

Nelson T. Abbott proposes the following substitute bill:

**Sex Designation Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Trevor Lee**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill amends provisions related to sex and gender.

**Highlighted Provisions:**

This bill:

- replaces the term gender with sex; and
- requires agencies when making administrative rules, policies, and programs to refer to biological sex using the term sex instead of gender.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 9-20-201 (Effective 05/06/26) (Repealed 07/01/27)**, as last amended by Laws of Utah 2025, Chapter 57
- 10-3-913 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 335
- 10-3-918 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 472
- 11-46-204 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2011, Chapter 130
- 13-47-103 (Effective 05/06/26)**, as enacted by Laws of Utah 2010, Chapter 403
- 15A-3-112 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 209
- 17-72-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
- 17-72-408 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
- 17-72-503 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,

30 First Special Session, Chapter 13  
31 **26B-1-426 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 57  
32 **26B-1-507 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 288  
33 **26B-2-109 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,  
34 Chapter 305  
35 **26B-2-119 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,  
36 Chapter 305  
37 **26B-2-128 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 48  
38 **26B-3-303 (Effective 05/06/26) (Repealed 07/01/27)**, as last amended by Laws of Utah  
39 2024, Chapter 507  
40 **26B-4-213 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392  
41 **26B-4-214 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392  
42 **26B-5-211 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 167  
43 **26B-5-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special  
44 Session, Chapter 16  
45 **29-2-103 (Effective 05/06/26)**, as enacted by Laws of Utah 1995, Chapter 231  
46 **31A-22-405 (Effective 05/06/26)**, as last amended by Laws of Utah 2002, Chapter 308  
47 **31A-22-2004 (Effective 05/06/26)**, as enacted by Laws of Utah 2020, Chapter 32  
48 **31A-30-106 (Effective 05/06/26)**, as last amended by Laws of Utah 2017, Chapter 168  
49 **31A-30-106.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 354  
50 **32B-1-407 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 471  
51 **34A-5-114 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173,  
52 425  
53 **35A-1-207 (Effective 05/06/26)**, as last amended by Laws of Utah 2016, Chapter 296  
54 **42-2-5 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 341  
55 **53-1-108 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 21  
56 **53-8-104 (Effective 05/06/26)**, as last amended by Laws of Utah 2002, Chapter 219  
57 **53-10-406 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 319  
58 **53F-4-207 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 23  
59 **53G-5-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 63  
60 **53G-6-902 (Effective 05/06/26)**, as enacted by Laws of Utah 2022, Chapter 478  
61 **53G-6-1001 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 408  
62 **53G-6-1003 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 408  
63 **53G-6-1004 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 277,

64 408  
65 **53G-6-1101 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 2  
66 **53G-8-301 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 2025,  
67 Chapter 327  
68 **57-3-107 (Effective 05/06/26)**, as last amended by Laws of Utah 1999, Chapter 163  
69 **57-21-2 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 13  
70 **58-37f-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 214  
71 **58-67-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 491  
72 **58-68-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 491  
73 **63G-2-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special  
74 Session, Chapter 9  
75 **63G-12-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2011,  
76 Chapter 18  
77 **63G-12-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapter 20  
78 and renumbered and amended by Laws of Utah 2011, Chapter 18  
79 **63G-12-402 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special  
80 Session, Chapter 9  
81 **63G-31-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 11  
82 **63G-31-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 11  
83 **63N-2-104.2 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapters 159,  
84 316  
85 **63N-4-803 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2022,  
86 Chapter 362  
87 **67-1-2.5 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 533  
88 **67-1-11 (Effective 05/06/26)**, as enacted by Laws of Utah 1992, Chapter 302  
89 **76-5d-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
90 Chapters 173, 174  
91 **77-7-17.5 (Effective 05/06/26)**, as enacted by Laws of Utah 2019, Chapter 462  
92 **78A-2-110 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 394  
93 **78B-6-2401 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023,  
94 Chapter 80  
95 **79-2-203 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2009,  
96 Chapter 344  
97 **81-9-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426

98 **81-9-402 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 426

99 **81-12-105 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,

100 Chapter 426

101 **81-12-106 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,

102 Chapter 426

103 **81-13-203 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,

104 Chapter 426

105 ENACTS:

106 **63G-3-306 (Effective 05/06/26)**, Utah Code Annotated 1953

107 **63G-34-101 (Effective 05/06/26)**, Utah Code Annotated 1953

108 REPEALS:

109 **26B-1-239 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507

110

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

112 Section 1. Section **9-20-201** is amended to read:

113 **9-20-201 (Effective 05/06/26) (Repealed 07/01/27). Creation -- Members --**

114 **Appointment -- Terms -- Vacancies -- Per diem and expenses.**

115 (1) There is created the Utah Commission on Service and Volunteerism consisting of 19

116 voting members and one nonvoting member.

117 (2) The 19 voting members of the commission are:

118 (a) the lieutenant governor;

119 (b) the commissioner of higher education or the commissioner's designee;

120 (c) the state superintendent of public instruction or the superintendent's designee;

121 (d) the executive director of the Department of Cultural and Community Engagement or

122 the executive director's designee;

123 (e) nine members appointed by the governor as follows:

124 (i) an individual with expertise in the educational, training, and developmental needs  
125 of youth, particularly disadvantaged youth;

126 (ii) an individual with experience in promoting the involvement of older adults in  
127 volunteer service;

128 (iii) a representative of a community-based agency or organization within the state;

129 (iv) a representative of local government;

130 (v) a representative of a local labor organization in the state;

131 (vi) a representative of business;

- 132 (vii) an individual between the ages of 16 and 25 years old who participates in a  
133 volunteer or service program;
- 134 (viii) a representative of a national service program; and
- 135 (ix) a representative of the volunteer sector; and
- 136 (f) six members appointed by the governor from among the following groups:
- 137 (i) local educators;
- 138 (ii) experts in the delivery of human, educational, cultural, environmental, or public  
139 safety services to communities and individuals;
- 140 (iii) representatives of Native American tribes;
- 141 (iv) representatives of organizations that assist out-of-school youth or other at-risk  
142 youth; or
- 143 (v) representatives of entities that receive assistance under the Domestic Volunteer  
144 Service Act of 1973, 42 U.S.C. 4950 et seq.
- 145 (3) The nonvoting member of the commission is the regional representative of the  
146 corporation.
- 147 (4)(a) In appointing persons to serve on the commission, the governor shall ensure that  
148 no more than five voting members of the commission are state government  
149 employees.
- 150 (b) In appointing persons to serve on the commission, the governor shall strive for  
151 balance on the commission according to race, ethnicity, age, [~~gender~~] sex, disability  
152 characteristics, and geography.
- 153 (5)(a) Except as required by Subsection (5)(b), as terms of current commission members  
154 expire, the governor shall appoint each new member or reappointed member to a  
155 three-year term.
- 156 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
157 time of appointment or reappointment, adjust the length of terms to ensure that the  
158 terms of commission members are staggered so that approximately one-third of the  
159 commission is appointed every year.
- 160 (6) When a vacancy occurs in the membership, the replacement shall be appointed for the  
161 unexpired term.
- 162 (7) A member appointed by the governor may not serve more than two consecutive terms.
- 163 (8) A member may not receive compensation or benefits for the member's service, but may  
164 receive per diem and travel expenses in accordance with:
- 165 (a) Section 63A-3-106;

- 166 (b) Section 63A-3-107; and
- 167 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 168 63A-3-107.
- 169 Section 2. Section **10-3-913** is amended to read:
- 170 **10-3-913 (Effective 05/06/26). Authority of chief of police -- Oversight.**
- 171 (1) The chief of police has the same authority as the sheriff within the boundaries of the
- 172 municipality of appointment. The chief has authority to:
- 173 (a) suppress riots, disturbances, and breaches of the peace;
- 174 (b) apprehend all persons violating state laws or city ordinances;
- 175 (c) diligently discharge his duties and enforce all ordinances of the city to preserve the
- 176 peace, good order, and protection of the rights and property of all persons;
- 177 (d) attend the municipal justice court located within the city when required, provide
- 178 security for the court, and obey its orders and directions; and
- 179 (e) select a representative of law enforcement to serve as a member of a child protection
- 180 team, as defined in Section 80-1-102.
- 181 (2) This section is not a limitation of a police chief's statewide authority as otherwise
- 182 provided by law.
- 183 (3) The chief of police shall adopt a written policy that prohibits the stopping, detention, or
- 184 search of any person when the action is solely motivated by considerations of race,
- 185 color, ethnicity, age, or [~~gender~~] sex.
- 186 (4)(a) Notwithstanding Sections 10-3-918 and 10-3-919, a municipality may not
- 187 establish a board, committee, or other entity that:
- 188 (i) has authority independent of the chief of police; and
- 189 (ii)(A) has authority to overrule a hiring or appointment proposal of the chief of
- 190 police;
- 191 (B) is required to review or approve a police department's rules, regulations,
- 192 policies, or procedures in order for the rules, regulations, policies, or
- 193 procedures to take effect;
- 194 (C) has authority to veto a new policy, or strike down an existing policy,
- 195 established under the authority of the chief of police;
- 196 (D) is required to review or approve a police department's budget in order for the
- 197 budget to take effect; or
- 198 (E) has authority to review or approve a contract the police department makes
- 199 with a police union or other organization.

- 200 (b) Nothing in this Subsection (4):
- 201 (i) limits the authority the Utah Code provides over the chief of police;
- 202 (ii) prohibits the municipal council or chief executive officer from taking a lawful
- 203 action described in Subsection (4)(a)(ii) that is allowed by law; or
- 204 (iii) limits the authority of a civil service commission established in accordance with
- 205 Title 10, Chapter 3, Part 10, Civil Service Commission.

206 (5) Subject to Subsection (4), a municipality may establish a board, committee, or other

207 entity that relates to the provision of law enforcement services and that has authority

208 independent of the chief of police if the municipality:

- 209 (a) directly appoints the board, committee, or other entity's members; and
- 210 (b) provides direct oversight of the board, committee, or other entity.

211 Section 3. Section **10-3-918** is amended to read:

212 **10-3-918 (Effective 05/06/26). Chief of police or marshal in a city of the third,**

213 **fourth, or fifth class or town.**

214 Subject to Subsection 10-3-913(4), the chief of police or marshal in each city of the

215 third, fourth, or fifth class or town:

216 (1) shall:

- 217 (a) exercise and perform the duties that are prescribed by the legislative body;
- 218 (b) be under the direction, control, and supervision of the person or body that appointed
- 219 the chief or marshal; and
- 220 (c) adopt a written policy that prohibits the stopping, detention, or search of any person
- 221 when the action is solely motivated by considerations of race, color, ethnicity, age, or [
- 222 gender] sex; and

223 (2) may, with the consent of the person or body that appointed the chief or marshal, appoint

224 assistants to the chief of police or marshal.

225 Section 4. Section **11-46-204** is amended to read:

226 **11-46-204 (Effective 05/06/26). Sterilization deposit.**

227 (1) A sterilization deposit may be:

- 228 (a) a portion of the adoption fee or purchase price of the animal, which will enable the
- 229 adopter to take the animal for sterilization to a veterinarian with whom the animal
- 230 shelter has an agreement that the veterinarian will bill the animal shelter directly for
- 231 the sterilization;
- 232 (b) a deposit that is:
- 233 (i) refundable to the recipient if proof of sterilization of the animal within the

- 234 appropriate time limits under Section 11-46-203 is presented to the animal shelter  
 235 not more than three months after the date the animal is sterilized; and  
 236 (ii) forfeited to the animal shelter if proof of sterilization is not presented to the  
 237 animal shelter in compliance with Subsection (1)(b)(i); or  
 238 (c) a deposit under Section 11-46-206 required for an owner to claim an unsterilized  
 239 animal impounded at the animal shelter.
- 240 (2) Sterilization deposits under Subsection (1) shall reflect the average reduced cost of a  
 241 sterilization of an animal, based on the [gender] sex and weight of the animal, that is  
 242 reasonably available in the area where the animal shelter is located, but the deposit may  
 243 not be less than \$25.
- 244 (3) If a female animal and her litter are transferred to one person, a sterilization deposit is  
 245 required only for the female animal.
- 246 (4) All sterilization deposits forfeited or unclaimed under this section shall be retained by  
 247 the animal shelter and used by the animal shelter only for:  
 248 (a) a program to sterilize animals, which may include a sliding scale fee program;  
 249 (b) a public education program to reduce and prevent overpopulation of animals and the  
 250 related costs to local governments;  
 251 (c) a follow-up program to assure that animals transferred by the animal shelter are  
 252 sterilized in accordance with the agreement executed under Section 11-46-203; and  
 253 (d) any additional costs incurred by the animal shelter in the administration of the  
 254 requirements of this chapter.

255 Section 5. Section **13-47-103** is amended to read:

256 **13-47-103 (Effective 05/06/26). Scope of chapter.**

257 A private employer shall comply with this chapter, and this chapter shall be enforced  
 258 without regard to race, color, national origin, [gender] sex, religion, age, disability, familial  
 259 status, or source of income.

260 Section 6. Section **15A-3-112** is amended to read:

261 **15A-3-112 (Effective 05/06/26). Amendments to Chapters 29 through 31 of IBC.**

- 262 (1) In IBC [P] Table 2902.1 the following changes are made:  
 263 (a) In the row for "E" occupancy in the field for "OTHER" a new footnote i is added.  
 264 (b) In the row for "I-4" occupancy in the field for "OTHER" a new footnote i is added.  
 265 (c) A new footnote g is added as follows: "FOOTNOTE: g. When provided, subject to  
 266 footnote i, in public toilet facilities there shall be an equal number of diaper  
 267 changing facilities in male toilet rooms and female toilet rooms."

- 268 (d) A new footnote h is added to the table as follows: "FOOTNOTE h: Non-residential  
269 child care facilities shall comply with additional sink requirements of Utah  
270 Administrative Code, R381-60-9, Hourly Child Care Centers, R381-70-9, Out of  
271 School Time Child Care Programs, and R381-100-9, Child Care Centers."
- 272 (e) A new footnote i is added to the table as follows: "FOOTNOTE i: A building owned by a  
273 state government entity or by a political subdivision of the state that allows access to the public  
274 shall provide diaper changing facilities in accordance with footnote g if:  
275 1. the building is newly constructed; or  
276 2. a bathroom in the building is renovated."
- 277 (f) Footnote f is deleted and replaced with the following: "FOOTNOTE f: The required  
278 number and type of plumbing fixtures for outdoor public swimming pools shall be in  
279 accordance with Utah Administrative Code, R392-302, Design, Construction and  
280 Operation of Public Pools."
- 281 (2) In IBC, Section [P] 2902.1.1, Exception 2 is deleted and replaced with the following:  
282 "2. Where multiple-user facilities are designed to serve all [~~genders~~] sexes the  
283 following shall apply:  
284 2.1 The maximum fixture count to serve all [~~genders~~] sexes shall be calculated at 50  
285 percent of the total occupant load. The maximum fixture count for the multiple-user all [~~gender~~]  
286 sex facility shall be calculated at 50 percent female and 50 percent male.  
287 2.2 The remaining 50 percent of the required restroom fixtures shall be provided as  
288 required by Table 2902.1 in separate toilet facilities."
- 289 (3) In IBC, Section [P] 2902.2, Exception 6 is deleted and replaced with the following:  
290 "6. Separate facilities shall not be required as prescribed in Section 2902.1.1 Exception  
291 2. Rooms having both water closets and lavatory fixtures designed for use by all [~~genders~~]  
292 sexes and privacy for water closets shall be installed in accordance with Section 405.3.4 of the  
293 International Plumbing Code and Section 2903.1.4 of this code. Urinals in multiple-user all [~~gender~~]  
294 sex toilet facilities shall be located in an area visually separated from the remainder of  
295 the facility or each urinal that is provided shall be located in a stall and installed in accordance  
296 with Section 405.3.5 of the International Plumbing Code and Section 2903.1.5 of this code."
- 297 (4) A new IBC, Section [P]2902.8, is added as follows:  
298 "[P]2902.8 Toilet Facilities for Workers.  
299 Toilet facilities shall be provided for construction workers and such facilities shall be  
300 maintained in a sanitary condition. Construction worker toilet facilities of the nonsewer type  
301 shall conform to ANSI Z4.3-2016."

- 302 (5) In IBC, Section [P] 2903.1.4, the following sentence is added after the first sentence:  
303 "For restroom facilities designed to serve all [~~genders~~] sexes, the partitions of the stalls  
304 shall extend from the floor to the ceiling."
- 305 (6) In IBC, Section [P] 2903.1.5, the following sentence is added at the end of the  
306 paragraph: "For facilities designed for use by all [~~genders~~] sexes in the same room,  
307 urinals shall be located in a separate room or in stalls with partitions that extend from the  
308 floor to the ceiling."
- 309 (7) IBC, Section 3001.2, is deleted.
- 310 (8) In IBC, Section 3005.5, a new exception is added as follows: "Exception: Hydraulic  
311 elevators and roped hydraulic elevators with a rise of 50 feet or less."
- 312 (9) In IBC, Section 3109.1, the words "the International Swimming Pool and Spa Code" at  
313 the end of the section are deleted and replaced with the words "Utah Administrative  
314 Code, R392-302, Design, Construction and Operation of Public Pools."
- 315 Section 7. Section **17-72-301** is amended to read:  
316 **17-72-301 (Effective 05/06/26). General duties.**
- 317 (1) The sheriff shall:
- 318 (a) preserve the peace;
- 319 (b) make all lawful arrests;
- 320 (c)(i) attend in person or by deputy:
- 321 (A) the Supreme Court and the Court of Appeals when required; or
- 322 (B) when the court is held within the sheriff's county, all courts of record, and  
323 court commissioner and referee sessions held within the sheriff's county;
- 324 (ii) obey a court's lawful orders and directions; and
- 325 (iii) comply with the court security rule, Rule 3-414, of the Utah Code of Judicial  
326 Administration;
- 327 (d) upon request of the juvenile court, aid the court in maintaining order during hearings  
328 and transport a minor to and from youth corrections facilities, other institutions, or  
329 other designated places;
- 330 (e) attend county justice courts if the judge finds that the matter before the court requires  
331 the sheriff's attendance for security, transportation, and escort of prisoners in the  
332 sheriff's custody, or for the custody of jurors;
- 333 (f) command the aid of as many inhabitants of the sheriff's county as the sheriff  
334 considers necessary in the execution of duties described in this section;
- 335 (g) take charge of and keep the county jail and prisoners in the county jail as described

- 336 in Part 4, County Jails, and Part 5, Responsibility for Prisoners;
- 337 (h)(i) receive and safely keep all prisoners committed to the sheriff's custody;
- 338 (ii) file and preserve the commitments of prisoners; and
- 339 (iii) record the name, age, place of birth, and description of each prisoner;
- 340 (i) release on the record all attachments of real property when the attachment the sheriff
- 341 receives has been released or discharged;
- 342 (j) endorse on all process and notices the year, month, day, hour, and minute of
- 343 reception, and, upon payment of fees, issue a certificate to the individual delivering
- 344 process or notice showing the names of the parties, title of paper, and the time of
- 345 receipt;
- 346 (k) serve all process and notices as prescribed by Part 7, Process Service and Duty to the
- 347 Court, or any other provision of law;
- 348 (l)(i) if the sheriff makes service of process or notice, certify on the process or notices
- 349 the manner, time, and place of service; or
- 350 (ii) if the sheriff fails to make service, certify the reason upon the process or notice,
- 351 and return them without delay;
- 352 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
- 353 land within the sheriff's county;
- 354 (n) perform as required by any contracts between the county and private contractors for
- 355 management, maintenance, operation, and construction of county jails entered into
- 356 under the authority of Section 17-65-405;
- 357 (o) manage and direct search and rescue services in the sheriff's county, including
- 358 emergency medical responders and other related incident response activities;
- 359 (p) obtain saliva DNA specimens as required under Section 53-10-404;
- 360 (q) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
- 361 detention, or search of any person when the action is solely motivated by
- 362 considerations of race, color, ethnicity, age, or [gender] sex;
- 363 (r) as applicable, select a representative of law enforcement to serve as a member of a
- 364 child protection team, as defined in Section 80-1-102;
- 365 (s) appoint a county security chief in accordance with Section 53-22-103 and ensure the
- 366 county security chief fulfills the county security chief's duties;
- 367 (t) ensure that a prisoner who is awaiting trial, sentencing, or disposition of criminal
- 368 charges has:
- 369 (i) a private and confidential space to review discovery and other evidence or

370 documents related to the prisoner's criminal case with the prisoner's counsel; and  
371 (ii) the means to access and review discovery and other evidence or documents  
372 related to the prisoner's criminal case, with or without the prisoner's counsel,  
373 including the means to access and review digital, audio, video, or other  
374 technological evidence or documents; and

375 (u) perform any other duties that are required by law.

