute bill:

Identification Verification Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions relating to identification verification.

Highlighted Provisions:

This bill:

- provides that an authorized person shall verify proof of age for an individual who appears to be 35 years old or younger before the individual procures an alcoholic product at a restaurant;
- provides that an off-premise beer retailer, a state store, or a package agency shall request proof of age from each patron;
- requires that an off-premise beer retailer, a state store, or a package agency verify that an individual is not an interdicted person if the individual provides a Utah driver license as a proof of age;
- provides that an authorized person shall verify proof of age for each individual before the individual gains admittance to a bar or tavern or purchases beer from an off-premise beer retailer;
- authorizes an authorized person to temporarily confiscate a proof of age the authorized person determines is fake;
- provides that when a court designates an individual as an interdicted person, the court may require the individual to surrender the individual's Utah driver license or Utah identification card;
- provides that an individual who voluntarily applies for a driver license or an identification card with an interdicted person qualifier is not required to pay an administrative fee imposed by the Driver License Division;
- provides a coordination clause between this bill and H.B. 597, Alcohol Amendments; and
- makes technical changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 This bill provides retrospective operation.

34 This bill provides a coordination clause.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **32B-1-407 (Effective upon governor's approval) (Applies beginning 01/01/26)**, as last
38 amended by Laws of Utah 2025, Chapter 471

39 **32B-2-503 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
40 Chapter 94

41 **32B-2-605 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
42 Chapter 94

43 **32B-4-405 (Effective upon governor's approval) (Applies beginning 01/01/26)**, as last
44 amended by Laws of Utah 2025, Chapter 471

45 **32B-5-306 (Effective upon governor's approval) (Applies beginning 01/01/26)**, as last
46 amended by Laws of Utah 2025, Chapter 471

47 **32B-7-202 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
48 Chapters 162, 173

49 **41-6a-505 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
50 Chapter 471

51 **41-6a-509 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
52 Chapter 471

53 **53-3-236 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 471

54 **53-3-805 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 471

55 **76-5-102.1 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
56 Chapter 471

57 **76-5-207 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
58 Chapter 471

59 **Utah Code Sections affected by Coordination Clause:**

60 **32B-1-407**, as as last amended by Laws of Utah 2025, Chapter 471

61

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

63 *The following section is affected by a coordination clause at the end of this bill.*

64 Section 1. Section **32B-1-407** is amended to read:

65 **32B-1-407 (Effective upon governor's approval) (Applies beginning 01/01/26).**

66 **Verification of proof of age by applicable licensees.**

67 (1) As used in this section, "applicable licensee" means:

68 ~~[(a) a dining club;]~~

69 ~~[(b)] (a) a bar;~~

70 ~~[(e)] (b) a tavern;~~

71 ~~[(d)] (c) a full-service restaurant;~~

72 ~~[(e)] (d) a limited-service restaurant;~~

73 ~~[(f)] (e) a beer-only restaurant; or~~

74 ~~[(g)] (f) an off-premise beer retailer selling, offering for sale, or furnishing beer as~~
75 ~~described in Subsection 32B-7-202(8).~~

76 (2) Notwithstanding any other provision of this part, an applicable licensee shall require
77 that an authorized person for the applicable licensee verify proof of age as provided in
78 this section.

79 (3)~~(a)~~ An authorized person is required to verify proof of age under this section before
80 an individual[:] who appears to be 35 years old or younger

81 ~~[(a) gains admittance to the premises of a bar licensee or tavern;]~~

82 ~~[(b) procures an alcoholic product on the premises of a dining club licensee; or]~~

83 ~~[(e)] procures an alcoholic product [in a dispensing area in] on the premises of a~~
84 ~~full-service restaurant licensee, a limited-service restaurant licensee, or a beer-only~~
85 ~~restaurant licensee.~~

86 (b) An authorized person is required to verify proof of age under this section before an
87 individual:

88 (i) gains admittance to the premises of a bar licensee or tavern; or

89 (ii) purchases beer from an off-premise beer retailer as described in Subsection
90 32B-7-202(8).

91 (c) When verifying proof of age under this Subsection (3), an authorized person shall
92 verify that:

93 (i) the individual's age on the proof of age is at least 21 years old;

94 (ii) the picture on the proof of age matches the individual; and

95 (iii) if the proof of age is a driver license issued by this state, that the individual is not
96 an interdicted person.

- 97 (4) To comply with Subsection (3), an authorized person shall:
- 98 (a) request that the individual present proof of age; and
- 99 (b)(i) verify the validity of the proof of age electronically under the verification
- 100 program created in Subsection (5); or
- 101 (ii) if the proof of age cannot be electronically verified as provided in Subsection
- 102 (4)(b)(i), request that the individual comply with a process established by the
- 103 commission by rule.
- 104 (5)(a) The commission shall establish by rule an electronic verification program that
- 105 includes the following:
- 106 (i) the specifications for the technology used by the applicable licensee to
- 107 electronically verify proof of age, including that the technology display to the
- 108 person described in Subsection (2) no more than the following for the individual
- 109 who presents the proof of age:
- 110 (A) the name;
- 111 (B) the age;
- 112 (C) the number assigned to the individual's proof of age by the issuing authority;
- 113 (D) the birth date;
- 114 (E) the gender; and
- 115 (F) the status and expiration date of the individual's proof of age; and
- 116 (ii) the security measures that shall be used by an applicable licensee to ensure that
- 117 information obtained under this section is:
- 118 (A) used by the applicable licensee only for purposes of verifying proof of age in
- 119 accordance with this section; and
- 120 (B) retained by the applicable licensee for seven days after the day on which the
- 121 applicable licensee obtains the information.
- 122 (b) The commission shall ensure that the electronic verification program described in
- 123 Subsection (5)(a) includes technology that ~~[recognizes every state's unique hidden~~
- 124 ~~security features located on state issued identification cards to determine the validity~~
- 125 ~~of that particular card.] can determine the validity of a state issued identification card~~
- 126 from the barcode located on the back of the state issued identification card by:
- 127 (i) comparing the card's barcode to other legitimate barcodes; or
- 128 (ii) identifying patterns within legitimate state issued identification cards.
- 129 (6)(a) An applicable licensee may not disclose information obtained under this section
- 130 except as provided under this title.

131 (b) Information obtained under this section is considered a record for any purpose under
132 Chapter 5, Part 3, Retail Licensee Operational Requirements.

133 (7)(a) If, after an authorized person requests that an individual present proof of age in
134 accordance with Subsection (4), the authorized person determines that the proof of
135 age the individual presents is fake or the electronic verification program described in
136 Subsection (5) determines that the proof of age is fake, the authorized person may,
137 subject to Subsection (7)(b):

138 (i) if the proof of age is a physical proof of age, temporarily confiscate the proof of
139 age; and

140 (ii) call law enforcement and request that law enforcement verify the validity of the
141 proof of age.

142 (b) When an authorized person calls law enforcement in accordance with this Subsection
143 (7):

144 (i) if law enforcement is unavailable to verify the validity of the proof of age within
145 30 minutes, the authorized person shall immediately return the proof of age to the
146 individual; or

147 (ii) if law enforcement is available to verify the validity of the proof of age within 30
148 minutes, the authorized person may maintain control over the proof of age until
149 law enforcement arrives to verify the proof of age.

150 Section 2. Section **32B-2-503** is amended to read:

151 **32B-2-503 (Effective upon governor's approval). Operational requirements for a**
152 **state store.**

153 (1)(a) A state store shall display in a prominent place in the store a sign in large letters
154 that consists of text in the following order:

155 (i) a header that reads: "WARNING";

156 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
157 can cause birth defects and permanent brain damage for the child.";

158 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at
159 [insert most current toll-free number] with questions or for more information.";

160 (iv) a header that reads: "WARNING"; and

161 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is
162 a serious crime that is prosecuted aggressively in Utah."

163 (b)(i) The text described in Subsections (1)(a)(i) through (iii) shall be in a different
164 font style than the text described in Subsections (1)(a)(iv) and (v).

- 165 (ii) The warning statements in the sign described in Subsection (1)(a) shall be in the
166 same font size.
- 167 (c) The Department of Health shall work with the commission and department to
168 facilitate consistency in the format of a sign required under this section.
- 169 (2) A state store may not sell, offer for sale, or furnish liquor except at a price fixed by the
170 commission.
- 171 (3) A state store may not sell, offer for sale, or furnish liquor to:
- 172 (a) a minor;
- 173 (b) a person actually, apparently, or obviously intoxicated;
- 174 (c) a known interdicted person; or
- 175 (d) a known habitual drunkard.
- 176 (4)(a) A state store employee may not:
- 177 (i) consume an alcoholic product on the premises of a state store; or
- 178 (ii) allow any person to consume an alcoholic product on the premises of a state store.
- 179 (b) A violation of this Subsection (4) is a class B misdemeanor.
- 180 (5)(a) Sale or delivery of liquor may not be made on or from the premises of a state
181 store, and a state store may not be kept open for the sale of liquor:
- 182 (i) on Sunday; or
- 183 (ii) on a state or federal legal holiday.
- 184 (b) Sale or delivery of liquor may be made on or from the premises of a state store, and a
185 state store may be open for the sale of liquor, only on a day and during hours that the
186 commission directs by rule or order.
- 187 (6)(a) A minor may not be admitted into, or be on the premises of, a state store unless
188 accompanied by a person who is:
- 189 (i) 21 years [~~of age~~] old or older; and
- 190 (ii) the minor's parent, legal guardian, or spouse.
- 191 (b) A state store employee that has reason to believe that a person who is on the
192 premises of a state store is under [~~the age of 21~~] 21 years old and is not accompanied
193 by a person described in Subsection (6)(a) may:
- 194 (i) ask the suspected minor for proof of age;
- 195 (ii) ask the person who accompanies the suspected minor for proof of age; and
- 196 (iii) ask the suspected minor or the person who accompanies the suspected minor for
197 proof of parental, guardianship, or spousal relationship.
- 198 (c) A state store employee shall refuse to sell liquor to the suspected minor and to the

