

**Employment Medical Examination Expense Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matthew H. Gwynn**

Senate Sponsor:

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**LONG TITLE****General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

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

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

RENUMBERS AND AMENDS:

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

**34-33-104**, (Renumbered from 34-33-2, as last amended by Laws of Utah 2018, Chapter 148)

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

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

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

As used in this chapter:

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

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

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

(b) "Employer" includes a prospective employer.

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

(5)(a) "Medical examination" means a physical examination an employer requires as a condition of pre-employment, employment, or continued employment.

(b) "Medical examination" includes drug testing.

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

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

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

(1) An employer may not:

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

(b) require an individual to obtain a medical examination unless the employer pays the costs the health care provider charges the individual.

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

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

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

- (1) The division shall enforce compliance with this chapter by:
- (a) investigating alleged violations of this chapter; and
  - (b) determining the validity of a claim for a violation of this chapter that an individual files with the division in accordance with Subsection (2).
- (2)(a) An individual may file a claim with the division for a violation of this chapter.
- (b) An individual shall file a claim under this Subsection (2) within one year after the day on which the individual pays the employer a fee for a medical examination or pays a health care provider for a medical examination.
- (3)(a) If the division determines a claim filed in accordance with Subsection (2) is valid, the division shall order the employer to reimburse the fee the individual paid to the employer and the cost the individual paid to the health care provider for the medical examination.
- (b) The division may assess against an employer who violates this chapter, a penalty of up to 5% of:
    - (i) the fee the individual paid to the employer; and
    - (ii) the cost the individual paid to the health care provider for the medical examination.
  - (c) The division shall assess the penalty described in Subsection (3)(b) daily until the employer pays:
    - (i) the individual the amount the employer owes to the individual; and
    - (ii) the penalty for a period not to exceed 20 days.
  - (d) The division shall:
    - (i) retain 50% of the money the division receives from a penalty payment under Subsection (3)(b) for the costs of administering this chapter;
    - (ii) pay the sum the division retains under Subsection (3)(d)(i) to the state treasurer;
    - and
    - (iii) pay the 50% not retained under Subsection (3)(d)(i) to the individual.
- (4) The commission may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to enforce this chapter.

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

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

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

99           Section 5. **Effective Date.**

100       This bill takes effect on May 6, 2026.