376 (2)(a) Violation of Subsection (1)(j) is a class C misdemeanor.

377 (b) Violation of any other subsection under Subsection (1) is a class A misdemeanor.

378 (3)(a) A prisoner may access or review discovery, evidence, or other documents under  
379 Subsection (1)(t) with:

380 (i) technology provided by the jail; or

381 (ii) technology, including a computer, that is approved by the jail and is provided by  
382 the prisoner's counsel.

383 (b) If a prisoner's counsel leaves discovery, evidence, or other documents with the  
384 prisoner at the jail, the prisoner's counsel shall ensure that the discovery, evidence, or  
385 other documents does not include:

386 (i) any visual depiction of an individual who is younger than 18 years old;

387 (ii) any personal identifying information of an individual other than the prisoner;

388 (iii) any financial information of a person other than the prisoner;

389 (iv) any child sexual abuse material as defined in Section 76-5b-103;

390 (v) any intimate image as defined in Section 76-5b-203; or

391 (vi) any visual depiction or information for which possession is prohibited, by policy,  
392 at the jail.

393 Section 8. Section **17-72-408** is amended to read:

394 **17-72-408 (Effective 05/06/26). County jail reporting requirements.**

395 (1) Each county jail shall submit a report to the commission before June 15 of each year  
396 that includes, for the preceding calendar year:

397 (a) the average daily prisoner population each month;

398 (b) the number of prisoners in the county jail on the last day of each month who identify  
399 as each race or ethnicity included in the Standards for Transmitting Race and  
400 Ethnicity published by the United States Federal Bureau of Investigation;

401 (c) the number of prisoners booked into the county jail;

402 (d) the number of prisoners held in the county jail each month on behalf of each of the  
403 following entities:

- 404 (i) the Bureau of Indian Affairs;
- 405 (ii) a state prison;
- 406 (iii) a federal prison;
- 407 (iv) the United States Immigration and Customs Enforcement; and
- 408 (v) any other entity with which a county jail has entered a contract to house inmates
- 409 on the entity's behalf;
- 410 (e) the number of prisoners that are denied pretrial release and held in the custody of the
- 411 county jail while the prisoner awaited final disposition of the prisoner's criminal
- 412 charges;
- 413 (f) for each prisoner booked into the county jail:
- 414 (i) the name of the agency that arrested the prisoner;
- 415 (ii) the date and time the prisoner was booked into and released from the custody of
- 416 the county jail;
- 417 (iii) if the prisoner was released from the custody of the county jail, the reason the
- 418 inmate was released from the custody of the county jail;
- 419 (iv) if the prisoner was released from the custody of the county jail on a financial
- 420 condition, whether the financial condition was set by a county sheriff or a court;
- 421 (v) the number of days the prisoner was held in the custody of the county jail before
- 422 disposition of the prisoner's criminal charges;
- 423 (vi) whether the prisoner was released from the custody of the county jail before final
- 424 disposition of the prisoner's criminal charges; and
- 425 (vii) the prisoner's state identification number;
- 426 (g) the number of in-custody deaths that occurred at the county jail;
- 427 (h) for each in-custody death:
- 428 (i) the deceased's name, [~~gender~~] sex, race, ethnicity, age, and known or suspected
- 429 medical diagnosis or disability, if any;
- 430 (ii) the date, time, and location of death;
- 431 (iii) the law enforcement agency that detained, arrested, or was in the process of
- 432 arresting the deceased; and
- 433 (iv) a brief description of the circumstances surrounding the death;
- 434 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
- 435 each of the in-custody deaths described in Subsection (2)(g);
- 436 (j) the county jail's policy for notifying an inmate's next of kin after the prisoner's
- 437 in-custody death;

- 438 (k) the county jail policies, procedures, and protocols:
- 439 (i) for treatment of a prisoner experiencing withdrawal from alcohol or substance use,  
440 including use of opiates;
- 441 (ii) that relate to the county jail's provision, or lack of provision, of medications used  
442 to treat, mitigate, or address a prisoner's symptoms of withdrawal, including  
443 methadone and all forms of buprenorphine and naltrexone; and
- 444 (iii) that relate to screening, assessment, and treatment of a prisoner for a substance  
445 use or mental health disorder, including the policies, procedures, and protocols  
446 that implement the requirements described in Section 17-72-501;
- 447 (l)(i) the number of prisoners whose screening described in Section 17-72-501  
448 indicated the presence of a substance use disorder; and
- 449 (ii) of the prisoners whose screening indicated the presence of a substance use  
450 disorder, the number of prisoners who received medication under a medication  
451 assisted treatment plan; and
- 452 (m) any report the county jail provides or is required to provide under federal law or  
453 regulation relating to prisoner deaths.
- 454 (2)(a) Subsection (1) does not apply to a county jail if the county jail:
- 455 (i) collects and stores the data described in Subsection (1); and
- 456 (ii) enters into a memorandum of understanding with the commission that allows the  
457 commission to access the data described in Subsection (1).
- 458 (b) The memorandum of understanding described in Subsection (2)(a)(ii) shall include a  
459 provision to protect any information related to an ongoing investigation and comply  
460 with all applicable federal and state laws.
- 461 (c) If the commission accesses data from a county jail in accordance with Subsection  
462 (2)(a), the commission may not release a report prepared from that data, unless:
- 463 (i) the commission provides the report for review to:
- 464 (A) the county jail; and
- 465 (B) any arresting agency that is named in the report; and
- 466 (ii)(A) the county jail approves the report for release;
- 467 (B) the county jail reviews the report and prepares a response to the report to be  
468 published with the report; or
- 469 (C) the county jail fails to provide a response to the report within four weeks after  
470 the day on which the commission provides the report to the county jail.
- 471 (3) The commission shall:

- 472 (a) compile the information from the reports described in Subsection (1);
- 473 (b) omit or redact any identifying information of an inmate in the compilation to the
- 474 extent omission or redaction is necessary to comply with state and federal law;
- 475 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
- 476 Committee and the Utah Substance Use and Mental Health Advisory Committee
- 477 before November 1 of each year; and
- 478 (d) submit the compilation to the protection and advocacy agency designated by the
- 479 governor before November 1 of each year.
- 480 (4) The commission may not provide access to or use a county jail's policies, procedures, or
- 481 protocols submitted under this section in a manner or for a purpose not described in this
- 482 section.
- 483 (5) Upon request, a county jail shall make a report, including only the names and causes of
- 484 death of deceased inmates and the facility in which the deceased inmates were being
- 485 held in custody, available to the public.

486 Section 9. Section **17-72-503** is amended to read:

487 **17-72-503 (Effective 05/06/26). Sheriff's classification of prisoners --**

488 **Classification criteria -- Alternative incarceration programs -- Limitation.**

- 489 (1) As used in this section, "living area" means the same as that term is defined in Section
- 490 64-13-7.
- 491 (2)(a) Except as provided in Subsections (5) and (6), the sheriff shall adopt and
- 492 implement written policies:
- 493 (i) for admission of prisoners to the county jail; and
- 494 (ii) for the classification of prisoners that provide for the separation of prisoners by [
- 495 ~~gender~~] sex and by other factors as may reasonably provide for the safety and
- 496 well-being of prisoners and the community.
- 497 (b) To the extent authorized by law, any written admission policies adopted and
- 498 implemented under this Subsection (2) shall be applied equally to all entities using
- 499 the county correctional facilities.
- 500 (3) Except as provided in Subsections (5) and (6), each county sheriff shall assign prisoners
- 501 to a facility or section of a facility based on classification criteria that the sheriff
- 502 develops and maintains.
- 503 (4)(a) Except as provided in Subsection (6), a county sheriff may develop and
- 504 implement alternative incarceration programs that may involve housing a prisoner in
- 505 a jail facility.

- 506 (b) A prisoner housed under an alternative incarceration program under Subsection (4)(a)  
507 shall be considered to be in the full custody and control of the sheriff for purposes of  
508 Sections 76-8-309 and 76-8-309.3.
- 509 (c) A prisoner may not be placed in an alternative incarceration program under  
510 Subsection (4)(a) unless:
- 511 (i) the county jail is at maximum operating capacity, as established under Section  
512 17-72-402; or
- 513 (ii) ordered by the court.
- 514 (5) A jail facility shall comply with the same requirements as the Department of  
515 Corrections described in Subsections 64-13-7(4), (5), and (6) when assigning a prisoner  
516 to a living area, including the reporting requirements in Subsections 64-13-45(2)(d) and  
517 (e).
- 518 (6) This section does not authorize a sheriff to modify provisions of a contract with the  
519 Department of Corrections to house state inmates in a county jail.
- 520 Section 10. Section **26B-1-426** is amended to read:
- 521 **26B-1-426 (Effective 05/06/26). Board of Aging and Adult Services -- Members,**  
522 **appointment, terms, vacancies, chairperson, compensation, meetings, quorum.**
- 523 (1) The Board of Aging and Adult Services created in Section 26B-1-204 shall have seven  
524 members who are appointed or reappointed by the governor with the advice and consent  
525 of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 526 (2)(a) Except as required by Subsection (2)(b), each member shall be appointed for a  
527 term of four years, and is eligible for one reappointment.
- 528 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
529 time of appointment or reappointment, adjust the length of terms to ensure that the  
530 terms of board members are staggered so that approximately half of the board is  
531 appointed every two years.
- 532 (c) Board members shall continue in office until the expiration of their terms and until  
533 their successors are appointed, which may not exceed 90 days after the formal  
534 expiration of a term.
- 535 (d) When a vacancy occurs in the membership for any reason, the governor shall, with  
536 the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
537 Vacancies, appoint a replacement for the unexpired term.
- 538 (3) The board shall have diversity of [gender] sex, ethnicity, and culture[;], and members  
539 shall be chosen on the basis of their active interest, experience, and demonstrated ability

- 540 to deal with issues related to the Board of Aging and Adult Services.
- 541 (4)(a) The board shall annually elect a chairperson from the board's membership.
- 542 (b) The board shall hold meetings at least once every three months.
- 543 (c) Within budgetary constraints, meetings may be held from time to time on the call of
- 544 the chairperson or of the majority of the members of the board.
- 545 (d) Four members of the board are necessary to constitute a quorum at any meeting, and,
- 546 if a quorum exists, the action of the majority of members present shall be the action
- 547 of the board.
- 548 (5) A member may not receive compensation or benefits for the member's service, but, at
- 549 the executive director's discretion, may receive per diem and travel expenses in
- 550 accordance with:
- 551 (a) Section 63A-3-106;
- 552 (b) Section 63A-3-107; and
- 553 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 554 63A-3-107.
- 555 (6)(a) The board shall adopt bylaws governing its activities.
- 556 (b) The bylaws described in Subsection (6)(a) shall include procedures for removal of a
- 557 board member who is unable or unwilling to fulfill the requirements of the board
- 558 member's appointment.
- 559 (7) The board has program policymaking authority for the division over which the board
- 560 presides.
- 561 (8) A member of the board shall comply with the conflict of interest provisions described in
- 562 Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 563 Section 11. Section **26B-1-507** is amended to read:
- 564 **26B-1-507 (Effective 05/06/26). Reporting to, and review by, legislative**
- 565 **committees.**
- 566 (1) On or before September 1 of each year, the department shall provide, with only
- 567 identifying information redacted, a copy of the report described in Subsection
- 568 26B-1-506(1)(b), and the response described in Subsection 26B-1-506(2) to the Office
- 569 of Legislative Research and General Counsel and the chairs of:
- 570 (a) the Health and Human Services Interim Committee; or
- 571 (b) if the qualified individual who is the subject of the report is an individual described
- 572 in Subsection 26B-1-501(7)(c), (d), or (h), the Child Welfare Legislative Oversight
- 573 Panel.

- 574 (2)(a) The Health and Human Services Interim Committee may, in a closed meeting,  
575 review a report described in Subsection 26B-1-506(1)(b).
- 576 (b) The Child Welfare Legislative Oversight Panel shall, in a closed meeting, review a  
577 report described in Subsection (1)(b).
- 578 (3)(a) The Health and Human Services Interim Committee and the Child Welfare  
579 Legislative Oversight Panel may not interfere with, or make recommendations  
580 regarding, the resolution of a particular case.
- 581 (b) The purpose of a review described in Subsection (2) is to assist a committee or panel  
582 described in Subsection (2) in determining whether to recommend a change in the  
583 law.
- 584 (c) Any recommendation, described in Subsection (3)(b), by a committee or panel for a  
585 change in the law shall be made in an open meeting.
- 586 (4) On or before September 1 of each year, the department shall provide an executive  
587 summary of all formal review reports for the preceding state fiscal year to:
- 588 (a) the Office of Legislative Research and General Counsel;  
589 (b) the Health and Human Services Interim Committee; and  
590 (c) the Child Welfare Legislative Oversight Panel.
- 591 (5) The executive summary described in Subsection (4):
- 592 (a) may not include any names or identifying information;  
593 (b) shall include:
- 594 (i) all recommendations regarding changes to the law that were made during the  
595 preceding fiscal year under Subsection 26B-1-505(6);
- 596 (ii) all changes made, or in the process of being made, to a law, rule, policy, or  
597 procedure in response to a formal review that occurred during the preceding fiscal  
598 year;
- 599 (iii) a description of the training that has been completed in response to a formal  
600 review that occurred during the preceding fiscal year;
- 601 (iv) statistics for the preceding fiscal year regarding:
- 602 (A) the number of qualified individuals and the type of deaths and near fatalities  
603 that are known to the department;
- 604 (B) the number of formal reviews conducted;
- 605 (C) the categories described in Subsection 26B-1-501(7) of qualified individuals;
- 606 (D) the [gender] sex, age, race, and other significant categories of qualified  
607 individuals; and

608 (E) the number of fatalities of qualified individuals known to the department that  
609 are identified as suicides; and

610 (v) action taken by the Division of Licensing and Background Checks in response to  
611 the near fatality or the death of a qualified individual; and

612 (c) is a public document.

613 (6) The Division of Child and Family Services shall, to the extent required by the federal  
614 Child Abuse Prevention and Treatment Act of 1988, Pub. L. No. 93-247, as amended,  
615 allow public disclosure of the findings or information relating to a case of child abuse or  
616 neglect that results in a child fatality or a near fatality.

617 Section 12. Section **26B-2-109** is amended to read:

618 **26B-2-109 (Effective 05/06/26). Human services program non-discrimination.**

619 A human services program:

620 (1) shall perform an individualized assessment when classifying and placing an individual  
621 in programs and living environments; and

622 (2) subject to the office's review and approval, shall create policies and procedures that  
623 include:

624 (a) a description of what constitutes sex and [~~gender-based abuse,~~] sex-based  
625 discrimination[;] and harassment;

626 (b) procedures for preventing and reporting abuse, discrimination, and harassment; and

627 (c) procedures for teaching effective and professional communication with individuals[  
628 ~~of all sexual orientations and genders~~].

629 Section 13. Section **26B-2-119** is amended to read:

630 **26B-2-119 (Effective 05/06/26). Residential support program -- Temporary**  
631 **homeless youth shelter.**

632 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
633 office shall make rules that establish age-appropriate and [~~gender-appropriate~~] sex-appropriate  
634 sleeping quarters in temporary homeless youth shelters, as defined in Section 80-5-102, that  
635 provide overnight shelter to minors.

636 Section 14. Section **26B-2-128** is amended to read:

637 **26B-2-128 (Effective 05/06/26). Numerical limit of foster children in a foster**  
638 **home -- Limits on bedroom sharing.**

639 (1)(a) No more than four foster children may reside in the foster home of a licensed  
640 foster parent.

641 (b) No more than three foster children may reside in the foster home of a certified foster

- 642 parent.
- 643 (2) When placing a child into a foster home, the limits under Subsection (1) may be  
644 exceeded:
- 645 (a) to place a child into a foster home where a sibling of the child currently resides; or  
646 (b) to place a child in a foster home where the child previously resided.
- 647 (3) The limits under Subsection (1) may be exceeded for:
- 648 (a) placement of a sibling group in a foster home with no more than one other foster  
649 child placement;
- 650 (b) placement of a child or sibling group in a foster home where the child or sibling  
651 group previously resided; or
- 652 (c) placement of a child in a foster home where a sibling currently resides.
- 653 (4)(a) A foster child may not share a bedroom with a child of the opposite biological sex  
654 unless:
- 655 (i) each child sharing the bedroom is under two years old;
- 656 (ii)(A) the department's client record identifies [~~gender-specific~~] sex-specific  
657 rationale for sharing the bedroom;
- 658 (B) sharing the bedroom is in the best interests of each child sharing the bedroom;  
659 and
- 660 (C) all children sharing the bedroom are relatives; or
- 661 (iii)(A) there is written caseworker approval for the bedroom assignment;
- 662 (B) sharing the bedroom is in the best interests of each child sharing the bedroom;  
663 and
- 664 (C) all children sharing the bedroom are relatives.
- 665 (b) The Division of Child and Family Services shall approve a bedroom assignment by  
666 which a child has their own bedroom if:
- 667 (i) there is a [~~gender-specific~~] sex-specific or sexual-orientation specific rationale for  
668 the bedroom assignment; and
- 669 (ii) the bedroom assignment is necessary to promote the child's best interest.
- 670 (5) A foster parent's bedroom may only be shared with a foster child who is under the age  
671 of two years old.
- 672 (6) A foster parent may not share a bed with any foster child.

673 Section 15. Section **26B-3-303** is amended to read:

674 **26B-3-303 (Effective 05/06/26) (Repealed 07/01/27). DUR Board --**  
675 **Responsibilities.**

- 676 The board shall:
- 677 (1) develop rules necessary to carry out its responsibilities as defined in this part;
- 678 (2) oversee the implementation of a Medicaid retrospective and prospective DUR program  
679 in accordance with this part, including responsibility for approving provisions of  
680 contractual agreements between the Medicaid program and any other entity that will  
681 process and review Medicaid drug claims and profiles for the DUR program in  
682 accordance with this part;
- 683 (3) develop and apply predetermined criteria and standards to be used in retrospective and  
684 prospective DUR, ensuring that the criteria and standards are based on the compendia,  
685 and that they are developed with professional input, in a consensus fashion, with  
686 provisions for timely revision and assessment as necessary. The DUR standards  
687 developed by the board shall reflect the local practices of physicians in order to monitor:
- 688 (a) therapeutic appropriateness;
- 689 (b) overutilization or underutilization;
- 690 (c) therapeutic duplication;
- 691 (d) drug-disease contraindications;
- 692 (e) drug-drug interactions;
- 693 (f) incorrect drug dosage or duration of drug treatment; and
- 694 (g) clinical abuse and misuse;
- 695 (4) develop, select, apply, and assess interventions and remedial strategies for physicians,  
696 pharmacists, and recipients that are educational and not punitive in nature, in order to  
697 improve the quality of care;
- 698 (5) disseminate information to physicians and pharmacists to ensure that they are aware of  
699 the board's duties and powers;
- 700 (6) provide written, oral, or electronic reminders of patient-specific or drug-specific  
701 information, designed to ensure recipient, physician, and pharmacist confidentiality, and  
702 suggest changes in prescribing or dispensing practices designed to improve the quality  
703 of care;
- 704 (7) utilize face-to-face discussions between experts in drug therapy and the prescriber or  
705 pharmacist who has been targeted for educational intervention;
- 706 (8) conduct intensified reviews or monitoring of selected prescribers or pharmacists;
- 707 (9) create an educational program using data provided through DUR to provide active and  
708 ongoing educational outreach programs to improve prescribing and dispensing practices,  
709 either directly or by contract with other governmental or private entities;

- 710 (10) provide a timely evaluation of intervention to determine if those interventions have  
711 improved the quality of care;
- 712 (11) publish the annual Drug Utilization Review report required under 42 C.F.R. Sec. 712;
- 713 (12) develop a working agreement with related boards or agencies, including the State  
714 Board of Pharmacy, Medical Licensing Board, and SURS staff within the division, in  
715 order to clarify areas of responsibility for each, where those areas may overlap;
- 716 (13) establish a grievance process for physicians and pharmacists under this part, in  
717 accordance with Title 63G, Chapter 4, Administrative Procedures Act;
- 718 (14) publish and disseminate educational information to physicians and pharmacists  
719 concerning the board and the DUR program, including information regarding:
- 720 (a) identification and reduction of the frequency of patterns of fraud, abuse, gross  
721 overuse, inappropriate, or medically unnecessary care among physicians,  
722 pharmacists, and recipients;
- 723 (b) potential or actual severe or adverse reactions to drugs;
- 724 (c) therapeutic appropriateness;
- 725 (d) overutilization or underutilization;
- 726 (e) appropriate use of generics;
- 727 (f) therapeutic duplication;
- 728 (g) drug-disease contraindications;
- 729 (h) drug-drug interactions;
- 730 (i) incorrect drug dosage and duration of drug treatment;
- 731 (j) drug allergy interactions; and
- 732 (k) clinical abuse and misuse;
- 733 (15) develop and publish, with the input of the State Board of Pharmacy, guidelines and  
734 standards to be used by pharmacists in counseling Medicaid recipients in accordance  
735 with this part. The guidelines shall ensure that the recipient may refuse counseling and  
736 that the refusal is to be documented by the pharmacist. Items to be discussed as part of  
737 that counseling include:
- 738 (a) the name and description of the medication;
- 739 (b) administration, form, and duration of therapy;
- 740 (c) special directions and precautions for use;
- 741 (d) common severe side effects or interactions, and therapeutic interactions, and how to  
742 avoid those occurrences;
- 743 (e) techniques for self-monitoring drug therapy;

- 744 (f) proper storage;
- 745 (g) prescription refill information; and
- 746 (h) action to be taken in the event of a missed dose; and
- 747 (16) establish procedures in cooperation with the State Board of Pharmacy for pharmacists
- 748 to record information to be collected under this part. The recorded information shall
- 749 include:
- 750 (a) the name, address, age, and [~~gender~~] sex of the recipient;
- 751 (b) individual history of the recipient where significant, including disease state, known
- 752 allergies and drug reactions, and a comprehensive list of medications and relevant
- 753 devices;
- 754 (c) the pharmacist's comments on the individual's drug therapy;
- 755 (d) name of prescriber; and
- 756 (e) name of drug, dose, duration of therapy, and directions for use.