- 199 person who accompanies the suspected minor into the state store if the suspected
200 minor or person fails to provide information specified in Subsection (6)(b).
- 201 (d) A state store employee shall require a suspected minor and the person who
202 accompanies the suspected minor into the state store to immediately leave the
203 premises of the state store if the suspected minor or person fails to provide
204 information specified in Subsection (6)(b).
- 205 (7)(a) A state store may not sell, offer for sale, or furnish liquor except in a sealed
206 container.
- 207 (b) A person may not open a sealed container on the premises of a state store.
- 208 (8) On or after October 1, 2011, a state store may not sell, offer for sale, or furnish heavy
209 beer in a sealed container that exceeds two liters.
- 210 (9) A state store may not sell, offer for sale, or furnish:
- 211 (a) liquor that is intended to be frozen and consumed in a manner other than as a
212 beverage, including liquor in the form of a freeze pop, popsicle, ice cream, or sorbet;
213 or
- 214 (b) liquor that contains more than 80% alcohol by volume.
- 215 (10)(a) Before the sale or furnishing of an alcoholic product to an individual, a state
216 store shall require that the individual provide proof of age.
- 217 (b) If the proof of age provided required by Subsection (10)(a) is a Utah driver license or
218 an identification card, the state store shall verify that the individual is not an
219 interdicted person.
- 220 Section 3. Section **32B-2-605** is amended to read:
- 221 **32B-2-605 (Effective upon governor's approval). Operational requirements for**
222 **package agency.**
- 223 (1)(a) A person may not operate a package agency until a package agency agreement is
224 entered into by the package agent and the department.
- 225 (b) A package agency agreement shall state the conditions of operation by which the
226 package agent and the department are bound.
- 227 (c)(i) If a package agent or staff of the package agent violates this title, rules under
228 this title, or the package agency agreement, the department may take any action
229 against the package agent that is allowed by the package agency agreement.
- 230 (ii) An action against a package agent is governed solely by its package agency
231 agreement and may include suspension or revocation of the package agency.
- 232 (iii) A package agency agreement shall provide procedures to be followed if a

- 233 package agent fails to pay money owed to the department including a procedure
234 for replacing the package agent or operator of the package agency.
- 235 (iv) A package agency agreement shall provide that the package agency is subject to
236 covert investigations for selling an alcoholic product to a minor.
- 237 (v) Notwithstanding that this part refers to "package agency" or "package agent,"
238 staff of the package agency or package agent is subject to the same requirement or
239 prohibition.
- 240 (2)(a) A package agency shall be operated by an individual who is either:
- 241 (i) the package agent; or
- 242 (ii) an individual designated by the package agent.
- 243 (b) An individual who is a designee under this Subsection (2) shall be:
- 244 (i) an employee of the package agent; and
- 245 (ii) responsible for the operation of the package agency.
- 246 (c) The conduct of the designee is attributable to the package agent.
- 247 (d) A package agent shall submit the name of the person operating the package agency
248 to the department for the department's approval.
- 249 (e) A package agent shall state the name and title of a designee on the application for a
250 package agency.
- 251 (f) A package agent shall:
- 252 (i) inform the department of a proposed change in the individual designated to
253 operate a package agency; and
- 254 (ii) receive prior approval from the department before implementing the change
255 described in this Subsection (2)(f).
- 256 (g) Failure to comply with the requirements of this Subsection (2) may result in the
257 immediate termination of a package agency agreement.
- 258 (3)(a) A package agent shall display in a prominent place in the package agency the
259 record issued by the commission that designates the package agency.
- 260 (b) A package agent that displays or stores liquor at a location visible to the public shall
261 display in a prominent place in the package agency a sign in large letters that consists
262 of text in the following order:
- 263 (i) a header that reads: "WARNING";
- 264 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy
265 can cause birth defects and permanent brain damage for the child.";
- 266 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at

- 267 [insert most current toll-free number] with questions or for more information.";
- 268 (iv) a header that reads: "WARNING"; and
- 269 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is
- 270 a serious crime that is prosecuted aggressively in Utah."
- 271 (c)(i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different
- 272 font style than the text described in Subsections (3)(b)(iv) and (v).
- 273 (ii) The warning statements in the sign described in Subsection (3)(b) shall be in the
- 274 same font size.
- 275 (d) The Department of Health and Human Services shall work with the commission and
- 276 department to facilitate consistency in the format of a sign required under this section.
- 277 (4) A package agency may not display liquor or a price list in a window or showcase that is
- 278 visible to passersby.
- 279 (5)(a) A package agency may not purchase liquor from a person except from the
- 280 department.
- 281 (b) At the discretion of the department, the department may provide liquor to a package
- 282 agency for sale on consignment.
- 283 (6) A package agency may not store, sell, offer for sale, or furnish liquor in a place other
- 284 than as designated in the package agent's application, unless the package agent first
- 285 applies for and receives approval from the department for a change of location within
- 286 the package agency premises.
- 287 (7)(a) Except as provided in Subsection (7)(b), a package agency may not sell, offer for
- 288 sale, or furnish liquor except at a price fixed by the commission.
- 289 (b) A package agency may provide as room service one alcoholic product free of charge
- 290 per guest reservation, per guest room, if:
- 291 (i) the package agency is the type of package agency that authorizes the package
- 292 agency to sell, offer for sale, or furnish an alcoholic product as part of room
- 293 service;
- 294 (ii) staff of the package agency provides the alcoholic product:
- 295 (A) in person; and
- 296 (B) only to an adult guest in the guest room;
- 297 (iii) staff of the package agency does not leave the alcoholic product outside a guest
- 298 room for retrieval by a guest; and
- 299 (iv) the alcoholic product:
- 300 (A) is not a spirituous liquor; and

- 301 (B) is in an unopened container not to exceed 750 milliliters.
- 302 (8) A package agency may not sell, offer for sale, or furnish liquor to:
- 303 (a) a minor;
- 304 (b) a person actually, apparently, or obviously intoxicated;
- 305 (c) a known interdicted person; or
- 306 (d) a known habitual drunkard.
- 307 (9)(a) A package agency may not employ a minor to handle liquor.
- 308 (b)(i) Staff of a package agency may not:
- 309 (A) consume an alcoholic product on the premises of a package agency; or
- 310 (B) allow any person to consume an alcoholic product on the premises of a
- 311 package agency.
- 312 (ii) Violation of this Subsection (9)(b) is a class B misdemeanor.
- 313 (10)(a) A package agency may not close or cease operation for a period longer than 72
- 314 hours, unless:
- 315 (i) the package agency notifies the department in writing at least seven days before
- 316 the day on which the package agency closes or ceases operation; and
- 317 (ii) the closure or cessation of operation is first approved by the department.
- 318 (b) Notwithstanding Subsection (10)(a), in the case of emergency closure, a package
- 319 agency shall immediately notify the department by telephone.
- 320 (c)(i) The department may authorize a closure or cessation of operation for a period
- 321 not to exceed 60 days.
- 322 (ii) The department may extend the initial period described in Subsection (10)(c)(i)
- 323 an additional 30 days upon written request of the package agency and upon a
- 324 showing of good cause.
- 325 (iii) A closure or cessation of operation may not exceed a total of 90 days without
- 326 commission approval.
- 327 (d) The notice required by Subsection (10)(a) shall include:
- 328 (i) the dates of closure or cessation of operation;
- 329 (ii) the reason for the closure or cessation of operation; and
- 330 (iii) the date on which the package agency will reopen or resume operation.
- 331 (e) Failure of a package agency to provide notice and to obtain department authorization
- 332 before closure or cessation of operation results in an automatic termination of the
- 333 package agency agreement effective immediately.
- 334 (f) Failure of a package agency to reopen or resume operation by the approved date

335 results in an automatic termination of the package agency agreement effective on that
336 date.

337 (11) A package agency may not transfer the package agency's operations from one location
338 to another location without prior written approval of the commission.

339 (12)(a) A person, having been issued a package agency, may not sell, transfer, assign,
340 exchange, barter, give, or attempt in any way to dispose of the package agency to
341 another person, whether for monetary gain or not.

342 (b) A package agency has no monetary value for any type of disposition.

343 (13)(a) Subject to the other provisions of this Subsection (13):

344 (i) sale or delivery of liquor may not be made on or from the premises of a package
345 agency, and a package agency may not be kept open for the sale of liquor:

346 (A) on Sunday; or

347 (B) on a state or federal legal holiday; and

348 (ii) sale or delivery of liquor may be made on or from the premises of a package
349 agency, and a package agency may be open for the sale of liquor, only on a day
350 and during hours that the commission directs by rule or order.

351 (b) A package agency located at a manufacturing facility is not subject to Subsection
352 (13)(a) if:

353 (i) the package agency is located at a manufacturing facility licensed in accordance
354 with Chapter 11, Manufacturing and Related Licenses Act; and

355 (ii) the package agency only sells an alcoholic product produced at the manufacturing
356 facility.