757 Section 16. Section **26B-4-213** is amended to read:

758 **26B-4-213 (Effective 05/06/26). Medical cannabis patient card -- Medical**

759 **cannabis guardian card -- Conditional medical cannabis card -- Application -- Fees --**

760 **Studies.**

- 761 (1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual
- 762 who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an
- 763 application in accordance with this section or Section 26B-4-214, the department
- 764 shall:
- 765 (i) issue a medical cannabis patient card to an individual described in Subsection
- 766 (2)(a);
- 767 (ii) issue a medical cannabis guardian card to an individual described in Subsection
- 768 (2)(b);
- 769 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and
- 770 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
- 771 26B-4-214(4).
- 772 (b)(i) Upon the entry of a recommending medical provider's medical cannabis
- 773 recommendation for a patient in the state electronic verification system, either by
- 774 the provider or the provider's employee or by a medical cannabis pharmacy
- 775 medical provider or medical cannabis pharmacy in accordance with Subsection
- 776 4-41a-1101(10)(a), the department shall issue to the patient an electronic
- 777 conditional medical cannabis card, in accordance with this Subsection (1)(b).

- 778 (ii) A conditional medical cannabis card is valid for the lesser of:  
779 (A) 60 days; or  
780 (B) the day on which the department completes the department's review and issues  
781 a medical cannabis card under Subsection (1)(a), denies the patient's medical  
782 cannabis card application, or revokes the conditional medical cannabis card  
783 under Subsection (8).
- 784 (iii) The department may issue a conditional medical cannabis card to an individual  
785 applying for a medical cannabis patient card for which approval of the  
786 Compassionate Use Board is not required.
- 787 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
788 obligations under law applicable to a holder of the medical cannabis card for  
789 which the individual applies and for which the department issues the conditional  
790 medical cannabis card.
- 791 (2)(a) An individual is eligible for a medical cannabis patient card if:  
792 (i)(A) the individual is at least 21 years old; or  
793 (B) the individual is 18, 19, or 20 years old, the individual petitions the  
794 Compassionate Use Board under Section 26B-1-421, and the Compassionate  
795 Use Board recommends department approval of the petition;
- 796 (ii) the individual is a Utah resident;
- 797 (iii) the individual's recommending medical provider recommends treatment with  
798 medical cannabis in accordance with Subsection (4);
- 799 (iv) the individual signs an acknowledgment stating that the individual received the  
800 information described in Subsection (9); and
- 801 (v) the individual pays to the department a fee in an amount that, subject to  
802 Subsection 26B-1-310(5), the department sets in accordance with Section  
803 63J-1-504.
- 804 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:  
805 (A) is at least 18 years old;  
806 (B) is a Utah resident;  
807 (C) is the parent or legal guardian of a minor for whom the minor's recommending  
808 medical provider recommends a medical cannabis treatment, the individual  
809 petitions the Compassionate Use Board under Section 26B-1-421, and the  
810 Compassionate Use Board recommends department approval of the petition;  
811 (D) the individual signs an acknowledgment stating that the individual received

- 812 the information described in Subsection (9); and
- 813 (E) pays to the department a fee in an amount that, subject to Subsection
- 814 26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus
- 815 the cost of the criminal background check described in Section 26B-4-215.
- 816 (ii) The department shall notify the Department of Public Safety of each individual
- 817 that the department registers for a medical cannabis guardian card.
- 818 (c)(i) A minor is eligible for a provisional patient card if:
- 819 (A) the minor has a qualifying condition;
- 820 (B) the minor's recommending medical provider recommends a medical cannabis
- 821 treatment to address the minor's qualifying condition;
- 822 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
- 823 Board under Section 26B-1-421, and the Compassionate Use Board
- 824 recommends department approval of the petition; and
- 825 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian
- 826 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
- 827 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.
- 828 (ii) The department shall automatically issue a provisional patient card to the minor
- 829 described in Subsection (2)(c)(i) at the same time the department issues a medical
- 830 cannabis guardian card to the minor's parent or legal guardian.
- 831 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)
- 832 through (C) does not qualify for a medical cannabis guardian card under Subsection
- 833 (2)(b), the parent or legal guardian may designate up to two caregivers in accordance
- 834 with Subsection 26B-4-214(1)(c) to ensure that the minor has adequate and safe
- 835 access to the recommended medical cannabis treatment.
- 836 (3)(a) An individual who is eligible for a medical cannabis card described in Subsection
- 837 (2)(a) or (b) shall submit an application for a medical cannabis card to the department:
- 838 (i) through an electronic application connected to the state electronic verification
- 839 system;
- 840 (ii) with the recommending medical provider; and
- 841 (iii) with information including:
- 842 (A) the applicant's name, [gender] sex, age, and address;
- 843 (B) the number of the applicant's government issued photo identification;
- 844 (C) for a medical cannabis guardian card, the name, [gender] sex, and age of the
- 845 minor receiving a medical cannabis treatment under the cardholder's medical

- 846 cannabis guardian card; and
- 847 (D) for a provisional patient card, the name of the minor's parent or legal guardian  
848 who holds the associated medical cannabis guardian card.
- 849 (b)(i) If a recommending medical provider determines that, because of age, illness, or  
850 disability, a medical cannabis patient cardholder requires assistance in  
851 administering the medical cannabis treatment that the recommending medical  
852 provider recommends, the recommending medical provider may indicate the  
853 cardholder's need in the state electronic verification system, either directly or  
854 through the order described in Subsections 26B-4-204(1)(b) and (c).
- 855 (ii) If a recommending medical provider makes the indication described in  
856 Subsection (3)(b)(i):
- 857 (A) the department shall add a label to the relevant medical cannabis patient card  
858 indicating the cardholder's need for assistance;
- 859 (B) any adult who is 18 years old or older and who is physically present with the  
860 cardholder at the time the cardholder needs to use the recommended medical  
861 cannabis treatment may handle the medical cannabis treatment and any  
862 associated medical cannabis device as needed to assist the cardholder in  
863 administering the recommended medical cannabis treatment; and
- 864 (C) an individual of any age who is physically present with the cardholder in the  
865 event of an emergency medical condition, as that term is defined in Section  
866 31A-1-301, may handle the medical cannabis treatment and any associated  
867 medical cannabis device as needed to assist the cardholder in administering the  
868 recommended medical cannabis treatment.
- 869 (iii) A non-cardholding individual acting under Subsection (3)(b)(ii)(B) or (C) may  
870 not:
- 871 (A) ingest or inhale medical cannabis;
- 872 (B) possess, transport, or handle medical cannabis or a medical cannabis device  
873 outside of the immediate area where the cardholder is present or with an intent  
874 other than to provide assistance to the cardholder; or
- 875 (C) possess, transport, or handle medical cannabis or a medical cannabis device  
876 when the cardholder is not in the process of being dosed with medical cannabis.
- 877 (4)(a) Except as provided in Subsection (4)(b), a recommending medical provider may  
878 not recommend medical cannabis to a patient through a virtual visit.
- 879 (b) A recommending medical provider may recommend medical cannabis to a patient

- 880 through a virtual visit if the patient:
- 881 (i) is on hospice or has a terminal illness according to the patient's medical provider;
- 882 (ii) is a resident of an assisted living facility, as defined in Section 26B-2-201, or a
- 883 nursing care facility, as defined in Section 26B-2-201;
- 884 (iii) has previously received a medical cannabis recommendation from the
- 885 recommending medical provider through a face-to-face visit; or
- 886 (iv) is a current patient of the recommending medical provider and has met with the
- 887 recommending medical provider face-to-face previously.
- 888 (c) A recommending medical provider shall:
- 889 (i) before recommending or renewing a recommendation for medical cannabis in a
- 890 medicinal dosage form or a cannabis product in a medicinal dosage form:
- 891 (A) verify the patient's and, for a minor patient, the minor patient's parent or legal
- 892 guardian's government issued photo identification described in Subsection
- 893 (3)(a);
- 894 (B) review any record related to the patient and, for a minor patient, the patient's
- 895 parent or legal guardian accessible to the recommending medical provider
- 896 including in the controlled substance database created in Section 58-37f-201;
- 897 and
- 898 (C) consider the recommendation in light of the patient's qualifying condition,
- 899 history of substance use or opioid use disorder, and history of medical cannabis
- 900 and controlled substance use during a visit with the patient; and
- 901 (ii) state in the recommending medical provider's recommendation that the patient:
- 902 (A) suffers from a qualifying condition, including the type of qualifying condition;
- 903 and
- 904 (B) may benefit from treatment with cannabis in a medicinal dosage form or a
- 905 cannabis product in a medicinal dosage form.
- 906 (5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
- 907 department issues under this section is valid for the lesser of:
- 908 (i) an amount of time that the recommending medical provider determines; or
- 909 (ii) one year from the day the card is issued.
- 910 (b)(i) A medical cannabis card that the department issues in relation to a terminal
- 911 illness described in Section 26B-4-203 expires after one year.
- 912 (ii) The recommending medical provider may revoke a recommendation that the
- 913 provider made in relation to a terminal illness described in Section 26B-4-203 if

- 914 the medical cannabis cardholder no longer has the terminal illness.
- 915 (c) A medical cannabis card that the department issues in relation to acute pain as  
916 described in Section 26B-4-203 expires 30 days after the day on which the  
917 department first issues a conditional or full medical cannabis card.
- 918 (6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable  
919 if:
- 920 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)  
921 or (b); or
- 922 (ii) the cardholder received the medical cannabis card through the recommendation of  
923 the Compassionate Use Board under Section 26B-1-421.
- 924 (b) The recommending medical provider who made the underlying recommendation for  
925 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's  
926 card through phone or video conference with the cardholder, at the recommending  
927 medical provider's discretion.
- 928 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)  
929 shall pay to the department a renewal fee in an amount that:
- 930 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with  
931 Section 63J-1-504; and
- 932 (ii) may not exceed the cost of the relatively lower administrative burden of renewal  
933 in comparison to the original application process.
- 934 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional  
935 patient card renews automatically at the time the minor's parent or legal guardian  
936 renews the parent or legal guardian's associated medical cannabis guardian card.
- 937 (7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis  
938 card with the patient's name.
- 939 (b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may  
940 purchase, in accordance with this part and the recommendation underlying the  
941 card, cannabis in a medicinal dosage form, a cannabis product in a medicinal  
942 dosage form, or a medical cannabis device.
- 943 (ii) A cardholder under this section may possess or transport, in accordance with this  
944 part and the recommendation underlying the card, cannabis in a medicinal dosage  
945 form, a cannabis product in a medicinal dosage form, or a medical cannabis  
946 device.
- 947 (iii) To address the qualifying condition underlying the medical cannabis treatment

- 948 recommendation:
- 949 (A) a medical cannabis patient cardholder or a provisional patient cardholder may  
950 use medical cannabis or a medical cannabis device; and
- 951 (B) a medical cannabis guardian cardholder may assist the associated provisional  
952 patient cardholder with the use of medical cannabis or a medical cannabis  
953 device.
- 954 (8)(a) The department may revoke a medical cannabis card that the department issues  
955 under this section if:
- 956 (i) the recommending medical provider withdraws the medical provider's  
957 recommendation for medical cannabis; or
- 958 (ii) the cardholder:
- 959 (A) violates this part; or
- 960 (B) is convicted under state or federal law of, after March 17, 2021, a drug  
961 distribution offense.
- 962 (b) The department may not refuse to issue a medical cannabis card to a patient solely  
963 based on a prior revocation under Subsection (8)(a)(i).
- 964 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah  
965 Administrative Rulemaking Act, a process to provide information regarding the  
966 following to an individual receiving a medical cannabis card:
- 967 (a) risks associated with medical cannabis treatment;
- 968 (b) the fact that a condition's listing as a qualifying condition does not suggest that  
969 medical cannabis treatment is an effective treatment or cure for that condition, as  
970 described in Subsection 26B-4-203(1); and
- 971 (c) other relevant warnings and safety information that the department determines.
- 972 (10) The department may establish procedures by rule, in accordance with Title 63G,  
973 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and  
974 issuance provisions of this section.
- 975 (11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
976 Utah Administrative Rulemaking Act, a process to allow an individual from another  
977 state to register with the department in order to purchase medical cannabis or a  
978 medical cannabis device from a medical cannabis pharmacy while the individual is  
979 visiting the state.
- 980 (b) The department may only provide the registration process described in Subsection  
981 (11)(a):

- 982 (i) to a nonresident patient; and  
983 (ii) for no more than two visitation periods per calendar year of up to 21 calendar  
984 days per visitation period.
- 985 (12)(a) A person may submit to the department a request to conduct a research study  
986 using medical cannabis cardholder data that the state electronic verification system  
987 contains.
- 988 (b) The department shall review a request described in Subsection (12)(a) to determine  
989 whether an institutional review board, as that term is defined in Section 26B-4-201,  
990 could approve the research study.
- 991 (c) At the time an individual applies for a medical cannabis card, the department shall  
992 notify the individual:
- 993 (i) of how the individual's information will be used as a cardholder;  
994 (ii) that by applying for a medical cannabis card, unless the individual withdraws  
995 consent under Subsection (12)(d), the individual consents to the use of the  
996 individual's information for external research; and  
997 (iii) that the individual may withdraw consent for the use of the individual's  
998 information for external research at any time, including at the time of application.
- 999 (d) An applicant may, through the medical cannabis card application, and a medical  
1000 cannabis cardholder may, through the state central patient portal, withdraw the  
1001 applicant's or cardholder's consent to participate in external research at any time.
- 1002 (e) The department may release, for the purposes of a study described in this Subsection  
1003 (12), information about a cardholder under this section who consents to participate  
1004 under Subsection (12)(c).
- 1005 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of  
1006 consent:
- 1007 (i) applies to external research that is initiated after the withdrawal of consent; and  
1008 (ii) does not apply to research that was initiated before the withdrawal of consent.
- 1009 (g) The department may establish standards for a medical research study's validity, by  
1010 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1011 Act.
- 1012 (13) The department shall record the issuance or revocation of a medical cannabis card  
1013 under this section in the controlled substance database.

1014 Section 17. Section **26B-4-214** is amended to read:

1015 **26B-4-214 (Effective 05/06/26). Medical cannabis caregiver card -- Registration**

1016 -- **Renewal -- Revocation.**

- 1017 (1)(a) A cardholder described in Section 26B-4-213 may designate up to two  
1018 individuals, or an individual and a facility in accordance with Subsection (1)(b), to  
1019 serve as a designated caregiver for the cardholder.
- 1020 (b)(i) A cardholder described in Section 26B-4-213 may designate one of the  
1021 following types of facilities as one of the caregivers described in Subsection (1)(a):
- 1022 (A) for a patient or resident, an assisted living facility, as that term is defined in  
1023 Section 26B-2-201;
  - 1024 (B) for a patient or resident, a nursing care facility, as that term is defined in  
1025 Section 26B-2-201; or
  - 1026 (C) for a patient, a general acute hospital, as that term is defined in Section  
1027 26B-2-201.
- 1028 (ii) A facility may:
- 1029 (A) assign one or more employees to assist patients with medical cannabis  
1030 treatment under the caregiver designation described in this Subsection (1)(b);  
1031 and
  - 1032 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a  
1033 medical cannabis courier on behalf of the medical cannabis cardholder within  
1034 the facility who designated the facility as a caregiver.
- 1035 (iii) The department shall make rules to regulate the practice of facilities and facility  
1036 employees serving as designated caregivers under this Subsection (1)(b).
- 1037 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation  
1038 with the minor and the minor's recommending medical provider, may designate up to  
1039 two individuals to serve as a designated caregiver for the minor, if the department  
1040 determines that the parent or legal guardian is not eligible for a medical cannabis  
1041 guardian card under Section 26B-4-213.
- 1042 (d)(i) Upon the entry of a caregiver designation under Subsection (1)(c) by a patient  
1043 with a terminal illness described in Section 26B-4-203, the department shall issue  
1044 to the designated caregiver an electronic conditional medical cannabis caregiver  
1045 card, in accordance with this Subsection (1)(d).
- 1046 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:
- 1047 (A) 60 days; or
  - 1048 (B) the day on which the department completes the department's review and issues  
1049 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's

- 1050 medical cannabis caregiver card application, or revokes the conditional  
1051 medical cannabis caregiver card under Section 26B-4-246.
- 1052 (iii) The department may issue a conditional medical cannabis card to an individual  
1053 applying for a medical cannabis patient card for which approval of the  
1054 Compassionate Use Board is not required.
- 1055 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
1056 obligations under law applicable to a holder of the medical cannabis card for  
1057 which the individual applies and for which the department issues the conditional  
1058 medical cannabis card.
- 1059 (2) An individual that the department registers as a designated caregiver under this section  
1060 and a facility described in Subsection (1)(b):
- 1061 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver  
1062 card;
- 1063 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in  
1064 the use of medical cannabis or a medical cannabis device on behalf of the designating  
1065 medical cannabis cardholder;
- 1066 (c) may not charge a fee to an individual to act as the individual's designated caregiver  
1067 or for a service that the designated caregiver provides in relation to the role as a  
1068 designated caregiver; and
- 1069 (d) may accept reimbursement from the designating medical cannabis cardholder for  
1070 direct costs the designated caregiver incurs for assisting with the designating  
1071 cardholder's medicinal use of cannabis.
- 1072 (3)(a) The department shall:
- 1073 (i) within 15 days after the day on which an individual submits an application in  
1074 compliance with this section, issue a medical cannabis card to the applicant if the  
1075 applicant:
- 1076 (A) is designated as a caregiver under Subsection (1);  
1077 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and  
1078 (C) complies with this section; and
- 1079 (ii) notify the Department of Public Safety of each individual that the department  
1080 registers as a designated caregiver.
- 1081 (b) The department shall ensure that a medical cannabis caregiver card contains the  
1082 information described in Subsections (5)(b) and (3)(c)(i).
- 1083 (c) If a cardholder described in Section 26B-4-213 designates an individual as a

- 1084 caregiver who already holds a medical cannabis caregiver card, the individual with  
1085 the medical cannabis caregiver card:
- 1086 (i) shall report to the department the information required of applicants under  
1087 Subsection (5)(b) regarding the new designation;
  - 1088 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required  
1089 to file an application for another medical cannabis caregiver card;
  - 1090 (iii) may receive an additional medical cannabis caregiver card in relation to each  
1091 additional medical cannabis patient who designates the caregiver; and
  - 1092 (iv) is not subject to an additional background check.
- 1093 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1094 (a) is at least 21 years old;
  - 1095 (b) is a Utah resident;
  - 1096 (c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),  
1097 the department sets in accordance with Section 63J-1-504, plus the cost of the  
1098 criminal background check described in Section 26B-4-215; and
  - 1099 (d) signs an acknowledgment stating that the applicant received the information  
1100 described in Subsection 26B-4-213(9).
- 1101 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1102 (a) submit an application for a medical cannabis caregiver card to the department  
1103 through an electronic application connected to the state electronic verification  
1104 system; and
  - 1105 (b) submit the following information in the application described in Subsection (5)(a):
    - 1106 (i) the applicant's name, [~~gender~~] sex, age, and address;
    - 1107 (ii) the name, [~~gender~~] sex, age, and address of the cardholder described in Section  
1108 26B-4-213 who designated the applicant;
    - 1109 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name, [  
1110 ~~gender~~] sex, and age of the minor receiving a medical cannabis treatment in  
1111 relation to the medical cannabis guardian cardholder; and
    - 1112 (iv) any additional information that the department requests to assist in matching the  
1113 application with the designating medical cannabis patient.
- 1114 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the  
1115 department issues under this section is valid for the lesser of:
- 1116 (a) an amount of time that the cardholder described in Section 26B-4-213 who  
1117 designated the caregiver determines; or

1118 (b) the amount of time remaining before the card of the cardholder described in Section  
1119 26B-4-213 expires.

1120 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated  
1121 caregiver's medical cannabis caregiver card renews automatically at the time the  
1122 cardholder described in Section 26B-4-213 who designated the caregiver:

1123 (i) renews the cardholder's card; and

1124 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1125 (b) The department shall provide a method in the card renewal process to allow a  
1126 cardholder described in Section 26B-4-213 who has designated a caregiver to:

1127 (i) signify that the cardholder renews the caregiver's designation;

1128 (ii) remove a caregiver's designation; or

1129 (iii) designate a new caregiver.

1130 (8) The department shall record the issuance or revocation of a medical cannabis card under  
1131 this section in the controlled substance database.

1132 Section 18. Section **26B-5-211** is amended to read:

1133 **26B-5-211 (Effective 05/06/26). Administration of opioid litigation proceeds --**

1134 **Requirements for governmental entities receiving opioid funds -- Reporting.**

1135 (1) As used in this section:

1136 (a) "Fund" means the Opioid Litigation Proceeds Fund created in Section 51-9-801.

1137 (b) "Office" means the Office of Substance Use and Mental Health within the  
1138 department.

1139 (c) "Opioid funds" means money received by the state or a political subdivision of the  
1140 state as a result of any judgment, settlement, or compromise of claims pertaining to  
1141 alleged violations of law related to the manufacture, marketing, distribution, or sale  
1142 of opioids.

1143 (2) Opioid funds may not be used to:

1144 (a) reimburse expenditures that were incurred before the opioid funds were received by  
1145 the governmental entity; or

1146 (b) supplant or take the place of any funds that would otherwise have been expended for  
1147 that purpose.

1148 (3) The office shall serve as the reporting entity to receive, compile, and submit any reports  
1149 related to opioid funds that are required by law, contract, or other agreement.

1150 (4) The requirement described in Subsection (5) applies to:

1151 (a) a recipient of opioid funds from the fund, in any year that opioid funds are received;

- 1152           and
- 1153           (b) a political subdivision that received opioid funds.
- 1154       (5) A person described in Subsection (4) shall provide an annual report to the office, in a
- 1155           form and by a date established by the office, that includes:
- 1156           (a) an accounting of all opioid funds that were received by the person in the year;
- 1157           (b) the number of individuals served through programs funded by the opioid funds,
- 1158                 including the individuals' age, [~~gender~~] sex, and other demographic factors reported in
- 1159                 a de-identified manner;
- 1160           (c) the measures that were used to determine whether the program funded by the opioid
- 1161                 funds achieved the intended outcomes;
- 1162           (d) if applicable, any information required to be submitted to the reporting entity under
- 1163                 applicable law, contract, or other agreement; and
- 1164           (e) the percentage of total funds received by the person in the year that the person used
- 1165                 to promote the items under Subsections (6)(d)(i) through (vi).
- 1166       (6) On or before October 1 of each year, the office shall provide a written report that
- 1167           includes:
- 1168           (a) the opening and closing balance of the fund for the previous fiscal year;
- 1169           (b) the name of and amount received by each recipient of funds from the fund;
- 1170           (c) a description of the intended use of each award, including the specific program,
- 1171                 service, or resource funded, population served, and measures that the recipient used
- 1172                 or will use to assess the impact of the award;
- 1173           (d) the amount of funds expended to address each of the following items and the degree
- 1174                 to which the department administered the program or subcontracted with a private
- 1175                 entity:
- 1176                 (i) treatment services;
- 1177                 (ii) recovery support services;
- 1178                 (iii) prevention;
- 1179                 (iv) criminal justice;
- 1180                 (v) harm reduction; and
- 1181                 (vi) expanding any of the following services:
- 1182                         (A) housing;
- 1183                         (B) legal support;
- 1184                         (C) education; and
- 1185                         (D) job training;

- 1186 (e) a description of any finding or concern as to whether all opioid funds disbursed from  
 1187 the fund violated the prohibitions in Subsection (2) and, if applicable, complied with  
 1188 the requirements of a settlement agreement;
- 1189 (f) the performance indicators and progress toward improving outcomes and reducing  
 1190 mortality and other harms related to substance use disorders; and
- 1191 (g) administrative costs including indirect rates and direct service costs.
- 1192 (7) The office shall provide the information that is received, compiled, and submitted under  
 1193 this section:
- 1194 (a) to the Health and Human Services Interim Committee;
- 1195 (b) to the Social Services Appropriations Subcommittee;
- 1196 (c) if required under the terms of a settlement agreement under which opioid funds are  
 1197 received, to the administrator of the settlement agreement in accordance with the  
 1198 terms of the settlement agreement; and
- 1199 (d) in a publicly accessible location on the department's website.
- 1200 (8) The office may make rules in accordance with Title 63G, Chapter 3, Utah  
 1201 Administrative Rulemaking Act, to implement this section.

1202 Section 19. Section **26B-5-301** is amended to read:

1203 **26B-5-301 (Effective 05/06/26). Definitions.**

1204 As used in this part, Part 4, Commitment of Persons Under Age 18, and Part 5, Essential  
 1205 Treatment and Intervention:

- 1206 (1) "Adult" means an individual 18 years old or older.
- 1207 (2) "Approved treatment facility or program" means a mental health or substance use  
 1208 treatment provider that meets the goals and measurements described in Subsection  
 1209 26B-5-102(2)(ii).
- 1210 (3) "Assisted outpatient treatment" means involuntary outpatient mental health treatment  
 1211 ordered under Section 26B-5-351.
- 1212 (4) "Attending physician" means a physician licensed to practice medicine in this state who  
 1213 has primary responsibility for the care and treatment of the declarant.
- 1214 (5) "Attorney-in-fact" means an adult properly appointed under this part to make mental  
 1215 health treatment decisions for a declarant under a declaration for mental health treatment.
- 1216 (6) "Commitment to the custody of a local mental health authority" means that an adult is  
 1217 committed to the custody of the local mental health authority that governs the mental  
 1218 health catchment area where the adult resides or is found.
- 1219 (7) "Community mental health center" means an entity that provides treatment and services

- 1220 to a resident of a designated geographical area, that operates by or under contract with a  
1221 local mental health authority, and that complies with state standards for community  
1222 mental health centers.
- 1223 (8) "Designated examiner" means:
- 1224 (a) a licensed physician, preferably a psychiatrist, who is designated by the division as  
1225 specially qualified by training or experience in the diagnosis of mental or related  
1226 illness; or
- 1227 (b) a licensed mental health professional designated by the division as specially qualified  
1228 by training and who has at least five years' continual experience in the treatment of  
1229 mental illness.
- 1230 (9) "Designee" means a physician who has responsibility for medical functions including  
1231 admission and discharge, an employee of a local mental health authority, or an employee  
1232 of a person that has contracted with a local mental health authority to provide mental  
1233 health services under Section 17-77-304.
- 1234 (10) "Essential treatment" and "essential treatment and intervention" mean court-ordered  
1235 treatment at a local substance abuse authority or an approved treatment facility or  
1236 program for the treatment of an adult's substance use disorder.
- 1237 (11) "Harmful sexual conduct" means the following conduct upon an individual without the  
1238 individual's consent, including the nonconsensual circumstances described in  
1239 Subsections 76-5-406(2)(a) through (l):
- 1240 (a) sexual intercourse;
- 1241 (b) penetration, however slight, of the genital or anal opening of the individual;
- 1242 (c) any sexual act involving the genitals or anus of the actor or the individual and the  
1243 mouth or anus of either individual, regardless of the [~~gender~~] sex of either participant;  
1244 or
- 1245 (d) any sexual act causing substantial emotional injury or bodily pain.
- 1246 (12) "Informed waiver" means the patient was informed of a right and, after being informed  
1247 of that right and the patient's right to waive the right, expressly communicated his or her  
1248 intention to waive that right.
- 1249 (13) "Incapable" means that, in the opinion of the court in a guardianship proceeding under  
1250 Title 75, Utah Uniform Probate Code, or in the opinion of two physicians, a person's  
1251 ability to receive and evaluate information effectively or communicate decisions is  
1252 impaired to such an extent that the person currently lacks the capacity to make mental  
1253 health treatment decisions.

- 1254 (14) "Institution" means a hospital or a health facility licensed under Section 26B-2-206.
- 1255 (15) "Lay person" means an individual identified and authorized by a patient to participate  
1256 in activities related to the patient's commitment, including court appearances, discharge  
1257 planning, and grievances, except that a patient may revoke a lay person's authorization at  
1258 any time.
- 1259 (16) "Local substance abuse authority" means the same as that term is defined in Section  
1260 26B-5-101 and described in Section 17-77-201.
- 1261 (17) "Mental health facility" means the Utah State Hospital or other facility that provides  
1262 mental health services under contract with the division, a local mental health authority, a  
1263 person that contracts with a local mental health authority, or a person that provides acute  
1264 inpatient psychiatric services to a patient.
- 1265 (18) "Mental health officer" means an individual who is designated by a local mental health  
1266 authority as qualified by training and experience in the recognition and identification of  
1267 mental illness, to:
- 1268 (a) apply for and provide certification for a temporary commitment; or  
1269 (b) assist in the arrangement of transportation to a designated mental health facility.
- 1270 (19) "Mental illness" means:
- 1271 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,  
1272 behavioral, or related functioning; or  
1273 (b) the same as that term is defined in:
- 1274 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders  
1275 published by the American Psychiatric Association; or  
1276 (ii) the current edition of the International Statistical Classification of Diseases and  
1277 Related Health Problems.
- 1278 (20) "Mental health treatment" means convulsive treatment, treatment with psychoactive  
1279 medication, or admission to and retention in a facility for a period not to exceed 17 days.
- 1280 (21) "Patient" means an individual who is:
- 1281 (a) under commitment to the custody or to the treatment services of a local mental health  
1282 authority; or  
1283 (b) undergoing essential treatment and intervention.
- 1284 (22) "Physician" means an individual who is:
- 1285 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or  
1286 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical  
1287 Practice Act.

- 1288 (23) "Serious bodily injury" means bodily injury that involves a substantial risk of death,  
1289 unconsciousness, extreme physical pain, protracted and obvious disfigurement, or  
1290 protracted loss or impairment of the function of a bodily member, organ, or mental  
1291 faculty.
- 1292 (24) "State hospital" means the Utah State Hospital established in Section 26B-5-302.
- 1293 (25) "Substantial danger" means that due to mental illness, an individual is at serious risk of:
- 1294 (a) suicide;
- 1295 (b) serious bodily self-injury;
- 1296 (c) serious bodily injury because the individual is incapable of providing the basic  
1297 necessities of life, including food, clothing, or shelter;
- 1298 (d) causing or attempting to cause serious bodily injury to another individual;
- 1299 (e) engaging in harmful sexual conduct; or
- 1300 (f) if not treated, suffering severe and abnormal mental, emotional, or physical distress  
1301 that:
- 1302 (i) is associated with significant impairment of judgment, reason, or behavior; and  
1303 (ii) causes a substantial deterioration of the individual's previous ability to function  
1304 independently.
- 1305 (26) "Treatment" means psychotherapy, medication, including the administration of  
1306 psychotropic medication, or other medical treatments that are generally accepted  
1307 medical or psychosocial interventions for the purpose of restoring the patient to an  
1308 optimal level of functioning in the least restrictive environment.
- 1309 Section 20. Section **29-2-103** is amended to read:
- 1310 **29-2-103 (Effective 05/06/26). Innkeeper's rights -- Liability -- Prohibition on**  
1311 **discrimination.**
- 1312 (1) An innkeeper may:
- 1313 (a) refuse or deny accommodations, facilities, or privileges of a lodging establishment to  
1314 any person who is:
- 1315 (i) unwilling or unable to pay for the accommodations and services of the lodging  
1316 establishment;
- 1317 (ii) visibly intoxicated;
- 1318 (iii) creating a public nuisance;
- 1319 (iv) in the reasonable belief of the innkeeper, seeking accommodations for any  
1320 unlawful purpose, including:
- 1321 (A) the unlawful possession or use of controlled substances in violation of federal

- 1322 or state law; or
- 1323 (B) use of the premises for the consumption of alcoholic beverages by any person
- 1324 under 21 years [~~of age~~] old in violation of federal or state law; or
- 1325 (v) in the reasonable belief of the innkeeper, bringing in property that may be
- 1326 dangerous to other persons, including firearms or explosives;
- 1327 (b) require a prospective guest prior to check-in to demonstrate the guest's ability to pay
- 1328 either in cash, by credit card, or with a validated check;
- 1329 (c) require a parent or legal guardian of a minor to:
- 1330 (i) promise in writing to pay all guest room costs, taxes, and charges incurred by the
- 1331 minor at a lodging establishment and any damages to the lodging establishment
- 1332 and its furnishings caused by the minor while a guest at the lodging establishment;
- 1333 (ii) provide an innkeeper with a valid credit card number to cover potential charges
- 1334 and any potential damages to the lodging establishment and its furnishings caused
- 1335 by the minor; or
- 1336 (iii) if a valid credit card is not an option, provide an innkeeper with:
- 1337 (A) an advance cash payment to cover the guest room costs and taxes for the
- 1338 anticipated stay of the minor; and
- 1339 (B) a deposit, not to exceed \$500, towards the payment of any charges by the
- 1340 minor or any damages to the lodging establishment or its furnishings, which
- 1341 deposit shall be refunded to the extent not used to cover any damages as
- 1342 determined by the innkeeper following room inspection at check-out;
- 1343 (d) require a guest to produce a valid driver's license, or other identification satisfactory
- 1344 to the innkeeper, containing a photograph and the name and address of the guest;
- 1345 (e) if the guest is a minor, require a parent or guardian of the guest to register and
- 1346 produce the same identification required in Subsection (1)(d);
- 1347 (f) limit the number of persons who may occupy a guest room in the lodging
- 1348 establishment; or
- 1349 (g) eject a person from a lodging establishment for any of the following reasons:
- 1350 (i) nonpayment of the lodging establishment's charges for accommodations or
- 1351 services;
- 1352 (ii) visible intoxication of the guest;
- 1353 (iii) disorderly conduct of the guest resulting in a public nuisance; or
- 1354 (iv) the innkeeper reasonably believes that the person has violated:
- 1355 (A) this chapter or any federal, state, or local law or regulation relating to the

1356 lodging establishment; or  
1357 (B) any rule of the lodging establishment posted in a conspicuous place and  
1358 manner in the lodging establishment.

1359 (2) An innkeeper may not refuse or deny use of or eject a person from a lodging  
1360 establishment's facilities or privileges based upon the person's race, creed, color,  
1361 national origin, [gender] sex, disability, or marital status.

1362 Section 21. Section **31A-22-405** is amended to read:

1363 **31A-22-405 (Effective 05/06/26). Misstated age or sex.**

1364 (1) Subject to Subsection (2), if the age or [gender] sex of the person whose life is at risk is  
1365 misstated in an application for a policy of life insurance, and the error is not adjusted  
1366 during the person's lifetime, the amount payable under the policy is what the premium  
1367 paid would have purchased if the age or [gender] sex had been stated correctly.

1368 (2) If the person whose life is at risk was, at the time the insurance was applied for, beyond  
1369 the maximum age limit designated by the insurer, the insurer shall refund at least the  
1370 amount of the premiums collected under the policy.

1371 Section 22. Section **31A-22-2004** is amended to read:

1372 **31A-22-2004 (Effective 05/06/26). Disclosure and performance standards for**  
1373 **limited long-term care insurance.**

1374 (1) A limited long-term care insurance policy may not:

1375 (a) be cancelled, nonrenewed, or otherwise terminated because of the age, [gender] sex,  
1376 or the deterioration of the mental or physical health of the insured individual or  
1377 certificate holder;

1378 (b) contain a provision establishing a new waiting period if existing coverage is  
1379 converted to or replaced by a new or other form within the same insurer, or the  
1380 insurer's affiliates, except with respect to an increase in benefits voluntarily selected  
1381 by the insured individual or group policyholder; or

1382 (c) provide coverage for skilled nursing care only or provide significantly more coverage  
1383 for skilled care in a facility than coverage for lower levels of care.

1384 (2)(a) A limited long-term care insurance policy or certificate may not:

1385 (i) use a definition of "preexisting condition" that is more restrictive than the  
1386 definition under this part; or

1387 (ii) exclude coverage for a loss or confinement that is the result of a preexisting  
1388 condition, unless the loss or confinement begins within six months after the day  
1389 on which the coverage of the insured person becomes effective.

- 1390 (b) A preexisting condition does not prohibit an insurer from:
- 1391 (i) using an application form designed to elicit the complete health history of an
- 1392 applicant; or
- 1393 (ii) on the basis of the answers on the application described in Subsection (2)(b)(i),
- 1394 underwriting in accordance with the insurer's established underwriting standards.
- 1395 (c)(i) Unless otherwise provided in the policy or certificate, an insurer may exclude
- 1396 coverage of a preexisting condition:
- 1397 (A) for a time period of six months, beginning the day on which the coverage of
- 1398 the insured person becomes effective; and
- 1399 (B) regardless of whether the preexisting condition is disclosed on the application.
- 1400 (ii) A limited long-term care insurance policy or certificate may not exclude or use
- 1401 waivers or riders of any kind to exclude, limit, or reduce coverage or benefits for
- 1402 specifically named or described preexisting diseases or physical conditions for
- 1403 more than a time period of six months, beginning the day on which the coverage
- 1404 of the insured person becomes effective.
- 1405 (3)(a) An insurer may not deliver or issue for delivery a limited long-term care insurance
- 1406 policy that conditions eligibility for any benefits:
- 1407 (i) on a prior hospitalization requirement;
- 1408 (ii) provided in an institutional care setting, on the receipt of a higher level of
- 1409 institutional care; or
- 1410 (iii) other than waiver of premium, post-confinement, post-acute care, or recuperative
- 1411 benefits, on a prior institutionalization requirement.
- 1412 (b) A limited long-term care insurance policy or rider may not condition eligibility for
- 1413 noninstitutional benefits on the prior or continuing receipt of skilled care services.
- 1414 (4)(a) If, after examination of a policy, certificate, or rider, a limited long-term care
- 1415 insurance applicant is not satisfied for any reason, the applicant has the right to:
- 1416 (i) within 30 days after the day on which the applicant receives the policy, certificate,
- 1417 endorsement, or rider, return the policy, certificate, endorsement, or rider to the
- 1418 company or a producer of the company; and
- 1419 (ii) have the premium refunded.
- 1420 (b)(i) Each limited long-term care insurance policy, certificate, endorsement, and
- 1421 rider shall:
- 1422 (A) have a notice prominently printed on the first page or attached thereto
- 1423 detailing specific instructions to accomplish a return; and

1424 (B) include the following free-look statement or language substantially similar:  
1425 "You have 30 days from the day on which you receive this policy certificate,  
1426 endorsement, or rider to review it and return it to the company if you decide  
1427 not to keep it. You do not have to tell the company why you are returning it. If  
1428 you decide not to keep it, simply return it to the company at its administrative  
1429 office. Or you may return it to the producer that you bought it from. You must  
1430 return it within 30 days of the day you first received it. The company will  
1431 refund the full amount of any premium paid within 30 days after it receives the  
1432 returned policy, certificate, or rider. The premium refund will be sent directly  
1433 to the person who paid it. The policy certificate or rider will be void as if it had  
1434 never been issued."

1435 (ii) The requirements described in Subsection (4)(b)(i) do not apply to a certificate  
1436 issued to an employee under an employer group limited long-term care insurance  
1437 policy.

1438 (5)(a)(i) An insurer shall deliver an outline of coverage to a prospective applicant for  
1439 limited long-term care insurance at the time of initial solicitation through means  
1440 that prominently direct the attention of the recipient to the document and the  
1441 document's purpose.

1442 (ii) In the case of an agent solicitation, the agent shall deliver the outline of coverage  
1443 before the presentation of an application or enrollment form.

1444 (iii) In the case of a direct response solicitation, the outline of coverage shall be  
1445 presented in conjunction with any application or enrollment form.

1446 (iv)(A) In the case of a policy issued to a group, the outline of coverage is not  
1447 required to be delivered if the information described in Subsections (5)(b)(i)  
1448 through (iii) is contained in other materials relating to enrollment, including the  
1449 certificate.