357 (c)(i) Subsection (13)(a) does not apply to a package agency held by the following if
358 the package agent that holds the package agency to sell liquor at a resort or hotel
359 does not sell liquor in a manner similar to a state store:

360 (A) a resort licensee; or

361 (B) a hotel licensee.

362 (ii) The commission may by rule define what constitutes a package agency that sells
363 liquor "in a manner similar to a state store."

364 (14)(a) Except to the extent authorized by commission rule, a minor may not be
365 admitted into, or be on the premises of, a package agency unless accompanied by a
366 person who is:

367 (i) 21 years old or older; and

368 (ii) the minor's parent, legal guardian, or spouse.

- 369 (b) A package agent or staff of a package agency that has reason to believe that a person
370 who is on the premises of a package agency is under 21 years old and is not
371 accompanied by a person described in Subsection (14)(a) may:
- 372 (i) ask the suspected minor for proof of age;
- 373 (ii) ask the person who accompanies the suspected minor for proof of age; and
- 374 (iii) ask the suspected minor or the person who accompanies the suspected minor for
375 proof of parental, guardianship, or spousal relationship.
- 376 (c) A package agent or staff of a package agency shall refuse to sell liquor to the
377 suspected minor and to the person who accompanies the suspected minor into the
378 package agency if the minor or person fails to provide any information specified in
379 Subsection (14)(b).
- 380 (d) A package agent or staff of a package agency shall require the suspected minor and
381 the person who accompanies the suspected minor into the package agency to
382 immediately leave the premises of the package agency if the minor or person fails to
383 provide information specified in Subsection (14)(b).
- 384 (15)(a) A package agency shall sell, offer for sale, or furnish liquor in a sealed container.
- 385 (b) A person may not open a sealed container on the premises of a package agency.
- 386 (c) Notwithstanding Subsection (15)(a), a package agency may sell, offer for sale, or
387 furnish liquor in other than a sealed container:
- 388 (i) if the package agency is the type of package agency that authorizes the package
389 agency to sell, offer for sale, or furnish the liquor as part of room service;
- 390 (ii) if the liquor is sold, offered for sale, or furnished as part of room service; and
- 391 (iii) subject to:
- 392 (A) staff of the package agency providing the liquor in person only to an adult
393 guest in the guest room or privately owned dwelling unit;
- 394 (B) staff of the package agency not leaving the liquor outside a guest room or
395 privately owned dwelling unit for retrieval by a guest or resident; and
- 396 (C) the same limits on the portions in which an alcoholic product may be sold by a
397 retail licensee under Section 32B-5-304.
- 398 (16) A package agency may not sell, offer for sale, or furnish:
- 399 (a) heavy beer in a sealed container that exceeds two liters; or
- 400 (b) liquor that contains more than 80% alcohol by volume.
- 401 (17) The department may pay or otherwise remunerate a package agent on any basis,
402 including sales or volume of business done by the package agency.

403 (18) The commission may prescribe by policy or rule general operational requirements of a
404 package agency that are consistent with this title and relate to:

- 405 (a) physical facilities;
- 406 (b) conditions of operation;
- 407 (c) hours of operation;
- 408 (d) inventory levels;
- 409 (e) payment schedules;
- 410 (f) methods of payment;
- 411 (g) premises security; and
- 412 (h) any other matter considered appropriate by the commission.

413 (19) A package agency may not maintain a minibar.

414 (20)(a) Before the sale or furnishing of an alcoholic product to an individual, a package
415 agency shall require that the individual provide proof of age.

416 (b) If the proof of age provided required by Subsection (20)(a) is a Utah driver license or
417 an identification card, the package agency shall verify that the individual is not an
418 interdicted person.

419 Section 4. Section **32B-4-405** is amended to read:

420 **32B-4-405 (Effective upon governor's approval) (Applies beginning 01/01/26).**

421 **Unlawful sale, offer for sale, or furnishing to interdicted person.**

422 (1) A person may not sell, offer for sale, or furnish an alcoholic product to a known
423 interdicted person.

424 [~~(2) Prior to any sale or furnishing of an alcohol product, a person shall verify whether the~~
425 ~~person is an interdicted person through examination of the person's identification card or~~
426 ~~license certificate issued pursuant to Title 53, Chapter 3, Uniform Driver License Act, or~~
427 ~~proof of age issued by another state or country.]~~

428 [(~~3~~)] (2) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic
429 product to an interdicted person:

- 430 (a) under an order of a health care practitioner who is authorized by law to write a
431 prescription; or
- 432 (b) administered by a hospital or health care practitioner authorized by law to administer
433 the alcoholic product for medicinal purposes.

434 Section 5. Section **32B-5-306** is amended to read:

435 **32B-5-306 (Effective upon governor's approval) (Applies beginning 01/01/26).**

436 **Purchasing or selling alcoholic product.**

- 437 (1)~~[(a)]~~ A retail licensee may not sell, offer for sale, or furnish an alcoholic product to:
- 438 ~~[(i)]~~ (a) a minor;
- 439 ~~[(ii)]~~ (b) a person actually, apparently, or obviously intoxicated;
- 440 ~~[(iii)]~~ (c) a known interdicted person; or
- 441 ~~[(iv)]~~ (d) a known habitual drunkard.
- 442 ~~[(b) Prior to any sale or furnishing of an alcohol product, a retail licensee shall verify~~
- 443 ~~whether the person is a minor or an interdicted person through examination of the~~
- 444 ~~person's identification card or license certificate issued pursuant to Title 53, Chapter~~
- 445 ~~3, Uniform Driver License Act, or proof of age issued by another state or country.]~~
- 446 (2)(a) A patron may only purchase an alcoholic product in the licensed premises of a
- 447 retail licensee from and be served by an individual who is:
- 448 (i) staff of the retail licensee; and
- 449 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
- 450 (b) An individual may sell, offer for sale, or furnish an alcoholic product to a patron only
- 451 if the individual is:
- 452 (i) staff of the retail licensee; and
- 453 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
- 454 (c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from
- 455 staff of the retail licensee or carries bottled wine onto the retail licensee's premises [
- 456 ~~pursuant to~~] in accordance with Section 32B-5-307 may thereafter serve wine from
- 457 the bottle to the patron or others at the patron's table.
- 458 (3) The following may not purchase an alcoholic product for a patron:
- 459 (a) a retail licensee; or
- 460 (b) staff of a retail licensee.
- 461 (4) After a retail licensee closes the retail licensee's business at the licensed premises, the
- 462 retail licensee may transfer the retail licensee's inventory of alcoholic product from that
- 463 premises to another premises licensed under this chapter that is owned by the same retail
- 464 licensee.

465 Section 6. Section **32B-7-202** is amended to read:

466 **32B-7-202 (Effective upon governor's approval). General operational**

467 **requirements for off-premise beer retailer.**

- 468 (1)(a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply
- 469 with the provisions of this title and any applicable rules made by the commission.
- 470 ~~[(2)]~~ (b) Failure to comply with this section may result in a suspension or revocation of a

- 471 local license and, on or after July 1, 2018, disciplinary action in accordance with
472 Chapter 3, Disciplinary Actions and Enforcement Act.
- 473 ~~[(3)]~~ (2)(a)(i) An off-premise beer retailer may not purchase, acquire, possess for the
474 purpose of resale, or sell beer, except beer that the off-premise beer retailer
475 lawfully purchases from:
- 476 (A) a beer wholesaler licensee; or
 - 477 (B) a small brewer that manufactures the beer.
- 478 (ii) A violation of Subsection ~~[(2)(a)]~~ (2)(a)(i) is a class A misdemeanor.
- 479 (b)(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
480 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only
481 from a beer wholesaler licensee who is designated by the manufacturer to sell beer
482 in the geographical area in which the off-premise beer retailer is located, unless an
483 alternate wholesaler is authorized by the department to sell to the off-premise beer
484 retailer as provided in Section 32B-13-301.
- 485 (ii) A violation of Subsection ~~[(2)(b)]~~ (2)(b)(i) is a class B misdemeanor.
- 486 ~~[(4)]~~ (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
487 container larger than two liters.
- 488 ~~[(5)]~~ (4)(a) Staff of an off-premise beer retailer, while on duty, may not:
- 489 (i) consume an alcoholic product; or
 - 490 (ii) be intoxicated.
- 491 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
492 unless:
- 493 (i) the sale is done under the supervision of a person 21 years old or older who is on
494 the licensed premises; and
 - 495 (ii) the minor is at least 16 years old.
- 496 ~~[(6)]~~ (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic
497 product to:
- 498 (a) a minor;
 - 499 (b) a person actually, apparently, or obviously intoxicated;
 - 500 (c) a known interdicted person; or
 - 501 (d) a known habitual drunkard.
- 502 ~~[(7)]~~ (6)(a) Subject to the other provisions of this Subsection (6), an off-premise beer
503 retailer shall:
- 504 (i) display all beer accessible by and visible to a patron in no more than two locations

- 505 on the retail sales floor, each of which is:
- 506 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
507 beverage displayed; and
- 508 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a
509 cooler with a door from which the nonalcoholic beverages are not accessible,
510 or the beer is separated from the display of nonalcoholic beverages by a display
511 of one or more nonbeverage products or another physical divider; and
- 512 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
- 513 (A) is prominent;
- 514 (B) is easily readable by a consumer;
- 515 (C) meets the requirements for format established by the commission by rule; and
- 516 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages
517 contain alcohol. Please read the label carefully."
- 518 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
519 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 520 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
521 labeled, packaged, or advertised as:
- 522 (i) a malt cooler; or
- 523 (ii) a beverage that may provide energy.
- 524 (d) A violation of this Subsection (6) is an infraction.
- 525 (e)(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection
526 (6)(a)(i) apply on and after May 9, 2017.
- 527 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
528 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
- 529 ~~[(8)]~~ (7)(a) Staff of an off-premise beer retailer who directly supervises the sale of beer
530 or who sells beer to a patron for consumption off the premises of the off-premise beer
531 retailer shall wear a unique identification badge:
- 532 (i) on the front of the staff's clothing;
- 533 (ii) visible above the waist;
- 534 (iii) bearing the staff's:
- 535 (A) first or last name;
- 536 (B) initials; or
- 537 (C) unique identification in letters or numbers; and
- 538 (iv) with the number or letters on the unique identification badge being sufficiently

- 539 large to be clearly visible and identifiable while engaging in or directly
540 supervising the retail sale of beer.
- 541 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
542 unique identification badge assigned by the off-premise beer retailer that includes the
543 staff's:
- 544 (i) full name;
545 (ii) address; and
546 (iii)(A) driver license number; or
547 (B) similar identification number.
- 548 (c) An off-premise beer retailer shall make available a record required to be made or
549 maintained under this Subsection (7) for immediate inspection by:
- 550 (i) a peace officer;
551 (ii) a representative of the local authority that issues the off-premise beer retailer
552 license; or
553 (iii) for an off-premise beer retailer state license, a representative of the commission
554 or department.
- 555 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
556 retailer that does not comply or require ~~[its]~~ the off-premise beer retailer's staff to
557 comply with this Subsection (7).
- 558 ~~[(9)]~~ (8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
- 559 (i) at a drive-through window;
560 (ii) at a drive-up loading area, if the drive-up loading area is contiguous to the
561 off-premise beer retailer's licensed premises; or
562 (iii) subject to Subsection (8)(b), at a designated parking stall.
- 563 (b)(i) An off-premise beer retailer shall ensure that a parking stall described in
564 Subsection (8)(a)(iii) is:
- 565 (A) located on property that the off-premise beer retailer owns or has a legal right
566 to occupy;
567 (B) designated for picking up pre-ordered items from the off-premise beer retailer;
568 and
569 (C) labeled in a conspicuous manner that communicates the purpose described in
570 Subsection ~~[(8)(b)(ii)]~~ (8)(b)(i)(B).
- 571 (ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a
572 designated parking stall described in Subsection (8)(a)(iii) unless:

- 573 (A) the off-premise beer retailer ensures that the individual purchasing the beer
574 purchases the beer before parking in the designated parking stall;
575 (B) the off-premise beer retailer delivers the beer directly from the off-premise
576 beer retailer's licensed premises to the designated parking stall;
577 (C) at the designated parking stall, staff of the off-premise beer retailer verifies the
578 purchaser's age in accordance with Section 32B-1-407; and
579 (D) the off-premise beer retailer maintains video surveillance of the designated
580 parking stall.

581 (c) Nothing in this Subsection (8) modifies the other requirements of this section.

582 (d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in
583 accordance with this Subsection (8) shall comply with the training requirements
584 described in Section 32B-1-703.

585 ~~[(10)]~~ (9) An off-premise beer retailer may not on the licensed premises:

586 (a) engage in or permit any form of:

587 (i) gambling, as defined in Section 76-9-1401; or

588 (ii) fringe gambling, as defined in Section 76-9-1401;

589 (b) have any fringe gaming device, video gaming device, or gambling device or record
590 as defined in Section 76-9-1401; or

591 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
592 the risking of something of value for a return or for an outcome when the return or
593 outcome is based upon an element of chance, excluding the playing of an amusement
594 device that confers only an immediate and unrecorded right of replay not
595 exchangeable for value.

596 ~~[(11)]~~ (10) An off-premise beer retailer may not knowingly allow a person on the licensed
597 premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or
598 Chapter 37a, Utah Drug Paraphernalia Act:

599 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;
600 or

601 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
602 Section 58-37a-3.

603 ~~[(12)]~~ (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is
604 intended to be frozen and consumed in a manner other than as a beverage, including beer
605 in the form of a freeze pop, popsicle, ice cream, or sorbet.

606 (12)(a) Before the sale or furnishing of an alcoholic product to an individual, an

607 off-premise beer retailer shall require that the individual provide proof of age.
608 (b) If the proof of age provided required by Subsection (12)(a) is a Utah driver license or
609 an identification card, the off-premise beer retailer shall verify that the individual is
610 not an interdicted person.

611 Section 7. Section **41-6a-505** is amended to read:

612 **41-6a-505 (Effective upon governor's approval). Sentencing requirements for**
613 **driving under the influence of alcohol, drugs, or a combination of both violations.**

614 (1) As part of any sentence for a first conviction of extreme DUI:

615 (a) the court shall:

616 (i)(A) impose a jail sentence of not less than five days; or

617 (B) impose a jail sentence of not less than two days in addition to home
618 confinement of not fewer than 30 consecutive days through the use of
619 electronic monitoring that includes a substance abuse testing instrument in
620 accordance with Section 41-6a-506;

621 (ii) order the individual to participate in a screening;

622 (iii) order the individual to participate in an assessment, if it is found appropriate by a
623 screening under Subsection (1)(a)(ii);

624 (iv) order the individual to participate in an educational series if the court does not
625 order substance abuse treatment as described under Subsection (1)(b);

626 (v) impose a fine of not less than \$700;

627 (vi) order probation for the individual in accordance with Section 41-6a-507;

628 (vii)(A) order the individual to pay the administrative impound fee described in
629 Section 41-6a-1406; or

630 (B) if the administrative impound fee was paid by a party described in Subsection
631 41-6a-1406(6)(a), other than the individual sentenced, order the individual
632 sentenced to reimburse the party;

633 (viii)(A) order the individual to pay the towing and storage fees described in
634 Section 72-9-603; or

635 (B) if the towing and storage fees were paid by a party described in Subsection
636 41-6a-1406(6)(a), other than the individual sentenced, order the individual
637 sentenced to reimburse the party;

638 (ix) unless the court determines and states on the record that an ignition interlock
639 system is not necessary for the safety of the community and in the best interest of
640 justice, order the installation of an ignition interlock system as described in

- 641 Section 41-6a-518; and
- 642 (x) designate the individual as an interdicted person for a period of time not to exceed
- 643 the probationary period, unless the court finds good cause to order a shorter or
- 644 longer time, and require the individual to surrender the individual's Utah driver
- 645 license or Utah identification card; and
- 646 (b) the court may:
- 647 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 648 treatment program determines that substance abuse treatment is appropriate;
- 649 (ii) order the individual to participate in a 24-7 sobriety program as defined in
- 650 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 651 (iii) order a combination of Subsections (1)(b)(i) and (ii).
- 652 (2)(a) If an individual described in Subsection (1) is participating in a 24-7 sobriety
- 653 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 654 imposed under Subsection (1)(a).
- 655 (b) If an individual described in Subsection (1) fails to successfully complete all of the
- 656 requirements of the 24-7 sobriety program, the court shall impose the suspended jail
- 657 sentence described in Subsection (2)(a).
- 658 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in
- 659 Subsection (1):
- 660 (a) the court shall:
- 661 (i)(A) impose a jail sentence of not less than two days; or
- 662 (B) require the individual to work in a compensatory-service work program for
- 663 not less than 48 hours;
- 664 (ii) order the individual to participate in a screening;
- 665 (iii) order the individual to participate in an assessment, if it is found appropriate by a
- 666 screening under Subsection (3)(a)(ii);
- 667 (iv) order the individual to participate in an educational series if the court does not
- 668 order substance abuse treatment as described under Subsection (3)(b);
- 669 (v) impose a fine of not less than \$700;
- 670 (vi)(A) order the individual to pay the administrative impound fee described in
- 671 Section 41-6a-1406; or
- 672 (B) if the administrative impound fee was paid by a party described in Subsection
- 673 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 674 sentenced to reimburse the party; and

- 675 (vii)(A) order the individual to pay the towing and storage fees described in
676 Section 72-9-603; or
677 (B) if the towing and storage fees were paid by a party described in Subsection
678 41-6a-1406(6)(a), other than the individual sentenced, order the individual
679 sentenced to reimburse the party; and
- 680 (b) the court may:
- 681 (i) order the individual to obtain substance abuse treatment if the substance abuse
682 treatment program determines that substance abuse treatment is appropriate;
- 683 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 684 (iii) order the individual to participate in a 24-7 sobriety program as defined in
685 Section 41-6a-515.5 if the individual is 21 years old or older;
- 686 (iv) order a combination of Subsections (3)(b)(i) through (iii); or
- 687 (v) designate the individual as an interdicted person for a period of time not to exceed
688 the probationary period, unless the court finds good cause to order a shorter or
689 longer time, and require the individual to surrender the individual's Utah driver
690 license or Utah identification card.
- 691 (4)(a) If an individual described in Subsection (3) is participating in a 24-7 sobriety
692 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
693 imposed under Subsection (3)(a).
- 694 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of
695 the requirements of the 24-7 sobriety program, the court shall impose the suspended
696 jail sentence described in Subsection (4)(a).
- 697 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
698 years of the current conviction under Section 41-6a-502 or the commission of the
699 offense upon which the current conviction amounts to extreme DUI:
- 700 (a) the court shall:
- 701 (i)(A) impose a jail sentence of not less than 20 days;
- 702 (B) impose a jail sentence of not less than 10 days in addition to home
703 confinement of not fewer than 60 consecutive days through the use of
704 electronic monitoring that includes a substance abuse testing instrument in
705 accordance with Section 41-6a-506; or
- 706 (C) impose a jail sentence of not less than 10 days in addition to ordering the
707 individual to obtain substance abuse treatment, if the court finds that substance
708 abuse treatment is more likely to reduce recidivism and is in the interests of