1450 (B) Upon request, an insurer shall make the other materials described in this  
1451 Subsection (5)(a)(iv) available to the commissioner.

1452 (b) An outline of coverage shall include:

1453 (i) a description of the principal benefits and coverage provided in the policy;

1454 (ii) a description of the eligibility triggers for benefits and how the eligibility triggers  
1455 are met;

1456 (iii) a statement of the principal exclusions, reductions, and limitations contained in  
1457 the policy;

- 1458 (iv) a statement of the terms under which the policy or certificate, or both, may be  
1459 continued in force or discontinued, including any reservation in the policy of a  
1460 right to change premium[-] ;
- 1461 (v) a specific description of each continuation or conversion provision of group  
1462 coverage;
- 1463 (vi) a statement that the outline of coverage is a summary only, not a contract of  
1464 insurance, and that the policy or group master policy contains governing  
1465 contractual provisions;
- 1466 (vii) a description of the terms under which a person may return the policy or  
1467 certificate and have the premium refunded;
- 1468 (viii) a brief description of the relationship of cost of care and benefits; and  
1469 (ix) a statement that discloses to the policyholder or certificate holder that the policy  
1470 is not long-term care insurance.
- 1471 (6) A certificate pursuant to a group limited long-term care insurance policy that is  
1472 delivered or issued for delivery in this state shall include:
- 1473 (a) a description of the principal benefits and coverage provided in the policy;  
1474 (b) a statement of the principal exclusions, reductions, and limitations contained in the  
1475 policy; and  
1476 (c) a statement that the group master policy determines governing contractual provisions.
- 1477 (7) If an application for a limited long-term care insurance contract or certificate is  
1478 approved, the issuer shall deliver the contract or certificate of insurance to the applicant  
1479 no later than 30 days after the day on which the application is approved.

1480 Section 23. Section **31A-30-106** is amended to read:

1481 **31A-30-106 (Effective 05/06/26). Individual premiums -- Rating restrictions --**

1482 **Disclosure.**

- 1483 (1) Premium rates for health benefit plans for individuals under this chapter are subject to  
1484 this section.
- 1485 (a) The index rate for a rating period for any class of business may not exceed the index  
1486 rate for any other class of business by more than 20%.
- 1487 (b)(i) For a class of business, the premium rates charged during a rating period to  
1488 covered insureds with similar case characteristics for the same or similar  
1489 coverage, or the rates that could be charged to the individual under the rating  
1490 system for that class of business, may not vary from the index rate by more than  
1491 30% of the index rate except as provided under Subsection (1)(b)(ii).

- 1492 (ii) A carrier that offers individual and small employer health benefit plans may use  
1493 the small employer index rates to establish the rate limitations for individual  
1494 policies, even if some individual policies are rated below the small employer base  
1495 rate.
- 1496 (c) The percentage increase in the premium rate charged to a covered insured for a new  
1497 rating period, adjusted pro rata for rating periods less than a year, may not exceed the  
1498 sum of the following:
- 1499 (i) the percentage change in the new business premium rate measured from the first  
1500 day of the prior rating period to the first day of the new rating period;
- 1501 (ii) any adjustment, not to exceed 15% annually and adjusted pro rata for rating  
1502 periods of less than one year, due to the claim experience, health status, or  
1503 duration of coverage of the covered individuals as determined from the rate  
1504 manual for the class of business of the carrier offering an individual health benefit  
1505 plan; and
- 1506 (iii) any adjustment due to change in coverage or change in the case characteristics of  
1507 the covered insured as determined from the rate manual for the class of business  
1508 of the carrier offering an individual health benefit plan.
- 1509 (d)(i) A carrier offering an individual health benefit plan shall apply rating factors,  
1510 including case characteristics, consistently with respect to all covered insureds in a  
1511 class of business.
- 1512 (ii) Rating factors shall produce premiums for identical individuals that:
- 1513 (A) differ only by the amounts attributable to plan design; and  
1514 (B) do not reflect differences due to the nature of the individuals assumed to select  
1515 particular health benefit plans.
- 1516 (iii) A carrier offering an individual health benefit plan shall treat all health benefit  
1517 plans issued or renewed in the same calendar month as having the same rating  
1518 period.
- 1519 (e) For the purposes of this Subsection (1), a health benefit plan that uses a restricted  
1520 network provision may not be considered similar coverage to a health benefit plan  
1521 that does not use a restricted network provision, provided that use of the restricted  
1522 network provision results in substantial difference in claims costs.
- 1523 (f) A carrier offering a health benefit plan to an individual may not, without prior  
1524 approval of the commissioner, use case characteristics other than:
- 1525 (i) age;

- 1526 (ii) [~~gender~~] sex;
- 1527 (iii) geographic area; and
- 1528 (iv) family composition.
- 1529 (g)(i) The commissioner shall establish rules in accordance with Title 63G, Chapter
- 1530 3, Utah Administrative Rulemaking Act, to:
- 1531 (A) implement this chapter;
- 1532 (B) assure that rating practices used by carriers who offer health benefit plans to
- 1533 individuals are consistent with the purposes of this chapter; and
- 1534 (C) promote transparency of rating practices of health benefit plans, except that a
- 1535 carrier may not be required to disclose proprietary information.
- 1536 (ii) The rules described in Subsection (1)(g)(i) may include rules that:
- 1537 (A) assure that differences in rates charged for health benefit plans by carriers who
- 1538 offer health benefit plans to individuals are reasonable and reflect objective
- 1539 differences in plan design, not including differences due to the nature of the
- 1540 individuals assumed to select particular health benefit plans; and
- 1541 (B) prescribe the manner in which case characteristics may be used by carriers
- 1542 who offer health benefit plans to individuals.
- 1543 (h) The commissioner shall revise rules issued for Sections 31A-22-602 and 31A-22-605
- 1544 regarding individual accident and health policy rates to allow rating in accordance
- 1545 with this section.
- 1546 (2) For purposes of Subsection (1)(c)(i), if a health benefit plan is a health benefit plan into
- 1547 which the covered carrier is no longer enrolling new covered insureds, the covered
- 1548 carrier shall use the percentage change in the base premium rate, provided that the
- 1549 change does not exceed, on a percentage basis, the change in the new business premium
- 1550 rate for the most similar health benefit product into which the covered carrier is actively
- 1551 enrolling new covered insureds.
- 1552 (3)(a) A covered carrier may not transfer a covered insured involuntarily into or out of a
- 1553 class of business.
- 1554 (b) A covered carrier may not offer to transfer a covered insured into or out of a class of
- 1555 business unless the offer is made to transfer all covered insureds in the class of
- 1556 business without regard to:
- 1557 (i) case characteristics;
- 1558 (ii) claim experience;
- 1559 (iii) health status; or

- 1560 (iv) duration of coverage since issue.
- 1561 (4)(a) A carrier who offers a health benefit plan to an individual shall maintain at the  
 1562 carrier's principal place of business a complete and detailed description of its rating  
 1563 practices and renewal underwriting practices, including information and  
 1564 documentation that demonstrate that the carrier's rating methods and practices are:
- 1565 (i) based upon commonly accepted actuarial assumptions; and
  - 1566 (ii) in accordance with sound actuarial principles.
- 1567 (b)(i) A carrier subject to this section shall file with the commissioner, on or before  
 1568 April 1 of each year, in a form, manner, and containing such information as  
 1569 prescribed by the commissioner, an actuarial certification certifying that:
- 1570 (A) the carrier is in compliance with this chapter; and
  - 1571 (B) the rating methods of the carrier are actuarially sound.
- 1572 (ii) A copy of the certification required by Subsection (4)(b)(i) shall be retained by  
 1573 the carrier at the carrier's principal place of business.
- 1574 (c) A carrier shall make the information and documentation described in this Subsection  
 1575 (4) available to the commissioner upon request.
- 1576 (d) Except as provided in Subsection (1)(g) or required by PPACA, a record submitted  
 1577 to the commissioner under this section shall be maintained by the commissioner as a  
 1578 protected record under Title 63G, Chapter 2, Government Records Access and  
 1579 Management Act.
- 1580 Section 24. Section **31A-30-106.1** is amended to read:
- 1581 **31A-30-106.1 (Effective 05/06/26). Small employer premiums -- Rating**  
 1582 **restrictions -- Disclosure.**
- 1583 (1) Premium rates for small employer health benefit plans under this chapter are subject to  
 1584 this section.
- 1585 (2)(a) The index rate for a rating period for any class of business may not exceed the  
 1586 index rate for any other class of business by more than 20%.
- 1587 (b) For a class of business, the premium rates charged during a rating period to covered  
 1588 insureds with similar case characteristics for the same or similar coverage, or the  
 1589 rates that could be charged to an employer group under the rating system for that  
 1590 class of business, may not vary from the index rate by more than 30% of the index  
 1591 rate, except when catastrophic mental health coverage is selected as provided in  
 1592 Subsection 31A-22-625(2)(d).
- 1593 (3) The percentage increase in the premium rate charged to a covered insured for a new

- 1594 rating period, adjusted pro rata for rating periods less than a year, may not exceed the  
1595 sum of the following:
- 1596 (a) the percentage change in the new business premium rate measured from the first day  
1597 of the prior rating period to the first day of the new rating period;
  - 1598 (b) any adjustment, not to exceed 15% annually and adjusted pro rata for rating periods  
1599 of less than one year, due to the claim experience, health status, or duration of  
1600 coverage of the covered individuals as determined from the small employer carrier's  
1601 rate manual for the class of business, except when catastrophic mental health  
1602 coverage is selected as provided in Subsection 31A-22-625(2)(d); and
  - 1603 (c) any adjustment due to change in coverage or change in the case characteristics of the  
1604 covered insured as determined for the class of business from the small employer  
1605 carrier's rate manual.
- 1606 (4)(a) Adjustments in rates for claims experience, health status, and duration from issue  
1607 may not be charged to individual employees or dependents.
- 1608 (b) Rating adjustments and factors, including case characteristics, shall be applied  
1609 uniformly and consistently to the rates charged for all employees and dependents of  
1610 the small employer.
  - 1611 (c) Rating factors shall produce premiums for identical groups that:
    - 1612 (i) differ only by the amounts attributable to plan design; and
    - 1613 (ii) do not reflect differences due to the nature of the groups assumed to select  
1614 particular health benefit plans.
  - 1615 (d) A small employer carrier shall treat all health benefit plans issued or renewed in the  
1616 same calendar month as having the same rating period.
- 1617 (5) A health benefit plan that uses a restricted network provision may not be considered  
1618 similar coverage to a health benefit plan that does not use a restricted network provision,  
1619 provided that use of the restricted network provision results in substantial difference in  
1620 claims costs.
- 1621 (6) The small employer carrier may not use case characteristics other than the following:
- 1622 (a) age of the employee, in accordance with Subsection (7);
  - 1623 (b) geographic area;
  - 1624 (c) family composition in accordance with Subsection (9);
  - 1625 (d) for plans renewed or effective on or after July 1, 2011, [~~gender~~] sex of the employee  
1626 and spouse;
  - 1627 (e) for an individual age 65 and older, whether the employer policy is primary or

- 1628 secondary to Medicare; and
- 1629 (f) a wellness program, in accordance with Subsection (12).
- 1630 (7) Age limited to:
- 1631 (a) the following age bands:
- 1632 (i) less than 20;
- 1633 (ii) 20-24;
- 1634 (iii) 25-29;
- 1635 (iv) 30-34;
- 1636 (v) 35-39;
- 1637 (vi) 40-44;
- 1638 (vii) 45-49;
- 1639 (viii) 50-54;
- 1640 (ix) 55-59;
- 1641 (x) 60-64; and
- 1642 (xi) 65 and above; and
- 1643 (b) a standard slope ratio range for each age band, applied to each family composition
- 1644 tier rating structure under Subsection (9)(b):
- 1645 (i) as developed by the commissioner by administrative rule; and
- 1646 (ii) not to exceed an overall ratio as provided in Subsection (8).
- 1647 (8)(a) The overall ratio permitted in Subsection (7)(b)(ii) may not exceed:
- 1648 (i) 5:1 for plans renewed or effective before January 1, 2012; and
- 1649 (ii) 6:1 for plans renewed or effective on or after January 1, 2012; and
- 1650 (b) the age slope ratios for each age band may not overlap.
- 1651 (9) Family composition is limited to:
- 1652 (a) an overall ratio of:
- 1653 (i) 5:1 or less for plans renewed or effective before January 1, 2012; and
- 1654 (ii) 6:1 or less for plans renewed or effective on or after January 1, 2012; and
- 1655 (b) a tier rating structure that includes:
- 1656 (i) four tiers that include:
- 1657 (A) employee only;
- 1658 (B) employee plus spouse;
- 1659 (C) employee plus a child or children; and
- 1660 (D) a family, consisting of an employee plus spouse, and a child or children;
- 1661 (ii) for plans renewed or effective on or after January 1, 2012, five tiers that include:

- 1662 (A) employee only;
- 1663 (B) employee plus spouse;
- 1664 (C) employee plus one child;
- 1665 (D) employee plus two or more children; and
- 1666 (E) employee plus spouse plus one or more children; or
- 1667 (iii) for plans renewed or effective on or after January 1, 2012, six tiers that include:
- 1668 (A) employee only;
- 1669 (B) employee plus spouse;
- 1670 (C) employee plus one child;
- 1671 (D) employee plus two or more children;
- 1672 (E) employee plus spouse plus one child; and
- 1673 (F) employee plus spouse plus two or more children.
- 1674 (10) If a health benefit plan is a health benefit plan into which the small employer carrier is
- 1675 no longer enrolling new covered insureds, the small employer carrier shall use the
- 1676 percentage change in the base premium rate, provided that the change does not exceed,
- 1677 on a percentage basis, the change in the new business premium rate for the most similar
- 1678 health benefit plan into which the small employer carrier is actively enrolling new
- 1679 covered insureds.
- 1680 (11)(a) A covered carrier may not transfer a covered insured involuntarily into or out of
- 1681 a class of business.
- 1682 (b) A covered carrier may not offer to transfer a covered insured into or out of a class of
- 1683 business unless the offer is made to transfer all covered insureds in the class of
- 1684 business without regard to:
- 1685 (i) case characteristics;
- 1686 (ii) claim experience;
- 1687 (iii) health status; or
- 1688 (iv) duration of coverage since issue.
- 1689 (12) Notwithstanding Subsection (4)(b), a small employer carrier may:
- 1690 (a) offer a wellness program to a small employer group if:
- 1691 (i) the premium discount to the employer for the wellness program does not exceed
- 1692 20% of the premium for the small employer group; and
- 1693 (ii) the carrier offers the wellness program discount uniformly across all small
- 1694 employer groups;
- 1695 (b) offer a premium discount as part of a wellness program to individual employees in a

- 1696 small employer group:
- 1697 (i) to the extent allowed by federal law; and
- 1698 (ii) if the employee discount based on the wellness program is offered uniformly
- 1699 across all small employer groups; and
- 1700 (c) offer a combination of premium discounts for the employer and the employee, based
- 1701 on a wellness program, if:
- 1702 (i) the employer discount complies with Subsection (12)(a); and
- 1703 (ii) the employee discount complies with Subsection (12)(b).
- 1704 (13)(a) A small employer carrier shall maintain at the small employer carrier's principal
- 1705 place of business a complete and detailed description of its rating practices and
- 1706 renewal underwriting practices, including information and documentation that
- 1707 demonstrate that the small employer carrier's rating methods and practices are:
- 1708 (i) based upon commonly accepted actuarial assumptions; and
- 1709 (ii) in accordance with sound actuarial principles.
- 1710 (b)(i) A small employer carrier shall file with the commissioner on or before April 1
- 1711 of each year, in a form and manner and containing information as prescribed by
- 1712 the commissioner, an actuarial certification certifying that:
- 1713 (A) the small employer carrier is in compliance with this chapter; and
- 1714 (B) the rating methods of the small employer carrier are actuarially sound.
- 1715 (ii) A copy of the certification required by Subsection (13)(b)(i) shall be retained by
- 1716 the small employer carrier at the small employer carrier's principal place of
- 1717 business.
- 1718 (c) A small employer carrier shall make the information and documentation described in
- 1719 this Subsection (13) available to the commissioner upon request.
- 1720 (14)(a) The commissioner shall establish rules in accordance with Title 63G, Chapter 3,
- 1721 Utah Administrative Rulemaking Act, to:
- 1722 (i) implement this chapter; and
- 1723 (ii) assure that rating practices used by small employer carriers under this section and
- 1724 carriers for individual plans under Section 31A-30-106 are consistent with the
- 1725 purposes of this chapter.
- 1726 (b) The rules may:
- 1727 (i) assure that differences in rates charged for health benefit plans by carriers are
- 1728 reasonable and reflect objective differences in plan design, not including
- 1729 differences due to the nature of the groups or individuals assumed to select

1730 particular health benefit plans; and

1731 (ii) prescribe the manner in which case characteristics may be used by small  
1732 employer and individual carriers.

1733 (15) Records submitted to the commissioner under this section shall be maintained by the  
1734 commissioner as protected records under Title 63G, Chapter 2, Government Records  
1735 Access and Management Act.

1736 Section 25. Section **32B-1-407** is amended to read:

1737 **32B-1-407 (Effective 05/06/26). Verification of proof of age by applicable**  
1738 **licensees.**

1739 (1) As used in this section, "applicable licensee" means:

1740 (a) a dining club;

1741 (b) a bar;

1742 (c) a tavern;

1743 (d) a full-service restaurant;

1744 (e) a limited-service restaurant;

1745 (f) a beer-only restaurant; or

1746 (g) an off-premise beer retailer selling, offering for sale, or furnishing beer as described  
1747 in Subsection 32B-7-202(8).

1748 (2) Notwithstanding any other provision of this part, an applicable licensee shall require  
1749 that an authorized person for the applicable licensee verify proof of age as provided in  
1750 this section.

1751 (3) An authorized person is required to verify proof of age under this section before an  
1752 individual:

1753 (a) gains admittance to the premises of a bar licensee or tavern;

1754 (b) procures an alcoholic product on the premises of a dining club licensee; or

1755 (c) procures an alcoholic product in a dispensing area in the premises of a full-service  
1756 restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant  
1757 licensee.

1758 (4) To comply with Subsection (3), an authorized person shall:

1759 (a) request the individual present proof of age; and

1760 (b)(i) verify the validity of the proof of age electronically under the verification  
1761 program created in Subsection (5); or

1762 (ii) if the proof of age cannot be electronically verified as provided in Subsection

1763 (4)(b)(i), request that the individual comply with a process established by the

1764 commission by rule.

1765 (5)(a) The commission shall establish by rule an electronic verification program that  
1766 includes the following:

1767 (i) the specifications for the technology used by the applicable licensee to  
1768 electronically verify proof of age, including that the technology display to the  
1769 person described in Subsection (2) no more than the following for the individual  
1770 who presents the proof of age:

1771 (A) the name;

1772 (B) the age;

1773 (C) the number assigned to the individual's proof of age by the issuing authority;

1774 (D) the birth date;

1775 (E) the [gender] sex; and

1776 (F) the status and expiration date of the individual's proof of age; and

1777 (ii) the security measures that shall be used by an applicable licensee to ensure that  
1778 information obtained under this section is:

1779 (A) used by the applicable licensee only for purposes of verifying proof of age in  
1780 accordance with this section; and

1781 (B) retained by the applicable licensee for seven days after the day on which the  
1782 applicable licensee obtains the information.

1783 (b) The commission shall ensure that the electronic verification program described in  
1784 Subsection (5)(a) includes technology that recognizes every state's unique hidden  
1785 security features located on state issued identification cards to determine the validity  
1786 of that particular card.

1787 (6)(a) An applicable licensee may not disclose information obtained under this section  
1788 except as provided under this title.

1789 (b) Information obtained under this section is considered a record for any purpose under  
1790 Chapter 5, Part 3, Retail Licensee Operational Requirements.

1791 Section 26. Section **34A-5-114** is amended to read:

1792 **34A-5-114 (Effective 05/06/26). Limitations on enforceability of nondisclosure**  
1793 **and non-disparagement clauses -- Retaliation prohibited.**

1794 (1) As used in this section:

1795 (a) "Confidentiality clause" means a nondisclosure clause or a non-disparagement clause.

1796 (b) "Employee" means a current or a former employee.