- 709 public safety;
- 710 (ii) order the individual to participate in a screening;
- 711 (iii) order the individual to participate in an assessment, if it is found appropriate by a
712 screening under Subsection (5)(a)(ii);
- 713 (iv) order the individual to participate in an educational series if the court does not
714 order substance abuse treatment as described under Subsection (5)(b);
- 715 (v) impose a fine of not less than \$800;
- 716 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 717 (vii) order the installation of an ignition interlock system as described in Section
718 41-6a-518;
- 719 (viii)(A) order the individual to pay the administrative impound fee described in
720 Section 41-6a-1406; or
- 721 (B) if the administrative impound fee was paid by a party described in Subsection
722 41-6a-1406(6)(a), other than the individual sentenced, order the individual
723 sentenced to reimburse the party;
- 724 (ix)(A) order the individual to pay the towing and storage fees described in
725 Section 72-9-603; or
- 726 (B) if the towing and storage fees were paid by a party described in Subsection
727 41-6a-1406(6)(a), other than the individual sentenced, order the individual
728 sentenced to reimburse the party; and
- 729 (x) designate the individual as an interdicted person for a period of time not to exceed
730 the probationary period, unless the court finds good cause to order a shorter or
731 longer time, and require the individual to surrender the individual's Utah driver
732 license or Utah identification card; and
- 733 (b) the court may:
- 734 (i) order the individual to obtain substance abuse treatment if the substance abuse
735 treatment program determines that substance abuse treatment is appropriate;
- 736 (ii) order the individual to participate in a 24-7 sobriety program as defined in
737 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 738 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 739 (6)(a) If an individual described in Subsection (5) is participating in a 24-7 sobriety
740 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
741 imposed under Subsection (5)(a) after the individual has served a minimum of:
- 742 (i) five days of the jail sentence for a second offense; or

- 743 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 744 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of
745 the requirements of the 24-7 sobriety program, the court shall impose the suspended
746 jail sentence described in Subsection (6)(a).
- 747 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
748 years of the current conviction under Section 41-6a-502 or the commission of the
749 offense upon which the current conviction is based and that does not qualify under
750 Subsection (5):
- 751 (a) the court shall:
- 752 (i)(A) impose a jail sentence of not less than 10 days; or
753 (B) impose a jail sentence of not less than 5 days in addition to home confinement
754 of not fewer than 30 consecutive days through the use of electronic monitoring
755 that includes a substance abuse testing instrument in accordance with Section
756 41-6a-506;
- 757 (ii) order the individual to participate in a screening;
- 758 (iii) order the individual to participate in an assessment, if it is found appropriate by a
759 screening under Subsection (7)(a)(ii);
- 760 (iv) order the individual to participate in an educational series if the court does not
761 order substance abuse treatment as described under Subsection (7)(b);
- 762 (v) impose a fine of not less than \$800;
- 763 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 764 (vii)(A) order the individual to pay the administrative impound fee described in
765 Section 41-6a-1406; or
766 (B) if the administrative impound fee was paid by a party described in Subsection
767 41-6a-1406(6)(a), other than the individual sentenced, order the individual
768 sentenced to reimburse the party; and
- 769 (viii)(A) order the individual to pay the towing and storage fees described in
770 Section 72-9-603; or
771 (B) if the towing and storage fees were paid by a party described in Subsection
772 41-6a-1406(6)(a), other than the individual sentenced, order the individual
773 sentenced to reimburse the party; and
- 774 (b) the court may:
- 775 (i) order the individual to obtain substance abuse treatment if the substance abuse
776 treatment program determines that substance abuse treatment is appropriate;

- 777 (ii) order the individual to participate in a 24-7 sobriety program as defined in
778 Section 41-6a-515.5 if the individual is 21 years old or older;
- 779 (iii) order a combination of Subsections (7)(b)(i) and (ii); or
- 780 (iv) designate the individual as an interdicted person for a period of time not to
781 exceed the probationary period, unless the court finds good cause to order a
782 shorter or longer time, and require the individual to surrender the individual's Utah
783 driver license or Utah identification card.
- 784 (8)(a) If an individual described in Subsection (7) is participating in a 24-7 sobriety
785 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
786 imposed under Subsection (7)(a) after the individual has served a minimum of:
- 787 (i) five days of the jail sentence for a second offense; or
- 788 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 789 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of
790 the requirements of the 24-7 sobriety program, the court shall impose the suspended
791 jail sentence described in Subsection (8)(a).
- 792 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
793 sentence and places the defendant on probation for a conviction of extreme DUI, the
794 court shall:
- 795 (a) impose a fine of not less than \$1,500;
- 796 (b) impose a jail sentence of not less than 120 days;
- 797 (c) order home confinement of not fewer than 120 consecutive days through the use of
798 electronic monitoring that includes a substance abuse testing instrument in
799 accordance with Section 41-6a-506;
- 800 (d) order supervised probation; and
- 801 (e) designate the individual as an interdicted person for a period of time not to exceed
802 the probationary period, unless the court finds good cause to order a shorter or longer
803 time, and require the individual to surrender the individual's Utah driver license or
804 Utah identification card.
- 805 (10)(a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:
- 806 (i) shall impose an order requiring the individual to obtain a screening and
807 assessment for alcohol and substance abuse, and treatment as appropriate; and
- 808 (ii) may impose an order requiring the individual to participate in a 24-7 sobriety
809 program as defined in Section 41-6a-515.5 if the individual is 21 years old or
810 older.

- 811 (b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all
812 of the requirements of the 24-7 sobriety program, the court shall impose the
813 suspended prison sentence described in Subsection (9).
- 814 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
815 sentence and places the defendant on probation with a sentence not described in
816 Subsection (9), the court shall impose:
- 817 (a) a fine of not less than \$1,500;
- 818 (b) a jail sentence of not less than 60 days;
- 819 (c) home confinement of not fewer than 60 consecutive days through the use of
820 electronic monitoring that includes a substance abuse testing instrument in
821 accordance with Section 41-6a-506; and
- 822 (d) supervised probation.
- 823 (12)(a)(i) Except as described in Subsection (12)(a)(ii), a court may not suspend the
824 requirements of this section.
- 825 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
- 826 (b) A court, with stipulation of both parties and approval from the judge, may convert a
827 jail sentence required in this section to electronic home confinement.
- 828 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation
829 under this section to be served in multiple two-day increments at weekly intervals if
830 the court determines that separate jail increments are necessary to ensure the
831 defendant can serve the statutorily required jail term and maintain employment.
- 832 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible
833 evidence that the individual had a blood or breath alcohol level of .16 or higher, the
834 court shall order the following, or describe on record why the order or orders are not
835 appropriate:
- 836 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
- 837 (b) one or more of the following:
- 838 (i) the installation of an ignition interlock system as a condition of probation for the
839 individual in accordance with Section 41-6a-518;
- 840 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
841 device or remote alcohol monitor as a condition of probation for the individual; or
- 842 (iii) the imposition of home confinement through the use of electronic monitoring in
843 accordance with Section 41-6a-506.
- 844 Section 8. Section **41-6a-509** is amended to read:

845 **41-6a-509 (Effective upon governor's approval). Driver license suspension or**
846 **revocation for a driving under the influence violation.**

847 (1)(a) The Driver License Division shall, if the person is 21 years old or older at the time
848 of arrest:

849 (i) suspend for a period of 120 days the operator's license of a person convicted for
850 the first time under Section 41-6a-502 or 76-5-102.1; or

851 (ii) revoke for a period of two years the license of a person if:

852 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2);

853 and

854 (B) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
855 committed within a period of 10 years from the date of the prior violation.

856 (b)(i) If a person elects to become an interlock restricted driver under Subsection
857 53-3-223(10)(a), the Driver License Division may not suspend the operator's
858 license for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i)
859 unless the person fails to complete 120 days of the interlock restriction.

860 (ii) If a person elects to become an interlock restricted driver under Subsection
861 53-3-223(10)(a), and the person fails to complete the full 120 days of interlock
862 restriction, the Driver License Division:

863 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a
864 period of 120 days from the date the ignition interlock system was removed
865 from the vehicle; and

866 (B) may not reduce the 120-day suspension for any days the person was compliant
867 with the interlock restriction under Subsection 53-3-223(10)(a).

868 (c)(i) If a person elects to become an interlock restricted driver under Subsection
869 41-6a-521(7), the Driver License Division may not suspend the operator's license
870 for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i) unless the
871 person fails to complete three years of the interlock restriction under Subsection
872 41-6a-521(7).

873 (ii) If a person elects to become an interlock restricted driver under Subsection
874 41-6a-521(7), and the person fails to complete the full three years of interlock
875 restriction, the Driver License Division:

876 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a
877 period of 120 days from the date the ignition interlock system was removed
878 from the vehicle; and

879 (B) may not reduce the 120-day suspension for any days the person was compliant
880 with the interlock restriction under Subsection 41-6a-521(7).

881 (2) The Driver License Division shall, if the person is 19 years old or older but under 21
882 years old at the time of arrest:

883 (a) suspend the person's driver license until the person is 21 years old or for a period of
884 one year, whichever is longer, if the person is convicted for the first time of a
885 violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 of an offense that was
886 committed on or after July 1, 2011;

887 (b) deny the person's application for a license or learner's permit until the person is 21
888 years old or for a period of one year, whichever is longer, if the person:

889 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
890 or 76-5-207 of an offense committed on or after July 1, 2011; and

891 (ii) has not been issued an operator license;

892 (c) revoke the person's driver license until the person is 21 years old or for a period of
893 two years, whichever is longer, if:

894 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

895 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
896 committed within a period of 10 years from the date of the prior violation; or

897 (d) deny the person's application for a license or learner's permit until the person is 21
898 years old or for a period of two years, whichever is longer, if:

899 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);

900 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
901 committed within a period of 10 years from the date of the prior violation; and

902 (iii) the person has not been issued an operator license.

903 (3) The Driver License Division shall, if the person is under 19 years old at the time of
904 arrest:

905 (a) suspend the person's driver license until the person is 21 years old if the person is
906 convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or
907 76-5-207;

908 (b) deny the person's application for a license or learner's permit until the person is 21
909 years old if the person:

910 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
911 or 76-5-207; and

912 (ii) has not been issued an operator license;

- 913 (c) revoke the person's driver license until the person is 21 years old if:
- 914 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 915 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
- 916 committed within a period of 10 years from the date of the prior violation; or
- 917 (d) deny the person's application for a license or learner's permit until the person is 21
- 918 years old if:
- 919 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
- 920 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
- 921 committed within a period of 10 years from the date of the prior violation; and
- 922 (iii) the person has not been issued an operator license.
- 923 (4) The Driver License Division shall suspend or revoke the license of a person as ordered
- 924 by the court under Subsection (9).
- 925 (5) The Driver License Division shall subtract from any suspension or revocation period the
- 926 number of days for which a license was previously suspended under Section 53-3-223 or
- 927 53-3-231, if the previous suspension was based on the same occurrence upon which the
- 928 record of conviction is based.
- 929 (6) If a conviction recorded as impaired driving is amended to a driving under the influence
- 930 conviction under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with
- 931 Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:
- 932 (a) may not subtract from any suspension or revocation any time for which a license was
- 933 previously suspended or revoked under Section 53-3-223 or 53-3-231; and
- 934 (b) shall start the suspension or revocation time under Subsection (1) on the date of the
- 935 amended conviction.
- 936 (7) A court that reported a conviction of a violation of Section 41-6a-502, 76-5-102.1, or
- 937 76-5-207 for a violation that occurred on or after July 1, 2009, to the Driver License
- 938 Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or
- 939 Subsection (3)(a) or (b) ~~[prior to]~~ before completion of the suspension period if the
- 940 person:
- 941 (a) completes at least six months of the license suspension;
- 942 (b) completes a screening;
- 943 (c) completes an assessment, if it is found appropriate by a screening under Subsection
- 944 (7)(b);
- 945 (d) completes substance abuse treatment if it is found appropriate by the assessment
- 946 under Subsection (7)(c);

- 947 (e) completes an educational series if substance abuse treatment is not required by an
948 assessment under Subsection (7)(c) or the court does not order substance abuse
949 treatment;
- 950 (f) has not been convicted of a violation of any motor vehicle law in which the person
951 was involved as the operator of the vehicle during the suspension period imposed
952 under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
- 953 (g) has complied with all the terms of the person's probation or all orders of the court if
954 not ordered to probation; and
- 955 (h)(i) is 18 years old or older and provides a sworn statement to the court that the
956 person has not unlawfully consumed alcohol during the suspension period
957 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
- 958 (ii) is under 18 years old and has the person's parent or legal guardian provide an
959 affidavit or sworn statement to the court certifying that to the parent or legal
960 guardian's knowledge the person has not unlawfully consumed alcohol during the
961 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or
962 (b).
- 963 (8) If the court shortens a person's license suspension period in accordance with the
964 requirements of Subsection (7), the court shall forward the order shortening the person's
965 suspension period to the Driver License Division in a manner specified by the division [
966 ~~prior to~~] before the completion of the suspension period imposed under Subsection (2)(a)
967 or (b) or Subsection (3)(a) or (b).
- 968 (9)(a)(i) In addition to any other penalties provided in this section, a court may order
969 the operator's license of a person who is convicted of a violation of Section
970 41-6a-502, 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional
971 period of 90 days, 120 days, 180 days, one year, or two years to remove from the
972 highways those persons who have shown they are safety hazards.
- 973 (ii) The additional suspension or revocation period provided in this Subsection (9)
974 shall begin the date on which the individual would be eligible to reinstate the
975 individual's driving privilege for a violation of Section 41-6a-502, 76-5-102.1, or
976 76-5-207.
- 977 (b) If the court suspends or revokes the person's license under this Subsection (9), the
978 court shall prepare and send to the Driver License Division an order to suspend or
979 revoke that person's driving privileges for a specified period of time.
- 980 (10)(a) The court shall notify the Driver License Division if a person fails to complete

981 all court ordered:

982 (i) screenings;

983 (ii) assessments;

984 (iii) educational series;

985 (iv) substance abuse treatment; and

986 (v) hours of work in a compensatory-service work program.

987 (b) Subject to Subsection 53-3-218(3), upon receiving the notification described in

988 Subsection (10)(a), the division shall suspend the person's driving privilege in

989 accordance with Subsection 53-3-221(2).

990 (11)(a) A court that reported a conviction of a violation of Section 41-6a-502 to the

991 Driver License Division may shorten the suspension or revocation period imposed

992 under Subsection (1) before completion of the suspension or revocation period if the

993 person:

994 (i) is participating in or has successfully completed a 24-7 sobriety program as
995 defined in Section 41-6a-515.5;

996 (ii)(A) is participating in or has successfully completed a problem solving court
997 program approved by the Judicial Council, including a driving under the
998 influence court program, a drug court program, or a veterans treatment court
999 program; and

1000 (B) has elected to become an interlock restricted driver as a condition of probation
1001 during the remainder of the person's suspension or revocation period in
1002 accordance with Section 41-6a-518; or

1003 (iii) has had their operator license suspended under Subsection (1)(a)(i), and the court
1004 does not have a problem solving court program approved by the Judicial Council
1005 or access to a 24-7 sobriety program as defined in Section 41-6a-515.5, if the
1006 person:

1007 (A) has installed an ignition interlock device in any vehicle owned or driven by
1008 the person in accordance with Section 53-3-1007; and

1009 (B) did not inflict bodily injury upon another as a proximate result of having
1010 operated the vehicle in a negligent manner.

1011 (b) If a court shortens a person's license suspension or revocation period in accordance
1012 with the requirements of this Subsection (11), the court shall forward the order
1013 shortening the person's suspension or revocation period to the Driver License
1014 Division in a manner specified by the division.

- 1015 (c) The court shall notify the Driver License Division, in a manner specified by the
1016 Driver License Division, if a person fails to complete or comply with a condition that
1017 allowed the court to shorten the person's license suspension or revocation period
1018 under Subsection (11)(a).
- 1019 (d)(i)(A) Upon receiving the notification described in Subsection (11)(c), for a
1020 first offense, the division shall suspend the person's driving privilege for a
1021 period of 120 days from the date of notice.
- 1022 (B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be
1023 subtracted from the 120-day suspension period for which a driving privilege
1024 was previously suspended under this section or Section 53-3-223, if the
1025 previous suspension was based on the same occurrence upon which the
1026 conviction under Section 41-6a-502 is based.
- 1027 (ii)(A) Upon receiving the notification described in Subsection (11)(c), for a
1028 second or subsequent offense, the division shall revoke the person's driving
1029 privilege for a period of two years from the date of notice.
- 1030 (B) For a license revocation described in Subsection (11)(d)(ii)(A), no days shall
1031 be subtracted from the two-year revocation period for which a driving privilege
1032 was previously revoked under this section or Section 53-3-223, if the previous
1033 revocation was based on the same occurrence upon which the conviction under
1034 Section 41-6a-502 is based.
- 1035 (12) If a court designates a person as an interdicted person as provided in Section 41-6a-505,
1036 the court shall:
- 1037 (a) require the person to surrender the person's Utah identification card or Utah driver
1038 license;
- 1039 (b) notify the Driver License Division that the person is an interdicted person; and
- 1040 (c) provide the person's identification card or driver license to the Driver License
1041 Division.
- 1042 Section 9. Section **53-3-236** is amended to read:
- 1043 **53-3-236 (Effective 05/06/26). Interdicted person identifier -- License notation.**
- 1044 (1) If the division receives a notification from a court as provided in Section 41-6a-505,
1045 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the
1046 division:
- 1047 (a)(i) may accept an application from the individual for a duplicate license that
1048 includes an interdicted person identifier; and

- 1049 (ii) if the individual submits an application and qualifies for a license certificate, may
1050 provide a license certificate with the interdicted person identifier; or
1051 (b)(i) may accept an application from the individual for a renewal of a license or an
1052 original license with an interdicted person identifier; and
1053 (ii) if the individual submits an application and qualifies for a license certificate, may
1054 provide a license certificate with an interdicted person identifier.
- 1055 (2) The division may not provide to an individual a license certificate without the
1056 interdicted person identifier during the time period the court has designated the person
1057 as an interdicted person.
- 1058 (3)(a) An individual may voluntarily apply for a duplicate license, original license, or
1059 renewal of a license that includes an interdicted person identifier.
- 1060 (b) An individual [~~that~~] who voluntarily applies for a duplicate license, original license,
1061 or renewal of a license with an interdicted person identifier may not apply for another
1062 duplicate license, original license, or renewal of a license without the interdicted
1063 person identifier for at least 30 days after the application for the license certificate
1064 with the interdicted person identifier.
- 1065 (c) An individual who voluntarily applies for a duplicate license, original license, or
1066 renewal of a license with an interdicted person identifier is not required to pay the fee
1067 described in Subsection (5).
- 1068 (4) An individual may not hold a license certificate with an interdicted person identifier
1069 while also holding another license certificate.
- 1070 (5) [~~The~~] Subject to Subsection (3)(c), the division may charge an administrative fee as
1071 described in Subsection 53-3-105(40) to an individual to process and provide a license
1072 certificate with an interdicted person identifier.
- 1073 (6) An individual who is designated as an interdicted person by a court is subject to the
1074 duplicate license fee and other fees necessary to administer the license certificate with
1075 the interdicted person identifier.