1797 (c) "Nondisclosure clause" means an agreement between an employee and employer that

- 1798 prevents, or has the effect of preventing, an employee from disclosing or discussing:
- 1799 (i) sexual assault;
- 1800 (ii) allegations of sexual assault;
- 1801 (iii) sexual harassment; or
- 1802 (iv) allegations of sexual harassment.
- 1803 (d) "Non-disparagement clause" means an agreement between an employee and
- 1804 employer that prohibits, or has the effect of prohibiting, an employee from making a
- 1805 negative statement that is:
- 1806 (i) about the employer; and
- 1807 (ii) related to:
- 1808 (A) a claim of sexual assault or sexual harassment;
- 1809 (B) a sexual assault dispute; or
- 1810 (C) a sexual harassment dispute.
- 1811 (e) "Post-employment restrictive covenant" means the same as that term is defined in
- 1812 Section 34-51-102.
- 1813 (f) "Proprietary information" means an employer's business plan or customer
- 1814 information.
- 1815 (g) "Retaliate" means taking an adverse action against an employee because the
- 1816 employee made an allegation of sexual harassment or assault, including:
- 1817 (i) discharge;
- 1818 (ii) suspension;
- 1819 (iii) demotion; or
- 1820 (iv) discrimination in the terms, conditions, or privileges of employment.
- 1821 (h)(i) "Sexual assault" means:
- 1822 (A) conduct that would constitute a violation of 18 U.S.C. Secs. 2241 through
- 1823 2244; or
- 1824 (B) criminal conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses.
- 1825 (ii) "Sexual assault" does not include criminal conduct described in:
- 1826 (A) Section 76-5-417, enticing a minor;
- 1827 (B) Section 76-5-418, sexual battery;
- 1828 (C) Section 76-5-419, lewdness; or
- 1829 (D) Section 76-5-420, lewdness involving a child.
- 1830 (i) "Sexual assault dispute" means a dispute between an employer and the employer's
- 1831 employee relating to alleged sexual assault.

- 1832 (j) "Sexual harassment" means harassment on the basis of sex[;] or sexual orientation[;  
1833 ~~or gender~~], as prohibited in:
- 1834 (i) Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et seq.; or  
1835 (ii) Subsection 34A-5-106(1)(a)(i).
- 1836 (k) "Sexual harassment dispute" means a dispute between an employer and the  
1837 employer's employee relating to alleged sexual harassment.
- 1838 (2)(a) A confidentiality clause regarding sexual misconduct, as a condition of  
1839 employment, is against public policy and is void and unenforceable.
- 1840 (b) After an employee makes an allegation of sexual harassment or sexual assault, an  
1841 employer of any sized business, regardless of Subsection 34-5-102(1)(i)(D):
- 1842 (i) may not retaliate against the employee because the employee made an allegation  
1843 of sexual harassment or assault; or
- 1844 (ii) may not retaliate based on an employee's refusal to enter into a confidentiality  
1845 clause or an employment contract that, as a condition of employment, contains a  
1846 confidentiality clause.
- 1847 (c) An employee may, within three business days after the day on which the employee  
1848 agrees to a settlement agreement that includes a confidentiality clause regarding  
1849 sexual misconduct, withdraw from the settlement agreement.
- 1850 (3) An employer who attempts to enforce a confidentiality clause in violation of this section:
- 1851 (a) is liable for all costs, including reasonable attorney fees, resulting from legal action  
1852 to enforce the confidentiality clause; and
- 1853 (b) is not entitled to monetary damages resulting from a breach of a confidentiality  
1854 clause.
- 1855 (4) This section does not:
- 1856 (a) prohibit an agreement between an employee who alleges sexual assault or sexual  
1857 harassment and an employer from containing a nondisclosure clause, a  
1858 non-disparagement clause, or any other clause prohibiting disclosure of:
- 1859 (i) the amount of a monetary settlement; or
- 1860 (ii) at the request of the employee, facts that could reasonably lead to the  
1861 identification of the employee;
- 1862 (b) prohibit an employer from requiring an employee to:
- 1863 (i) sign a post-employment restrictive covenant; or
- 1864 (ii) agree not to disclose an employer's non-public trade secrets, proprietary  
1865 information, or confidential information that does not involve illegal acts;

- 1866 (c) authorize an employee to:
- 1867 (i) disclose data otherwise protected by law or legal privilege; or
- 1868 (ii) knowingly make statements or disclosures that are false or made with reckless
- 1869 disregard of the truth;
- 1870 (d) prohibit an employee from discussing sexual misconduct or allegations of sexual
- 1871 misconduct in a civil or criminal case when subpoenaed if the sexual misconduct or
- 1872 allegations of sexual misconduct are against the individual whom the employee
- 1873 alleged engaged in sexual misconduct;
- 1874 (e) permit a disclosure that would violate state or federal law; or
- 1875 (f) limit other grounds that may exist at law or in equity for the unenforceability of a
- 1876 confidentiality clause.

1877 Section 27. Section **35A-1-207** is amended to read:

1878 **35A-1-207 (Effective 05/06/26). State workforce services plan -- Economic**

1879 **service area plans.**

1880 The State Workforce Development Board shall annually maintain and update a state

1881 workforce services plan that includes:

- 1882 (1) a four-year strategy, as described in 29 U.S.C. Sec. 3112, for the following core
- 1883 programs:
- 1884 (a) youth services;
- 1885 (b) adult employment and training services;
- 1886 (c) dislocated worker employment and training services;
- 1887 (d) adult education and literacy activities;
- 1888 (e) employment services; and
- 1889 (f) vocational rehabilitation services;
- 1890 (2) a strategy for aligning and coordinating the core programs;
- 1891 (3) a strategy for coordinating the workforce needs of job seekers and employers in the
- 1892 various regions of the state;
- 1893 (4) planning to ensure that employment centers address the requirements of the special
- 1894 employment needs population, including:
- 1895 (a) individuals who have special employment needs based on factors such as race, [
- 1896 ~~gender~~] sex, age, disability, economic status, education, language skills, or work
- 1897 history; and
- 1898 (b) an "individual with a barrier to employment" as that term is defined in 29 U.S.C.
- 1899 Sec. 3102;

- 1900 (5) a mechanism for getting consumer and public feedback on department programs;  
 1901 (6) projected analysis of the workforce needs of employers and clients;  
 1902 (7) state outcome-based standards for measuring program performance to ensure equitable  
 1903 service to all clients;  
 1904 (8) strategies to ensure program responsiveness, universal access, and unified case  
 1905 management;  
 1906 (9) strategies to eliminate unnecessary barriers to access services; and  
 1907 (10) strategies to provide assistance to employees facing employment dislocation and their  
 1908 employers.

1909 Section 28. Section **42-2-5** is amended to read:

1910 **42-2-5 (Effective 05/06/26). Certificate of assumed and of true name -- Contents**  
 1911 **-- Execution -- Filing -- Notice.**

- 1912 (1) For purposes of this section, "filed" means the Division of Corporations and  
 1913 Commercial Code has:  
 1914 (a) received and approved, as to form, a document submitted under this chapter; and  
 1915 (b) marked on the face of the document a stamp or seal indicating:  
 1916 (i) the time of day and date of approval;  
 1917 (ii) the name of the division; and  
 1918 (iii) the division director's signature and division seal, or facsimiles of the signature  
 1919 or seal.
- 1920 (2) A person who carries on, conducts, or transacts business in this state under an assumed  
 1921 name, whether that business is carried on, conducted, or transacted as an individual,  
 1922 association, partnership, corporation, or otherwise, shall:  
 1923 (a) file with the Division of Corporations and Commercial Code a certificate setting  
 1924 forth:  
 1925 (i) the name under which the business is, or is to be carried on, conducted, or  
 1926 transacted;  
 1927 (ii) the full true name, or names, of the person owning, and the person carrying on,  
 1928 conducting, or transacting the business; and  
 1929 (iii) the location of the principal place of business, and the street address of the  
 1930 person; and  
 1931 (b) designate, in accordance with Subsection 16-17-203(1), and maintain a registered  
 1932 agent in this state.
- 1933 (3) A certificate filed under this section shall be:

- 1934 (a) executed by the person owning, and the person carrying on, conducting, or  
 1935 transacting the business;  
 1936 (b) filed not later than 30 days after the time of commencing to carry on, conduct, or  
 1937 transact the business; and  
 1938 (c) submitted in a machine printed format.

1939 (4) A certificate filed with the Division of Corporations and Commercial Code under this  
 1940 chapter shall include the following notice in a conspicuous place on the face thereof:

1941 NOTICE - THE FILING OF THIS APPLICATION AND ITS APPROVAL BY THE  
 1942 DIVISION OF CORPORATIONS AND COMMERCIAL CODE DOES NOT AUTHORIZE  
 1943 THE USE IN THE STATE OF UTAH OF AN ASSUMED NAME IN VIOLATION OF THE  
 1944 RIGHTS OF ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW (SEE UTAH  
 1945 CODE ANN. SECTIONS 42-2-5 ET SEQ.).

1946 (5)(a) A certificate filed under this section shall include a portion that allows the person  
 1947 filing the form to voluntarily disclose the [gender] sex and race of one or more owners  
 1948 of the entity for which the filing is made.

1949 (b) Race shall be indicated under Subsection (5)(a) by selecting from the categories of  
 1950 race listed in 15 U.S.C. Sec. 631(f).

1951 (c) A person is not required to provide information under Subsection (5)(a) concerning  
 1952 the [gender] sex or race of one or more owners of the entity for which the filing is  
 1953 made.

1954 (d)(i) The Division of Corporations and Commercial Code shall compile information  
 1955 concerning the [gender] sex or race included on certificates filed with the Division  
 1956 of Corporations and Commercial Code.

1957 (ii) Information compiled by the Division of Corporations and Commercial Code  
 1958 under Subsection (5)(d)(i) may be compiled in a manner determined by the  
 1959 Division of Corporations and Commercial Code by rules made pursuant to Title  
 1960 63G, Chapter 3, Utah Administrative Rulemaking Act.

1961 (6) A person who carries on, conducts, or transacts business in this state under an assumed  
 1962 name, whether that business is carried on, conducted, or transacted as an individual,  
 1963 association, partnership, corporation, or otherwise, may change its registered agent or  
 1964 the address of its registered agent by filing with the division a statement of change in  
 1965 accordance with Section 16-17-206.

1966 Section 29. Section **53-1-108** is amended to read:

1967 **53-1-108 (Effective 05/06/26). Commissioner's powers and duties.**

- 1968 (1) In addition to the responsibilities contained in this title, the commissioner shall:
- 1969 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility
- 1970 of Motor Vehicle Owners and Operators Act;
- 1971 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as
- 1972 required to properly discharge the duties of the department;
- 1973 (c) make rules:
- 1974 (i) governing emergency use of signal lights on private vehicles; and
- 1975 (ii) allowing privately owned vehicles to be designated for part-time emergency use,
- 1976 as provided in Section 41-6a-310;
- 1977 (d) set standards for safety belt systems, as required by Section 41-6a-1803;
- 1978 (e) serve as the cochair of the Emergency Management Administration Council, as
- 1979 required by Section 53-2a-105;
- 1980 (f) designate vehicles as "authorized emergency vehicles," as required by Section
- 1981 41-6a-102; and
- 1982 (g) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
- 1983 detention, or search of any person when the action is solely motivated by
- 1984 considerations of race, color, ethnicity, age, or [gender] sex.
- 1985 (2) The commissioner may:
- 1986 (a) subject to the approval of the governor, establish division headquarters at various
- 1987 places in the state;
- 1988 (b) issue to a special agent a certificate of authority to act as a peace officer and revoke
- 1989 that authority for cause, as authorized in Section 56-1-21.5;
- 1990 (c) create specialized units within the commissioner's office for conducting internal
- 1991 affairs and aircraft operations as necessary to protect the public safety;
- 1992 (d) cooperate with any recognized agency in the education of the public in safety and
- 1993 crime prevention and participate in public or private partnerships, subject to
- 1994 Subsection (3);
- 1995 (e) cooperate in applying for and distributing highway safety program funds;
- 1996 (f) receive and distribute federal funding to further the objectives of highway safety in
- 1997 compliance with Title 63J, Chapter 5, Federal Funds Procedures Act;
- 1998 (g) authorize off-duty personal use of Department of Public Safety emergency vehicles;
- 1999 and
- 2000 (h) deny or revoke a public or private school's occupancy permit based on the
- 2001 recommendations of the state security chief as described in Section 53-22-102.

- 2002 (3)(a) Money may not be expended under Subsection (2)(d) for public safety education  
2003 unless it is specifically appropriated by the Legislature for that purpose.
- 2004 (b) Any recognized agency receiving state money for public safety shall file with the  
2005 auditor of the state an itemized statement of all its receipts and expenditures.
- 2006 Section 30. Section **53-8-104** is amended to read:
- 2007 **53-8-104 (Effective 05/06/26). Superintendent's duties.**
- 2008 The superintendent shall:
- 2009 (1) divide the state highways into sections for the purpose of patrolling and policing;
- 2010 (2) employ peace officers known as highway patrol troopers to patrol or police the  
2011 highways within this state and to enforce the state statutes as required;
- 2012 (3) establish ranks, grades, and positions in the Highway Patrol and designate the authority  
2013 and responsibility in each rank, grade, and position;
- 2014 (4) establish for the Highway Patrol standards and qualifications and fix prerequisites of  
2015 training, education, and experience for each rank, grade, and position;
- 2016 (5) appoint personnel to each rank, grade, and position necessary for the efficient operation  
2017 and administration of the Highway Patrol;
- 2018 (6) devise and administer examinations designed to test applicants for positions with the  
2019 Highway Patrol;
- 2020 (7) make rules governing the Highway Patrol as appear to the superintendent advisable;
- 2021 (8) discharge, demote, or temporarily suspend any employee in the Highway Patrol for  
2022 cause;
- 2023 (9) prescribe the uniforms to be worn and the equipment to be used by employees of the  
2024 Highway Patrol;
- 2025 (10) charge against each employee of the Highway Patrol the value of any property of the  
2026 state lost or destroyed through the carelessness of the employee;
- 2027 (11) establish, with the approval of the Division of Finance, the terms and conditions under  
2028 which expense allowance should be paid to any employee of the Highway Patrol while  
2029 away from his station;
- 2030 (12) station the Highway Patrol in localities as he finds advisable for the enforcement of the  
2031 laws of this state;
- 2032 (13) conduct in conjunction with the State Board of Education in and through all state  
2033 schools an educational campaign in highway safety and work in conjunction with civic  
2034 organizations, churches, local units of government, and other organizations that may  
2035 function in accomplishing the purposes of reducing highway accidents;

- 2036 (14) provide the initial mandatory uniform items for each new trooper hired after July 1,  
2037 1998;
- 2038 (15) determine by rule a basic uniform allowance system which includes the manner in  
2039 which troopers may receive maintenance services and vouchers for basic uniforms and  
2040 administer any funds appropriated by the Legislature to the division for that purpose; and
- 2041 (16) on or before January 1, 2003, adopt a written policy that prohibits the stopping,  
2042 detention, or search of any person when the action is solely motivated by considerations  
2043 of race, color, ethnicity, age, or [~~gender~~] sex.

2044 Section 31. Section **53-10-406** is amended to read:

2045 **53-10-406 (Effective 05/06/26). DNA specimen analysis -- Bureau responsibilities.**

- 2046 (1) The bureau shall:
- 2047 (a) administer and oversee the DNA specimen collection process;
- 2048 (b) store each DNA specimen and associated records received;
- 2049 (c) analyze each specimen, or contract with a qualified public or private laboratory to  
2050 analyze the specimen, to establish the genetic profile of the donor or to otherwise  
2051 determine the identity of the person;
- 2052 (d) maintain a criminal identification database containing information derived from  
2053 DNA analysis;
- 2054 (e) ensure that the DNA identification system does not provide information allowing  
2055 prediction of genetic disease or predisposition to illness;
- 2056 (f) ensure that only DNA markers routinely used or accepted in the field of forensic  
2057 science are used to establish the [~~gender~~] sex and unique individual identification of  
2058 the donor;
- 2059 (g) utilize only those DNA analysis procedures that are consistent with, and do not  
2060 exceed, procedures established and used by the Federal Bureau of Investigation for  
2061 the forensic analysis of DNA;
- 2062 (h) destroy a DNA specimen obtained under this part if criminal charges have not been  
2063 filed within 90 days after booking for an alleged offense under Subsection  
2064 53-10-403(2)(c); and
- 2065 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
2066 Rulemaking Act, establishing procedures for obtaining, transmitting, and analyzing  
2067 DNA specimens and for storing and destroying DNA specimens and associated  
2068 records, and criminal identification information obtained from the analysis.
- 2069 (2) Procedures for DNA analysis may include all techniques which the department

- 2070 determines are accurate and reliable in establishing identity.
- 2071 (3)(a) In accordance with Section 63G-2-305, each DNA specimen and associated  
2072 record is classified as protected.
- 2073 (b) The department may not transfer or disclose any DNA specimen, associated record,  
2074 or criminal identification information obtained, stored, or maintained under this  
2075 section, except under the provisions of this section.
- 2076 (4) Notwithstanding Subsection 63G-2-202(1), the department may deny inspection if the  
2077 department determines that there is a reasonable likelihood that the inspection would  
2078 prejudice a pending criminal investigation.
- 2079 (5) The department shall adopt procedures governing the inspection of records, DNA  
2080 specimens, and challenges to the accuracy of records. The procedures shall  
2081 accommodate the need to preserve the materials from contamination and destruction.
- 2082 (6) A person whose DNA specimen is obtained under this part may, personally or through a  
2083 legal representative, submit:
- 2084 (a) to the court a motion for a court order requiring the destruction of the person's DNA  
2085 specimen, associated record, and any criminal identification record created in  
2086 connection with that specimen, and removal of the person's DNA record from the  
2087 database described in Subsection (1)(d) if:
- 2088 (i) a final judgment reverses the conviction, judgment, or order that created an  
2089 obligation to provide a DNA specimen; or
- 2090 (ii) all charges arising from the same criminal episode for which the DNA specimen  
2091 was obtained under Subsection 53-10-404.5(1)(a) have been resolved by a final  
2092 judgment of dismissal with prejudice or acquittal; or
- 2093 (b) to the department a request for the destruction of the person's DNA specimen, and  
2094 associated record, and removal of the person's DNA record from the database  
2095 described in Subsection (1)(d) if:
- 2096 (i) no charge arising from the same criminal episode for which the DNA specimen  
2097 was obtained under Subsection 53-10-404.5(1)(a) is filed against the person  
2098 within one year after the day on which the person is booked; or
- 2099 (ii) all charges arising from the same criminal episode for which the DNA specimen  
2100 was obtained under Subsection 53-10-404.5(1)(a) have been resolved by a final  
2101 judgment of dismissal with prejudice or acquittal.
- 2102 (7) If charges have been filed against a person whose DNA specimen is obtained under this  
2103 part and the charges have later been resolved by a final judgment of dismissal with

- 2104 prejudice or acquittal, or a final judgment is issued reversing a conviction, judgment, or  
2105 other order arising from the charges that created an obligation to provide a DNA  
2106 specimen, the prosecutor who filed the charges against the person shall notify the person  
2107 of the process described in Subsection (6) to request destruction of the DNA specimen  
2108 and removal of the person's DNA record from the database described in Subsection  
2109 (1)(d).
- 2110 (8) A court order issued under Subsection (6)(a) may be accompanied by a written notice to  
2111 the person advising that state law provides for expungement of criminal charges if the  
2112 charge is resolved by a final judgment of dismissal or acquittal.
- 2113 (9) The department shall destroy the person's DNA specimen, and associated record, and  
2114 remove the person's DNA record from the database described in Subsection (1)(d), if:
- 2115 (a) the person provides the department with:
- 2116 (i) a court order for destruction described in Subsection (6)(a), and a certified copy of:
- 2117 (A) the court order reversing the conviction, judgment, or order;
- 2118 (B) a court order to set aside the conviction; or
- 2119 (C) the dismissal or acquittal of the charge regarding which the person was  
2120 arrested; or
- 2121 (ii) a written request for destruction of the DNA specimen, and associated record, and  
2122 removal of the DNA record from the database described in Subsection (6)(b), and  
2123 a certified copy of:
- 2124 (A) a declination to prosecute from the prosecutor; or
- 2125 (B) a court document that indicates all charges have been resolved by a final  
2126 judgment of dismissal with prejudice or acquittal; and
- 2127 (b) the department determines that the person is not obligated to submit a DNA  
2128 specimen as a result of a separate conviction or adjudication for an offense listed in  
2129 Subsection 53-10-403(2).
- 2130 (10) The department may not destroy a person's DNA specimen or remove a person's DNA  
2131 record from the database described in Subsection (1)(d) if the person has a prior  
2132 conviction or a pending charge for which collection of a sample is authorized in  
2133 accordance with Section 53-10-404.
- 2134 (11) A DNA specimen, associated record, or criminal identification record created in  
2135 connection with that specimen may not be affected by an order to set aside a conviction,  
2136 except under the provisions of this section.
- 2137 (12) If funding is not available for analysis of any of the DNA specimens collected under

2138 this part, the bureau shall store the collected specimens until funding is made available  
2139 for analysis through state or federal funds.