1076 Section 10. Section **53-3-805** is amended to read:

1077 **53-3-805 (Effective 05/06/26). Identification card -- Contents -- Specifications.**

- 1078 (1) As used in this section:
- 1079 (a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.
1080 (b) "Health care professional" means the same as that term is defined in Section 53-3-207.
1081 (c) "Invisible condition" means the same as that term is defined in Section 53-3-207.
1082 (d) "Invisible condition identification symbol" means the same as that term is defined in

1083 Section 53-3-207.

1084 (2)(a) The division shall issue an identification card that bears:

- 1085 (i) the distinguishing number assigned to the individual by the division;
- 1086 (ii) the name, birth date, and Utah residence address of the individual;
- 1087 (iii) a brief description of the individual for the purpose of identification;
- 1088 (iv) a photograph of the individual;
- 1089 (v) a photograph or other facsimile of the individual's signature;
- 1090 (vi) an indication whether the individual intends to make an anatomical gift under
- 1091 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and
- 1092 (vii) if the individual states that the individual is a veteran of the United States
- 1093 military on the application for an identification card in accordance with Section
- 1094 53-3-804 and provides verification that the individual received an honorable or
- 1095 general discharge from the United States Armed Forces, an indication that the
- 1096 individual is a United States military veteran for a regular identification card or a
- 1097 limited-term identification card issued on or after July 1, 2011.

1098 (b) An identification card issued by the division may not bear the individual's social

1099 security number or place of birth.

1100 (3)(a) The card shall be of an impervious material, resistant to wear, damage, and

1101 alteration.

1102 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is

1103 prescribed by the commissioner.

1104 (4) At the applicant's request, the card may include a statement that the applicant has a

1105 special medical problem or allergies to certain drugs, for the purpose of medical

1106 treatment.

1107 (5)(a) The division shall include or affix an invisible condition identification symbol on

1108 an individual's identification card if the individual or the individual's authorized

1109 guardian, on a form prescribed by the department:

1110 (i) requests the division to include the invisible condition identification symbol;

1111 (ii) provides written verification from a health care professional that the individual is

1112 an individual with an invisible condition; and

1113 (iii) submits a signed waiver of liability for the release of any medical information to:

1114 (A) the department;

1115 (B) any person who has access to the individual's medical information as recorded

1116 on the individual's driving record or the Utah Criminal Justice Information

- 1117 System under this chapter;
- 1118 (C) any other person who may view or receive notice of the individual's medical
1119 information by seeing the individual's identification card or the individual's
1120 information in the Utah Criminal Justice Information System;
- 1121 (D) a local law enforcement agency that receives a copy of the form described in
1122 this Subsection (5)(a) and enters the contents of the form into the local law
1123 enforcement agency's record management system or computer-aided dispatch
1124 system; and
- 1125 (E) a dispatcher who accesses the information regarding the individual's invisible
1126 condition through the use of a local law enforcement agency's record
1127 management system or computer-aided dispatch system.
- 1128 (b) As part of the form described in Subsection (5)(a), the department shall advise the
1129 individual or the individual's authorized guardian that by submitting the request and
1130 signed waiver, the individual or the individual's authorized guardian consents to the
1131 release of the individual's medical information to any person described in Subsection
1132 (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical
1133 information under state or federal law.
- 1134 (c) The division may not:
- 1135 (i) charge a fee to include the invisible condition identification symbol on the
1136 individual's identification card; or
- 1137 (ii) after including the invisible condition identification symbol on the individual's
1138 previously issued identification card, require the individual to provide subsequent
1139 written verification described in Subsection (5)(a)(ii) to include the invisible
1140 condition identification symbol on the individual's extended identification card.
- 1141 (d) The division shall confirm with the Division of Professional Licensing that the health
1142 care professional described in Subsection (5)(a)(ii) holds a current state license.
- 1143 (e) The inclusion of an invisible condition identification symbol on an individual's
1144 identification card in accordance with Subsection (5)(a) does not confer any legal
1145 rights or privileges on the individual, including parking privileges for individuals
1146 with disabilities under Section 41-1a-414.
- 1147 (f) For each individual issued an identification card under this section that includes an
1148 invisible condition identification symbol, the division shall include in the division's
1149 database a brief description of the nature of the individual's invisible condition in the
1150 individual's record and provide the brief description to the Utah Criminal Justice

- 1151 Information System.
- 1152 (g) Except as provided in this section, the division may not release the information
1153 described in Subsection (5)(f).
- 1154 (h) Within 30 days after the day on which the division receives an individual's or the
1155 individual's authorized guardian's written request, the division shall:
- 1156 (i) remove from the individual's record in the division's database the invisible
1157 condition identification symbol and the brief description described in Subsection
1158 (5)(f); and
- 1159 (ii) provide the individual's updated record to the Utah Criminal Justice Information
1160 System.
- 1161 (6)(a) If the division receives a notification from a court as provided in Section
1162 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted
1163 person, the division:
- 1164 (i) may accept an application from the individual for an identification card that
1165 includes an interdicted person identifier; and
- 1166 (ii) if the individual submits an application and qualifies for an identification card,
1167 may provide an identification card with the interdicted person identifier.
- 1168 (b)(i) An individual may voluntarily apply for an identification card that includes an
1169 interdicted person identifier.
- 1170 (ii) An individual [~~that~~] who voluntarily applies for an identification card with an
1171 interdicted person identifier may not apply for another identification card without
1172 the interdicted person identifier for at least 30 days after the application for the
1173 identification card with the interdicted person identifier.
- 1174 (iii) An individual who voluntarily applies for an identification card with an
1175 interdicted person identifier is not required to pay the fee described in Subsection
1176 (6)(d).
- 1177 (c) The division may not provide to an individual an identification card without the
1178 interdicted person identifier during the time period the court has designated the
1179 person as an interdicted person.
- 1180 (d) [~~The~~] Subject to Subsection (6)(b)(iii), the division may charge an administrative fee
1181 as described in Subsection 53-3-105(40) to an individual to process and provide an
1182 identification card with an interdicted person identifier.
- 1183 (e) An individual who is designated as an interdicted person by a court is subject to the
1184 identification card fee and other fees necessary to administer the identification card

- 1185 with an interdicted person identifier.
- 1186 (7) As provided in Section 63G-2-302, the information described in Subsection (5)(a) is a
1187 private record for purposes of Title 63G, Chapter 2, Government Records Access and
1188 Management Act.
- 1189 (8)(a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by
1190 the applicant in accordance with division rule.
- 1191 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
1192 Management Act, the division may, upon request, release to an organ procurement
1193 organization, as defined in Section 26B-8-301, the names and addresses of all
1194 individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make
1195 an anatomical gift.
- 1196 (ii) An organ procurement organization may use released information only to:
1197 (A) obtain additional information for an anatomical gift registry; and
1198 (B) inform applicants of anatomical gift options, procedures, and benefits.
- 1199 (9) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
1200 Act, the division may release to the Department of Veterans and Military Affairs the
1201 names and addresses of all individuals who indicate their status as a veteran under
1202 Subsection 53-3-804(2)(l).
- 1203 (10) The division and the division's employees are not liable, as a result of false or
1204 inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or
1205 indirect:
1206 (a) loss;
1207 (b) detriment; or
1208 (c) injury.
- 1209 (11)(a) The division may issue a temporary regular identification card to an individual
1210 while the individual obtains the required documentation to establish verification of
1211 the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).
- 1212 (b) A temporary regular identification card issued under this Subsection (11) shall be
1213 recognized and grant the individual the same privileges as a regular identification
1214 card.
- 1215 (c) A temporary regular identification card issued under this Subsection (11) is invalid:
1216 (i) when the individual's regular identification card has been issued;
1217 (ii) when, for good cause, an applicant's application for a regular identification card
1218 has been refused; or

- 1219 (iii) upon expiration of the temporary regular identification card.
- 1220 (d) The division shall coordinate with the Department of Corrections in providing an
- 1221 inmate with a temporary regular identification card as described in Section 64-13-10.6.
- 1222 Section 11. Section **76-5-102.1** is amended to read:
- 1223 **76-5-102.1 (Effective upon governor's approval). Negligently operating a vehicle**
- 1224 **resulting in injury.**
- 1225 (1)(a) As used in this section:
- 1226 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 1227 (ii) "Drug" means the same as that term is defined in Section 76-5-207.
- 1228 (iii) "Negligent" or "negligence" means the same as that term is defined in Section
- 1229 76-5-207.
- 1230 (iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 1231 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1232 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:
- 1233 (a)(i) operates a vehicle in a negligent manner causing bodily injury to another; and
- 1234 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
- 1235 test shows that the actor has a blood or breath alcohol concentration of .05
- 1236 grams or greater at the time of the test;
- 1237 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol
- 1238 and a drug to a degree that renders the actor incapable of safely operating a
- 1239 vehicle; or
- 1240 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
- 1241 of operation; or
- 1242 (b)(i) operates a vehicle in a criminally negligent manner causing bodily injury to
- 1243 another; and
- 1244 (ii) has in the actor's body any measurable amount of a controlled substance.
- 1245 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:
- 1246 (a)(i) a class A misdemeanor;[-or]
- 1247 (ii) a third degree felony if the actor has two or more driving under the influence
- 1248 related convictions under Subsection 41-6a-501(2)(a), each of which is within 10
- 1249 years of:
- 1250 (A) the current conviction; or
- 1251 (B) the commission of the offense upon which the current conviction is based;
- 1252 (iii) a third degree felony, if the current conviction is at any time after the conviction

- 1253 of:
- 1254 (A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2),
- 1255 that is a felony; or
- 1256 (B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of
- 1257 conviction is reduced under Section 76-3-402; or
- 1258 (iv) a third degree felony if the bodily injury is serious bodily injury; and
- 1259 (b) a separate offense for each victim suffering bodily injury as a result of the actor's
- 1260 violation of this section, regardless of whether the injuries arise from the same
- 1261 episode of driving.
- 1262 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under
- 1263 Subsection (2)(b) if:
- 1264 (a) the controlled substance was obtained under a valid prescription or order, directly
- 1265 from a practitioner while acting in the course of the practitioner's professional
- 1266 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 1267 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 1268 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
- 1269 58-37-4.2 if:
- 1270 (i) the actor is the subject of medical research conducted by a holder of a valid license
- 1271 to possess controlled substances under Section 58-37-6; and
- 1272 (ii) the substance was administered to the actor by the medical researcher.
- 1273 (5)(a) A judge imposing a sentence under this section may consider:
- 1274 (i) the adult sentencing and supervision length guidelines, as defined in Section
- 1275 63M-7-401.1;
- 1276 (ii) the defendant's history;
- 1277 (iii) the facts of the case;
- 1278 (iv) aggravating and mitigating factors; or
- 1279 (v) any other relevant fact.
- 1280 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 1281 based on the defendant's history under Section 41-6a-505.
- 1282 (c) The standards for chemical breath analysis under Section 41-6a-515 and the
- 1283 provisions for the admissibility of chemical test results under Section 41-6a-516
- 1284 apply to determination and proof of blood alcohol content under this section.
- 1285 (d) A calculation of blood or breath alcohol concentration under this section shall be
- 1286 made in accordance with Subsection 41-6a-502(3).

- 1287 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
 1288 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 1289 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
 1290 admissible except if prohibited by the Utah Rules of Evidence, the United States
 1291 Constitution, or the Utah Constitution.
- 1292 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
 1293 described in this section may not be held in abeyance.
- 1294 (6)(a) A judge imposing a sentence under this section shall designate the defendant as an
 1295 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
 1296 not to exceed the probationary period, unless the court finds good cause to order a
 1297 shorter or longer time.
- 1298 (b) If a court designates a person as an interdicted person as provided in Subsection
 1299 (6)(a), the court shall:
- 1300 (i) require the person to surrender the person's Utah identification card or Utah driver
 1301 license;
- 1302 (ii) notify the Driver License Division that the person is an interdicted person; and
- 1303 (iii) provide the person's identification card or driver license to the Driver License
 1304 Division.

1305 Section 12. Section **76-5-207** is amended to read:

1306 **76-5-207 (Effective upon governor's approval). Automobile homicide -- Penalties**
 1307 **-- Evidence.**

- 1308 (1)(a) As used in this section:
- 1309 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 1310 (ii) "Criminally negligent" means the same as that term is described in Subsection
 1311 76-2-103(4).
- 1312 (iii) "Drug" means:
- 1313 (A) a controlled substance;
- 1314 (B) a drug as defined in Section 58-37-2; or
- 1315 (C) a substance that, when knowingly, intentionally, or recklessly taken into the
 1316 human body, can impair the ability of an individual to safely operate a vehicle.
- 1317 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
 1318 degree of care that reasonable and prudent persons exercise under like or similar
 1319 circumstances.
- 1320 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.

- 1321 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1322 (2) An actor commits automobile homicide if the actor:
- 1323 (a)(i) operates a vehicle in a negligent or criminally negligent manner causing the
- 1324 death of another individual; and
- 1325 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
- 1326 test shows that the actor has a blood or breath alcohol concentration of .05
- 1327 grams or greater at the time of the test;
- 1328 (B) is under the influence of alcohol, any drug, or the combined influence of
- 1329 alcohol and any drug to a degree that renders the actor incapable of safely
- 1330 operating a vehicle; or
- 1331 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
- 1332 of operation; or
- 1333 (b)(i) operates a vehicle in a criminally negligent manner causing death to another;
- 1334 and
- 1335 (ii) has in the actor's body any measurable amount of a controlled substance.
- 1336 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
- 1337 (a) a second degree felony, punishable by a term of imprisonment of not less than five
- 1338 years nor more than 15 years; and
- 1339 (b) a separate offense for each victim suffering death as a result of the actor's violation
- 1340 of this section, regardless of whether the deaths arise from the same episode of
- 1341 driving.
- 1342 (4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
- 1343 (a) the controlled substance was obtained under a valid prescription or order, directly
- 1344 from a practitioner while acting in the course of the practitioner's professional
- 1345 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 1346 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 1347 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
- 1348 58-37-4.2 if:
- 1349 (i) the actor is the subject of medical research conducted by a holder of a valid license
- 1350 to possess controlled substances under Section 58-37-6; and
- 1351 (ii) the substance was administered to the actor by the medical researcher.
- 1352 (5)(a) A judge imposing a sentence under this section may consider:
- 1353 (i) the adult sentencing and supervision length guidelines, as defined in Section
- 1354 63M-7-401.1;

- 1355 (ii) the defendant's history;
- 1356 (iii) the facts of the case;
- 1357 (iv) aggravating and mitigating factors; or
- 1358 (v) any other relevant fact.
- 1359 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 1360 based on the defendant's history under Section 41-6a-505.
- 1361 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the
- 1362 provisions for the admissibility of chemical test results as provided by Section
- 1363 41-6a-516 apply to determination and proof of blood alcohol content under this
- 1364 section.
- 1365 (d) A calculation of blood or breath alcohol concentration under this section shall be
- 1366 made in accordance with Subsection 41-6a-502(3).
- 1367 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
- 1368 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 1369 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
- 1370 admissible except when prohibited by the Utah Rules of Evidence, the United States
- 1371 Constitution, or the Utah Constitution.
- 1372 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
- 1373 described in this section may not be held in abeyance.
- 1374 (6) If, when imposing a sentence under this section, the court finds that it is in the interest
- 1375 of justice to suspend the imposition of prison, the court shall detail the finding on the
- 1376 record, including why a suspended prison sentence is in the interest of justice.
- 1377 (7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than
- 1378 three years nor more than 15 years if the court details on the record why it is in the
- 1379 interest of justice.
- 1380 (8)(a) A judge imposing a sentence under this section shall designate the defendant as an
- 1381 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
- 1382 not to exceed the probationary period, unless the court finds good cause to order a
- 1383 shorter or longer time.
- 1384 (b) If a court designates a person as an interdicted person as provided in Subsection
- 1385 (8)(a), the court shall:
- 1386 (i) require the person to surrender the person's Utah identification card or Utah driver
- 1387 license;
- 1388 (ii) notify the Driver License Division that the person is an interdicted person; and

1389 (iii) provide the person's identification card or driver license to the Driver License
 1390 Division.

1391 Section 13. **Effective Date.**

1392 (1) Except as provided in Subsection (2), this bill takes effect:

1393 (a) except as provided in Subsection (1)(b), May 6, 2026; or

1394 (b) if approved by two-thirds of all members elected to each house:

1395 (i) upon approval by the governor;

1396 (ii) without the governor's signature, the day following the constitutional time limit of

1397 Utah Constitution, Article VII, Section 8; or

1398 (iii) in the case of a veto, the date of veto override.

1399 (2) The actions affecting the following sections take effect on May 6, 2026:

1400 (a) Section 53-3-236 (Effective 05/06/26); and

1401 (b) Section 53-3-805 (Effective 05/06/26).

1402 Section 14. **Retrospective operation.**

1403 The following sections have retrospective operation to January 1, 2026:

1404 (1) Section 32B-1-407 (Effective upon governor's approval) (Applies beginning 01/01/26);

1405 (2) Section 32B-4-405 (Effective upon governor's approval) (Applies beginning 01/01/26);

1406 and

1407 (3) Section 32B-5-306 (Effective upon governor's approval) (Applies beginning 01/01/26).

1408 Section 15. **Coordinating H.B. 59 with H.B. 597.**

1409 If H.B. 59, Identification Verification Amendments, and H.B. 597, Alcohol

1410 Amendments, both pass and become law, the Legislature intends that, on May 6, 2026, the

1411 amendments to Section 32B-1-407 in H.B. 59 supersede the amendments to that section in H.B.

1412 597.