2140 (13)(a)(i) A person who, due to the person's employment or authority, has possession  
2141 of or access to individually identifiable DNA information contained in the state  
2142 criminal identification database or the state DNA specimen repository may not  
2143 willfully disclose the information in any manner to any individual, agency, or  
2144 entity that is not entitled under this part to receive the information.

2145 (ii) A person may not willfully obtain individually identifiable DNA information  
2146 from the state criminal identification database or the state DNA repository other  
2147 than as authorized by this part.

2148 (iii) A person may not willfully analyze a DNA specimen for any purpose, or to  
2149 obtain any information other than as required under this part.

2150 (iv) A person may not willfully fail to destroy or fail to ensure the destruction of a  
2151 DNA specimen when destruction is required by this part or by court order.

2152 (b)(i) A person who violates Subsection (13)(a)(i), (ii), or (iii) is guilty of a third  
2153 degree felony.

2154 (ii) A person who violates Subsection (13)(a)(iv) is guilty of a class B misdemeanor.  
2155 Section 32. Section **53F-4-207** is amended to read:

2156 **53F-4-207 (Effective 05/06/26). Student intervention early warning program.**

2157 (1) As used in this section:

2158 (a) "Digital program" means a program that provides information for student early  
2159 intervention as described in this section.

2160 (b) "Online data reporting tool" means a system described in Section 53E-4-311.

2161 (2)(a) The state board shall, subject to legislative appropriations:

2162 (i) subject to Subsection (2)(c), enhance the online data reporting tool and provide  
2163 additional formative actionable data on student outcomes; and

2164 (ii) select through a competitive contract process a provider to provide to an LEA a  
2165 digital program as described in this section.

2166 (b) Information collected or used by the state board for purposes of enhancing the online  
2167 data reporting tool in accordance with this section may not identify a student  
2168 individually.

2169 (c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah  
2170 Administrative Rulemaking Act, to define the primary exceptionalities described in  
2171 Subsection (3)(e)(ii).

- 2172 (3) The enhancement to the online data reporting tool and the digital program shall:
- 2173 (a) be designed with a user-appropriate interface for use by teachers, school
- 2174 administrators, and parents;
- 2175 (b) provide reports on a student's results at the student level on:
- 2176 (i) a national assessment;
- 2177 (ii) a local assessment; and
- 2178 (iii) a standards assessment described in Section 53E-4-303;
- 2179 (c) have the ability to provide data from aggregate student reports based on a student's:
- 2180 (i) teacher;
- 2181 (ii) school;
- 2182 (iii) school district, if applicable; or
- 2183 (iv) ethnicity;
- 2184 (d) provide a viewer with the ability to view the data described in Subsection [~~(2)~~(e)]
- 2185 (3)(c) on a single computer screen;
- 2186 (e) have the ability to compare the performance of students, for each teacher, based on a
- 2187 student's:
- 2188 (i) [~~gender~~] sex;
- 2189 (ii) special needs, including primary exceptionality as defined by state board rule;
- 2190 (iii) English proficiency;
- 2191 (iv) economic status;
- 2192 (v) migrant status;
- 2193 (vi) ethnicity;
- 2194 (vii) response to tiered intervention;
- 2195 (viii) response to tiered intervention enrollment date;
- 2196 (ix) absence rate;
- 2197 (x) feeder school;
- 2198 (xi) type of school, including primary or secondary, public or private, Title I, or other
- 2199 general school-type category;
- 2200 (xii) course failures; and
- 2201 (xiii) other criteria, as determined by the state board; and
- 2202 (f) have the ability to load data from a local, national, or other assessment in the data's
- 2203 original format within a reasonable time.
- 2204 (4) Subject to legislative appropriations, the online data reporting tool and digital program
- 2205 shall:

- 2206 (a) integrate criteria for early warning indicators, including the following criteria:  
2207 (i) discipline, including school safety violations;  
2208 (ii) attendance;  
2209 (iii) behavior;  
2210 (iv) course failures; and  
2211 (v) other criteria as determined by a local school board or charter school governing  
2212 board;
- 2213 (b) provide a teacher or administrator the ability to view the early warning indicators  
2214 described in Subsection (4)(a) with a student's assessment results described in  
2215 Subsection (3)(b);
- 2216 (c) provide data on response to intervention using existing assessments or measures that  
2217 are manually added, including assessment and nonacademic measures;
- 2218 (d) provide a user the ability to share interventions within a reporting environment and  
2219 add comments to inform other teachers, administrators, and parents;
- 2220 (e) save and share reports among different teachers and school administrators, subject to  
2221 the student population information a teacher or administrator has the rights to access;
- 2222 (f) automatically flag a student profile when early warning thresholds, that the state  
2223 board defines, are met so that a teacher can easily identify a student who may be in  
2224 need of intervention;
- 2225 (g) incorporate a variety of algorithms to support student learning outcomes and provide  
2226 student growth reporting by teacher;
- 2227 (h) integrate response to intervention tiers and activities as filters for the reporting of  
2228 individual student data and aggregated data, including by ethnicity, school, or teacher;
- 2229 (i) have the ability to generate parent communication to alert the parent of plans or  
2230 interventions; and
- 2231 (j) configure alerts based upon student academic results, including a student's  
2232 performance on the previous year's standards assessment described in Section  
2233 53E-4-303 or results to appropriate behavior interventions.
- 2234 (5)(a) The state board shall ensure that each LEA receives access to a digital program  
2235 through a provider described in Subsection (2)(a)(ii).
- 2236 (b) An LEA shall:
- 2237 (i) pay for 50% of the cost of providing access to the digital program to the LEA; and  
2238 (ii) no later than one school year after accessing a digital program, report to the state  
2239 board in a format required by the state board on:

- 2240 (A) the effectiveness of the digital program;
- 2241 (B) positive and negative attributes of the digital program;
- 2242 (C) recommendations for improving the online data reporting tool; and
- 2243 (D) any other information regarding a digital program requested by the state board.
- 2244 (c) The state board shall consider recommendations from an LEA for changes to the
- 2245 online data reporting tool.
- 2246 (6) A person shall provide or use information described in this section in accordance with :
- 2247 (a) Title 53E, Chapter 9, Student Privacy and Data Protection;
- 2248 (b) Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
- 2249 (c) the parental consent requirements in Section 53E-9-203.
- 2250 (7)(a) A parent or guardian may opt the parent's or guardian's student into participating
- 2251 in a survey prepared by an LEA's online data reporting tool described in this section.
- 2252 (b) An LEA shall provide notice to a parent of:
- 2253 (i) the administration of a survey described in Subsection (7)(a);
- 2254 (ii) if applicable, that the survey may request information from students that is non-
- 2255 academic in nature;
- 2256 (iii) where the parent may access the survey described in Subsection (7)(a) to be
- 2257 administered; and
- 2258 (iv) the opportunity to opt a student out of participating in a survey as described in
- 2259 Subsection (7)(a).
- 2260 (c) An LEA shall annually provide notice to parents and guardians on how the LEA
- 2261 uses student data through the online data reporting tool to provide instruction and
- 2262 intervention to students.
- 2263 (8) An LEA may use a different platform from the platform described in Subsection
- 2264 (2)(a)(ii) if the different platform accomplishes the requirements of this section.
- 2265 Section 33. Section **53G-5-301** is amended to read:
- 2266 **53G-5-301 (Effective 05/06/26). Charter school authorizer to request**
- 2267 **applications for certain types of charter schools.**
- 2268 (1) To meet the unique learning styles and needs of students, a charter school authorizer
- 2269 shall seek to expand the types of instructional methods and programs offered by schools,
- 2270 as provided in this section.
- 2271 (2)(a) A charter school authorizer shall request individuals, groups of individuals, or
- 2272 nonprofit legal entities to submit an application to a charter school authorizer to
- 2273 establish a charter school that employs new and creative methods to meet the unique

- 2274 learning styles and needs of students, such as:
- 2275 (i) a military charter school;
- 2276 (ii) a charter school that focuses on learning opportunities for students at risk of
- 2277 academic failure;
- 2278 (iii) a charter school that focuses on career and technical education;
- 2279 (iv) a single [gender] sex charter school;
- 2280 (v) a charter school with an international focus that provides opportunities for the
- 2281 exchange of students or teachers;
- 2282 (vi) a charter school that focuses on serving underserved students; or
- 2283 (vii) an alternative charter school offering programs for nontraditional students.
- 2284 (b) In addition to a charter school identified in Subsection (2)(a), a charter school
- 2285 authorizer shall request applications for other types of charter schools that meet the
- 2286 unique learning styles and needs of students.
- 2287 (3) A charter school authorizer shall publicize a request for applications to establish a
- 2288 charter school specified in Subsection (2).
- 2289 (4) A charter school application submitted pursuant to Subsection (2) shall be subject to the
- 2290 application and approval procedures in accordance with Section 53G-5-304.
- 2291 (5) A charter school authorizer and the state board may approve one or more applications
- 2292 for each charter school described in Subsection (2), subject to the Legislature
- 2293 appropriating funds for, or authorizing, an increase in charter school enrollment capacity
- 2294 as described in Section 53G-6-504.
- 2295 (6) The state board shall submit a request to the Legislature to appropriate funds for, or
- 2296 authorize, the enrollment of students in charter schools tentatively approved under this
- 2297 section.
- 2298 Section 34. Section **53G-6-902** is amended to read:
- 2299 **53G-6-902 (Effective 05/06/26). Participation in school athletic activities.**
- 2300 (1) Notwithstanding any state board rule:
- 2301 (a) a public school or LEA, or a private school that competes against a public school or
- 2302 LEA, shall expressly designate school athletic activities and teams as one of the
- 2303 following, based on sex:
- 2304 (i) designated for students of the male sex;
- 2305 (ii) designated for students of the female sex; or
- 2306 (iii) "coed" or "mixed";
- 2307 (b) a student of the male sex may not compete, and a public school or LEA may not

2308 allow a student of the male sex to compete, with a team designated for students of the  
 2309 female sex in an interscholastic athletic activity; and  
 2310 (c) a government entity or licensing or accrediting organization may not entertain a  
 2311 complaint, open an investigation, or take any other adverse action against a school or  
 2312 LEA described in Subsection (1)(a) for maintaining separate school athletic activities  
 2313 for students of the female sex.

2314 (2) Nothing in this section prohibits an LEA or school from allowing a student of either [  
 2315 ~~gender~~] sex from participating with a team designated for students of the female sex,  
 2316 consistent with school policy, outside of competition in an interscholastic athletic  
 2317 activity, in accordance with Subsection (1)(b).

2318 Section 35. Section **53G-6-1001** is amended to read:

2319 **53G-6-1001 (Effective 05/06/26). Definitions.**

2320 As used in this part:

2321 (1) "Athletic association" means an association, as that term is defined in Section  
 2322 53G-7-1101.

2323 ~~(2)~~ "Attempted sex change" means the same as that term is defined in Section 58-67-102.

2324 ~~[(2)]~~ (3) "Birth certificate" means an official record of an individual's date of birth, place of  
 2325 birth, sex, and parentage, including a supplementary certificate of birth or birth  
 2326 certificate amendment and amendment history as provided in [Sections] Section  
 2327 26B-8-110[-and 26B-8-111].

2328 ~~[(3)]~~ (4) "Commission" means the School Activity Eligibility Commission created in  
 2329 Section 53G-6-1003.

2330 ~~[(4)]~~ (5) "Does not correspond with the sex designation" means that a student's sex  
 2331 designation for an interscholastic activity in which a student seeks participation does not  
 2332 correspond with the sex designation on the student's birth certificate or an amendment,  
 2333 including the amendment history, to the student's birth certificate that the Division of  
 2334 Vital Records and Statistics provides.

2335 ~~[(5)]~~ (6) "Female-designated" means that an interscholastic activity is designated  
 2336 specifically for female students.

2337 ~~[(6) "Gender-designated" means that an interscholastic activity or facility is designated~~  
 2338 ~~specifically for female or male students.]~~

2339 (7) "Gender identity" means the same as that term is defined in Section 34A-5-102.

2340 (8) "Interscholastic activity" means an activity in which a student represents the student's  
 2341 school in the activity in competition against another school.

2342 (9) "Male-designated" means that an interscholastic activity is designated specifically for  
2343 male students.

2344 (10) "Sex-designated" means that an interscholastic activity or facility is designated  
2345 specifically for female or male students.

2346 [(10)] (11) "Student" means a student who is enrolled in a public school that participates in  
2347 interscholastic activities.

2348 [(11)] (12) "Unamended birth certificate" means a birth certificate:

2349 (a) with no amendment history; or

2350 (b) with an amendment history that:

2351 (i) does not include [~~gender-related~~] sex-related amendments; or

2352 (ii) includes [~~gender-related~~] sex-related amendments that only:

2353 (A) correct an error or omission resulting from a scrivener's error under  
2354 Subsection 26B-8-107(2); or

2355 (B) correct a misidentification of birth sex for an intersex individual under  
2356 Subsection 26B-8-107(2).

2357 Section 36. Section **53G-6-1003** is amended to read:

2358 **53G-6-1003 (Effective 05/06/26). School Activity Eligibility Commission --**  
2359 **Baseline range.**

2360 (1) There is created the School Activity Eligibility Commission.

2361 (2)(a) The commission shall consist of the following members:

2362 (i) the following two members whom the president of the Senate appoints:

2363 (A) a mental health professional; and

2364 (B) a statistician with expertise in the analysis of medical data;

2365 (ii) the following two members whom the speaker of the House of Representatives  
2366 appoints:

2367 (A) a physician with expertise in gender identity healthcare, including an  
2368 endocrinologist, a family medicine physician, or a pediatrician; and

2369 (B) a sports physiologist, an exercise physiologist, a sports medicine physician, a  
2370 pediatrician with experience in youth sports, or an orthopedist or orthopedic  
2371 surgeon;

2372 (iii) the following two members whom the governor appoints:

2373 (A) a representative of an athletic association; and

2374 (B) an athletic trainer who serves student athletes on the collegiate level; and

2375 (iv) one ad hoc member, serving on a case-by-case basis, who is:

- 2376 (A) appointed by the athletic association in which the relevant student's school  
2377 competes; and
- 2378 (B) a certified high school coach or official who coaches or officiates in a separate  
2379 region or classification from the relevant student's school and in the sport in  
2380 which the relevant student seeks eligibility.
- 2381 (b) An athletic association may prepare and communicate the association's sport-specific  
2382 appointments described in Subsection (2)(a)(iv) in preparation for student requests in  
2383 a given sport.
- 2384 (3)(a) A member of the commission described in Subsections (2)(a)(i) through (iii) shall  
2385 serve an initial term of one year, subject to reappointment for subsequent terms of  
2386 two years.
- 2387 (b) If a vacancy occurs in the membership of the commission, the individual responsible  
2388 for the appointment of the vacant seat as described in Subsection (2) shall fill the  
2389 vacancy in the same manner as the original appointment.
- 2390 (4)(a)(i) Except as provided in Subsection (4)(a)(ii):
- 2391 (A) all members of the commission constitute a quorum of the commission for a  
2392 meeting to determine the eligibility of a student; and
- 2393 (B) all members of the commission described in Subsections (2)(a)(i) through (iii)  
2394 constitute a quorum for any meeting other than the meeting described in  
2395 Subsection (4)(a)(i).
- 2396 (ii) The commission satisfies the quorum requirements described in Subsection  
2397 (4)(a)(i) if no more than one of the commission positions described in Subsections  
2398 (2)(a)(i) through (iii) is vacant.
- 2399 (b) An action of a majority of a quorum constitutes an action of the commission.
- 2400 (5) A majority of the commission members described in Subsections (2)(a)(i) through (iii)  
2401 shall elect a chair from among the members described in Subsections (2)(a)(i) through  
2402 (iii) to:
- 2403 (a) schedule meetings of the commission;
- 2404 (b) set the agenda of commission meetings; and
- 2405 (c) facilitate discussion among the commission's members.
- 2406 (6) A commission member:
- 2407 (a) may not receive compensation or benefits for the member's service on the  
2408 commission; and
- 2409 (b) may receive per diem and reimbursement for travel expenses that the commission

- 2410 member incurs as a commission member at the rates that the Division of Finance  
2411 establishes under:
- 2412 (i) Sections 63A-3-106 and 63A-3-107; and  
2413 (ii) rules that the Division of Finance makes under Sections 63A-3-106 and  
2414 63A-3-107.
- 2415 (7) The Department of Government Operations shall provide administrative staff support to  
2416 the commission.
- 2417 (8)(a) The commission shall, to the extent possible based on the available evidence,  
2418 establish a baseline range of physical characteristics for students participating in a  
2419 specific [~~gender-designated~~] sex-designated activity at a specific age to provide the  
2420 context for the evaluation of an individual student's eligibility for a given [  
2421 ~~gender-designated~~] sex-designated interscholastic activity under Section 53G-6-1004.
- 2422 (b) In creating the baseline ranges described in Subsection (8)(a), the commission shall  
2423 include the physical characteristics for the age and [~~gender~~] sex group in a given [  
2424 ~~gender-designated~~] sex-designated interscholastic activity that are relevant to the  
2425 specific interscholastic activity.
- 2426 (c) The physical characteristics described in Subsection (8)(b) may include height,  
2427 weight, physical characteristics relevant to the application of the standard described  
2428 in Subsection 53G-6-1004(3), or the extent of physical characteristics affected by  
2429 puberty, giving consideration to the practicability of considering the physical  
2430 characteristic when making an assessment of an individual student's eligibility under  
2431 Section 53G-6-1004.
- 2432 (9) The following records that relate to the application or analysis of or determination under  
2433 this part regarding the eligibility of a specific student shall be classified as a protected  
2434 record under Title 63G, Chapter 2, Government Records Access and Management Act:
- 2435 (a) any record of the commission, including any communication between an athletic  
2436 association and the commission; and  
2437 (b) any record that a school or LEA possesses.
- 2438 (10) Members of the commission are immune from suit with respect to all acts done and  
2439 actions taken in good faith in carrying out the purposes of this part.
- 2440 (11) The commission has no authority in relation to eligibility questions other than  
2441 participation in a [~~gender-designated~~] sex-designated interscholastic activity under this  
2442 part.
- 2443 Section 37. Section **53G-6-1004** is amended to read:

2444 **53G-6-1004 (Effective 05/06/26). Eligibility for interscholastic activities.**

2445 (1)(a) Notwithstanding any state board rule or policy of an athletic association, and  
2446 except as provided in Subsections (1)(b) and (c):

- 2447 (i) once a student has obtained the eligibility approval of the commission under  
2448 Subsection (2), unless otherwise prohibited by federal law or a policy of an LEA,  
2449 school, or athletic association that governs the relevant interscholastic athletic  
2450 activity, the student is eligible under this part to participate in a [~~gender-designated~~]  
2451 sex-designated interscholastic activity that does not correspond with the sex  
2452 designation on the student's unamended birth certificate for the given school year;  
2453 and
- 2454 (ii) if a student does not obtain the eligibility approval of the commission under  
2455 Subsection (2), the student may not participate in a [~~gender-designated~~]  
2456 sex-designated interscholastic activity that does not correspond with the sex  
2457 designation on the student's unamended birth certificate.

2458 (b) A student may only participate in a [~~gender-designated~~] sex-designated  
2459 interscholastic activity that does not correspond with the student's sex, as defined in  
2460 Section 68-3-12.5, if the student obtains the eligibility approval of the commission  
2461 under Subsection (2).

2462 (c) Nothing in this part prohibits a student from participating in a [~~gender-designated~~]  
2463 sex-designated interscholastic activity in accordance with 34 C.F.R. Sec. 106.41(b).

2464 (2)(a) When a student registers with an athletic association to participate in a [  
2465 ~~gender-designated~~] sex-designated interscholastic activity:

2466 (i) a student who has undergone or is undergoing [~~a gender transition~~] an attempted  
2467 sex change shall notify the athletic association of the student's [~~transition~~]  
2468 attempted sex change and the need for the commission's eligibility approval as  
2469 described in Subsection (1)(b);

2470 (ii) the athletic association shall notify the commission of:

2471 (A) a student for whom an eligibility determination of the commission is required  
2472 due to the sex designation on the student's unamended birth certificate not  
2473 corresponding with the [~~gender~~] sex designation of the [~~gender-designated~~]  
2474 sex-designated interscholastic activity in which the student seeks to participate  
2475 or the student's notice of [~~a gender transition~~] an attempted sex change under  
2476 Subsection [~~(1)(b)~~] (2)(a)(i); and

2477 (B) the association's ad hoc appointment to the commission described in

- 2478 Subsection 53G-6-1003(2)(a)(iv); and
- 2479 (iii) the athletic association shall notify the student described in this Subsection (2)(a)
- 2480 regarding the process for determining the student's eligibility for the activity under
- 2481 this section.
- 2482 (b) The commission shall:
- 2483 (i)(A) schedule at least three non-public meetings throughout the school year to
- 2484 consider any student eligibility notifications described in Subsection (2)(a) the
- 2485 commission has received at least 14 days before the date of each meeting; and
- 2486 (B) give notice of each scheduled meeting and the associated 14-day deadline to
- 2487 the relevant athletic association; and
- 2488 (ii)(A) if the commission receives a notification described in Subsection (2)(a)
- 2489 after the 14-day deadline described in Subsection (2)(b)(i), schedule an ad hoc
- 2490 non-public meeting to consider the given student's eligibility, occurring within
- 2491 60 days after the day on which the commission receives the notification; and
- 2492 (B) give notice of the ad hoc meeting to the relevant athletic association and the
- 2493 parents of each student seeking an eligibility determination.
- 2494 (c) Before the meeting described in Subsection (2)(b):
- 2495 (i) the student for whom the commission has scheduled the meeting or the student's
- 2496 parent or guardian is not required but may submit to the commission any
- 2497 information the student wishes to disclose to the commission that may be relevant
- 2498 to the commission's eligibility determination, including information regarding:
- 2499 (A) the [~~gender-designated~~] sex-designated interscholastic activities for which the
- 2500 student seeks eligibility;
- 2501 (B) the [~~gender-designated~~] sex-designated interscholastic activities in which the
- 2502 student has previously participated; and
- 2503 (C) the student's physical characteristics or medical treatments that support the
- 2504 student's eligibility for the specific [~~gender-designated~~] sex-designated
- 2505 interscholastic activity;
- 2506 (ii) the commission may request additional evidence from the student that is:
- 2507 (A) limited to the extent possible to protect the student's privacy; and
- 2508 (B) only directly relevant to the commission's eligibility determination; and
- 2509 (iii) the commission may offer the student a voucher to cover the cost of a diagnostic
- 2510 assessment if the commission makes a request for medical information under
- 2511 Subsection (2)(c)(ii) for which the student's insurance does not provide coverage

- 2512 or reimbursement for the diagnostic that:
- 2513 (A) would provide the requested information; and
- 2514 (B) is not free or otherwise readily available to the student.
- 2515 (d) During the meeting described in Subsection (2)(b):
- 2516 (i) only the following individuals may be present or participate electronically:
- 2517 (A) the student for whom the commission is meeting to make an eligibility
- 2518 determination;
- 2519 (B) the student's parents or guardians;
- 2520 (C) the members and necessary staff of the commission; and
- 2521 (D) any medical professionals or other witnesses the student chooses to include to
- 2522 support the student's eligibility;
- 2523 (ii) attendees may participate in person or electronically; and
- 2524 (iii) the commission shall:
- 2525 (A) hear the information that supports the student's eligibility;
- 2526 (B) deliberate the facts relevant to the student's physical characteristics and
- 2527 eligibility in camera or otherwise after temporarily excusing from the meeting
- 2528 the student, the student's parents or legal guardians, and any medical
- 2529 professionals or other witnesses whom the student includes; and
- 2530 (C) render the commission's eligibility determination in accordance with
- 2531 Subsection (3) or request additional information and schedule an additional
- 2532 commission meeting to be held within 30 days of the meeting and in
- 2533 accordance with this Subsection (2)(d) to discuss the additional information
- 2534 and render the commission's eligibility determination.
- 2535 (e) The commission may not address the commission's application or analysis of or
- 2536 determination under this part regarding the eligibility of a specific student in a public
- 2537 meeting or public communication.
- 2538 (3)(a) In making an eligibility determination, the commission, after considering whether
- 2539 the student's assertion of a gender identity is consistent with the statutory definition
- 2540 of gender identity as that term is defined in Section 34A-5-102, including the
- 2541 implications for the student's mental health of participating in the [~~gender-designated~~
- 2542 sex-designated] interscholastic activity, shall:
- 2543 (i) make a determination based on a preponderance of the evidence regarding
- 2544 whether, when measured against the relevant baseline range described in
- 2545 Subsection 53G-6-1003(8), granting the student's eligibility would:

- 2546 (A) present a substantial safety risk to the student or others that is significantly  
 2547 greater than the inherent risks of the given activity; or  
 2548 (B) likely give the student a material competitive advantage, as the commission  
 2549 defines, when compared to students of the same age competing in the relevant [  
 2550 ~~gender-designated~~] sex-designated activity, including consideration of the  
 2551 student's previous history of participation in [~~gender-designated~~] sex-designated  
 2552 interscholastic activities; and
- 2553 (ii) record the commission's decision and rationale in writing and provide the written  
 2554 decision to the athletic association within 30 days after the day on which the  
 2555 commission renders an eligibility decision under this Subsection (3)(a) in a  
 2556 meeting described in Subsection (2)(b).
- 2557 (b) Upon receipt of the commission's determination and rationale under Subsection (3)(a),  
 2558 the athletic association shall notify the student and the relevant school or LEA of the  
 2559 commission's determination and rationale.
- 2560 (c) A school or LEA shall comply with the commission's determination under this  
 2561 Subsection (3).
- 2562 (d) An eligibility determination of the commission only applies for the relevant school  
 2563 year.
- 2564 (4)(a) Notwithstanding any other provision of law and except as provided in Subsections  
 2565 (3)(b) and (4)(b), the commission may not disclose:
- 2566 (i) the name of a student whose eligibility the commission will consider, is  
 2567 considering, or has considered; or  
 2568 (ii) the commission's determination regarding a student's eligibility.
- 2569 (b) The commission shall disclose the commission's determination of a student's  
 2570 eligibility for a given [~~gender-designated~~] sex-designated interscholastic activity to  
 2571 the relevant athletic association, only for the purpose of confirming whether the  
 2572 student is eligible for the interscholastic activity.
- 2573 (c)(i) Notwithstanding any other provision of law, an athletic association may not  
 2574 disclose the information described in Subsections (4)(a)(i) and (ii).
- 2575 (ii) Nothing in this Subsection (4) prohibits an athletic association from affirming  
 2576 that a student is eligible if the eligibility of a student is questioned.

2577 Section 38. Section **53G-6-1101** is amended to read:

2578 **53G-6-1101 (Effective 05/06/26). Report -- Action plan.**

- 2579 (1) As used in this section:

- 2580 [(a) "~~Gender-designated interscholastic sport~~" means a sport that is specifically  
2581 ~~designated for female or male students.~~]
- 2582 [(~~b~~) (a) "Interscholastic sport" means an activity in which a student represents the  
2583 student's school in the sport in competition against another school.
- 2584 [(~~e~~) (b) "School" means a public school that sponsors or offers an interscholastic sport in  
2585 which students enrolled at the school may participate.
- 2586 (c) "Sex-designated interscholastic sport" means a sport that is specifically designated  
2587 for female or male students.
- 2588 (d) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec.  
2589 1681 et seq.
- 2590 (2) Before the beginning of each academic year, the athletic director or another  
2591 administrator of each school shall report to the school's local governing board regarding:  
2592 (a) the number and type of interscholastic sports available at the school, categorized by [  
2593 ~~gender~~] sex designation;
- 2594 (b) the number of students competing in a [~~gender-designated~~] sex-designated  
2595 interscholastic sport at the school, categorized by [~~gender~~] sex;
- 2596 (c) the amount of spending that the school devotes to each [~~gender-designated~~]  
2597 sex-designated sport, reported in total amount and on a per-student basis;
- 2598 (d) a comparison and evaluation of designated practice and game locations in [  
2599 ~~gender-designated~~] sex-designated interscholastic sports;
- 2600 (e) any information regarding the school's efforts in compliance with Title 63G, Chapter  
2601 31, Part 2, Distinctions on the Basis of Sex, and Title IX; and
- 2602 (f) if there is a discrepancy between male-designated and female-designated sports of  
2603 10% or greater, an action plan that the school develops to address the discrepancy.
- 2604 (3) An LEA governing board that receives the report described in Subsection (2) shall  
2605 review the report in a public board meeting.
- 2606 Section 39. Section **53G-8-301** is amended to read:  
2607 **53G-8-301 (Effective 05/06/26). Emergency safety interventions -- Appropriate**  
2608 **uses -- Penalties.**
- 2609 (1) As used in this section:  
2610 (a) "Corporal punishment" means the intentional infliction of physical pain upon the  
2611 body of a student as a disciplinary measure.
- 2612 (b) "Emergency safety intervention" means the use of seclusion or physical restraint  
2613 when a student presents an immediate danger to self or others.

- 2614 (c) "Physical escort" means a temporary touching or holding of the hand, wrist, arm,  
 2615 shoulder, or back for the purpose of guiding a student to another location.
- 2616 (d) "Physical restraint" means a personal restriction that immobilizes or significantly  
 2617 reduces the ability of a student to move the student's arms, legs, body, or head freely.
- 2618 (e) "School" means a public or private elementary school, secondary school, or  
 2619 preschool.
- 2620 (f) "Seclusion" means seclusionary time out that is the involuntary confinement of a  
 2621 student alone in a room or area from which the student is physically prevented from  
 2622 leaving, including:  
 2623 (i) placing a student in a locked room; or  
 2624 (ii) placing a student in a room where the door is blocked by furniture or held closed  
 2625 by staff.
- 2626 (g) "Student" means an individual who is:  
 2627 (i) under ~~[the age of]~~ 19 years old and receiving educational services; or  
 2628 (ii) under ~~[the age of]~~ 23 years old and receiving educational services as an individual  
 2629 with a disability.
- 2630 (2)(a) A school employee shall first use the least restrictive intervention available to the  
 2631 school employee, including a physical escort, to address circumstances described in  
 2632 Subsection (4).
- 2633 (b) Nothing in this section prohibits a school employee from subsequently using less  
 2634 restrictive interventions to address circumstances described in Subsection (4).
- 2635 (3)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
 2636 the state board shall make rules to:  
 2637 (i) establish guidelines and best practices that consider individual student needs  
 2638 related to emergency safety interventions described in Subsection (10)(b);  
 2639 (ii) establish intervention reporting requirements;  
 2640 (iii) create school staff training standards that may be included in an existing training;  
 2641 (iv) develop parental notification procedures;  
 2642 (v) implement data collection and review processes;  
 2643 (vi) establish investigation protocols; and  
 2644 (vii) establish data collection and reporting requirements for an LEA regarding:  
 2645 (A) incidents of seclusion;  
 2646 (B) alternative interventions used;  
 2647 (C) student demographic information, including sex, ~~[gender,]~~ age, grade in

- 2648 school, and applicable disability status; and  
2649 (D) incident outcomes.
- 2650 (b) The state board shall include the information described in Subsection (3)(a) in the  
2651 State Superintendent's Annual Report described in Section 53E-1-203.
- 2652 (4) A school employee may use reasonable and necessary physical restraint only:  
2653 (a) in self defense;  
2654 (b) to obtain possession of a weapon or other dangerous object in the possession or  
2655 under the control of a student;  
2656 (c) to protect a student or another individual from physical injury;  
2657 (d) to remove from a situation a student who is violent; or  
2658 (e) to protect property from being damaged, when physical safety is at risk.
- 2659 (5)(a) A school employee may not inflict or cause the infliction of corporal punishment  
2660 upon a student.
- 2661 (b) The reporting and investigation requirements of Title 80, Chapter 2, Part 6, Child  
2662 Abuse and Neglect Reports, apply to complaints on corporal punishment.
- 2663 (c) Evidence of corporal punishment that would qualify as reasonable discipline under  
2664 Section 76-2-401 is insufficient to establish liability in a civil or criminal action.
- 2665 (d) Subject to the Rules of Evidence, evidence of corporal punishment that exceeds  
2666 reasonable discipline under Section 76-2-401 may be used by a court to establish  
2667 civil or criminal liability.
- 2668 (6) School authorities shall take prompt and appropriate action, including in-service  
2669 training and other administrative action, upon confirming a violation of this section.
- 2670 (7) The Division of Child and Family Services shall maintain all violation reports made in  
2671 accordance with this section under the confidentiality requirements of Section 80-2-1005.
- 2672 (8) A school or individual who makes a good faith report or cooperates in an investigation  
2673 shall receive immunity from civil or criminal liability.
- 2674 (9) A court with jurisdiction under Title 78A, Judiciary and Judicial Administration, may  
2675 take appropriate action against any employing entity if the court finds that the  
2676 employing entity has not taken reasonable steps to enforce the provisions of this part.
- 2677 (10) A school:  
2678 (a) may not:  
2679 (i) enforce any rule, policy, or directive that permits acts prohibited by this section;  
2680 (ii) sanction an employee who refuses to commit a prohibited act; or  
2681 (iii) except as provided in Subsection (10)(b), use seclusion:

- 2682 (A) as an intervention or disciplinary practice;
- 2683 (B) for coercion, retaliation, or humiliation; or
- 2684 (C) due to inadequate staffing or for the staff member's convenience;
- 2685 (b) for a student in grade 1 or higher, may use seclusion as an emergency safety
- 2686 intervention only when:
- 2687 (i) the LEA has developed and implemented written policies and procedures that:
- 2688 (A) describe the circumstances under which a staff member may use seclusion;
- 2689 (B) describe which staff members are authorized to use seclusion;
- 2690 (C) describe procedures for monitoring a student that is in seclusion;
- 2691 (D) describe time limitations on the use of seclusion;
- 2692 (E) require immediate and continuous review of the decision to use seclusion;
- 2693 (F) require documenting the use of seclusion;
- 2694 (G) describe record keeping requirements for records related to the use of
- 2695 seclusion; and
- 2696 (H) require debriefing of all witnesses, involved staff members, the student who
- 2697 was secluded, and the parent of the student who was secluded;
- 2698 (ii) a student poses an immediate and significant threat to the student or others;
- 2699 (iii) less restrictive interventions have failed;
- 2700 (iv) a staff member who is familiar to the student is actively supervising the student
- 2701 for the duration of the seclusion; and
- 2702 (v) the use is time-limited to a maximum time of 30 minutes and monitored;
- 2703 (c) if seclusion was used, shall document the reason for its use, duration, and any
- 2704 alternative strategies attempted; and
- 2705 (d) shall notify parents immediately, and not to exceed 15 minutes after the use, of any
- 2706 emergency safety intervention used on the parent's child, including seclusion or
- 2707 physical restraint.
- 2708 (11) An LEA shall collect and report data to the state board annually regarding:
- 2709 (a) an incident; and
- 2710 (b) for each incident, the:
- 2711 (i) duration of an intervention used to respond to the incident;
- 2712 (ii) stated purpose for any intervention used;
- 2713 (iii) alternative interventions attempted;
- 2714 (iv) student demographic information, including sex, [~~gender,~~] age, grade in school,
- 2715 and applicable disability status; and

2716 (v) relevant training offered to staff and if the staff involved received the relevant  
2717 training without revealing the identity of the staff member.

2718 (12) This section does not apply to:

2719 (a) a law enforcement officer as defined in Section 53-13-103;

2720 (b) a parochial or private school that:

2721 (i) does not receive state funds;

2722 (ii) adopts a policy of exemption from this section; and

2723 (iii) notifies the parents of students in the school of the exemption; or

2724 (c) behavior support intervention which is in compliance with:

2725 (i) Section 76-2-401; and

2726 (ii) state and local rules adopted under Section 53E-7-204.

2727 (13) Any violations of this section, including violations of any standards for seclusion or  
2728 physical restraint established by the state board pursuant to this section, shall:

2729 (a) constitute an act of unlawful detention and is subject to the penalty described in  
2730 Section 76-5-304; and

2731 (b) result in a referral to:

2732 (i) local law enforcement; and

2733 (ii) the Utah Professional Practices Advisory Commission established in Section  
2734 53E-6-501.

2735 Section 40. Section **57-3-107** is amended to read:

2736 **57-3-107 (Effective 05/06/26). Unenforceable covenants -- Definition -- Inclusion**  
2737 **in recorded document.**

2738 (1) As used in this chapter, "unenforceable covenant" means a restriction on alienation of  
2739 real property, whether recited in a document to be recorded under this chapter, or recited  
2740 in a document of record under this chapter, which is based on race, [~~gender~~] sex, national  
2741 origin, marital status, or a similar classification determined to be unenforceable under  
2742 state or federal law.

2743 (2) A document which recites an unenforceable covenant may be recorded as provided in  
2744 this chapter.

2745 (3) Any unenforceable covenant recited in a document to be recorded under this chapter or  
2746 recited in a document of record is considered void, but does not invalidate the remainder  
2747 of the document.

2748 Section 41. Section **57-21-2** is amended to read:

2749 **57-21-2 (Effective 05/06/26). Definitions.**

2750 As used in this chapter:

- 2751 (1) "Affiliate" means the same as that term is defined in Section 16-6a-102.
- 2752 (2) "Aggrieved person" includes a person who:
- 2753 (a) claims to have been injured by a discriminatory housing practice; or
- 2754 (b) believes that the person will be injured by a discriminatory housing practice that is
- 2755 about to occur.
- 2756 (3) "Commission" means the Labor Commission.
- 2757 (4) "Complainant" means an aggrieved person, including the director, who has commenced
- 2758 a complaint with the division.
- 2759 (5) "Conciliation" means the attempted resolution of an issue raised in a complaint of
- 2760 discriminatory housing practices by the investigation of the complaint through informal
- 2761 negotiations involving the complainant, the respondent, and the division.
- 2762 (6) "Conciliation agreement" means a written agreement setting forth the resolution of the
- 2763 issues in conciliation.
- 2764 (7) "Conciliation conference" means the attempted resolution of an issue raised in a
- 2765 complaint or by the investigation of a complaint through informal negotiations involving
- 2766 the complainant, the respondent, and the division. The conciliation conference is not
- 2767 subject to Title 63G, Chapter 4, Administrative Procedures Act.
- 2768 (8) "Covered multifamily dwelling" means:
- 2769 (a) a building consisting of four or more dwelling units if the building has one or more
- 2770 elevators; and
- 2771 (b) the ground floor units in other buildings consisting of four or more dwelling units.
- 2772 (9) "Director" means the director of the division or a designee.
- 2773 (10)(a) "Disability" means a physical or mental impairment that substantially limits one
- 2774 or more of a person's major life activities, including a person having a record of such
- 2775 an impairment or being regarded as having such an impairment.
- 2776 (b) "Disability" does not include current illegal use of, or addiction to, any federally
- 2777 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
- 2778 U.S.C. Sec. 802.
- 2779 (11) "Discriminate" includes segregate or separate.
- 2780 (12) "Discriminatory housing practice" means an act that is unlawful under this chapter.
- 2781 (13) "Division" means the Division of Antidiscrimination and Labor established under the
- 2782 commission.
- 2783 (14) "Dwelling" means:

- 2784 (a) a building or structure, or a portion of a building or structure, occupied as, designed  
2785 as, or intended for occupancy as a residence of one or more families; or  
2786 (b) vacant land that is offered for sale or lease for the construction or location of a  
2787 dwelling as described in Subsection (14)(a).
- 2788 (15)(a) "Familial status" means one or more individuals who have not attained the age of  
2789 18 years old being domiciled with:
- 2790 (i) a parent or another person having legal custody of the one or more individuals; or  
2791 (ii) the designee of the parent or other person having custody, with the written  
2792 permission of the parent or other person.
- 2793 (b) The protections afforded against discrimination on the basis of familial status apply  
2794 to a person who:
- 2795 (i) is pregnant;  
2796 (ii) is in the process of securing legal custody of any individual who has not attained  
2797 the age of 18 years old; or  
2798 (iii) is a single individual.
- 2799 (16) "Gender identity" has the meaning provided in the Diagnostic and Statistical Manual  
2800 (DSM-5). A person's gender identity can be shown by providing evidence, including,  
2801 but not limited to, medical history, care or treatment of the gender identity, consistent  
2802 and uniform assertion of the gender identity, or other evidence that the gender identity is  
2803 sincerely held, part of a person's core identity, and not being asserted for an improper  
2804 purpose.
- 2805 (17) "National origin" means the place of birth of an individual or of any lineal ancestors.
- 2806 (18) "Person" includes one or more individuals, corporations, limited liability companies,  
2807 partnerships, associations, labor organizations, legal representatives, mutual companies,  
2808 joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases  
2809 under the United States Bankruptcy Code, receivers, and fiduciaries.
- 2810 (19) "Presiding officer" has the same meaning as provided in Section 63G-4-103.
- 2811 (20) "Real estate broker" or "salesperson" means a principal broker, an associate broker, or  
2812 a sales agent as those terms are defined in Section 61-2f-102.
- 2813 (21) "Respondent" means a person against whom a complaint of housing discrimination has  
2814 been initiated.
- 2815 (22) "Sex" means [~~gender~~] the same as that term is defined in Section 68-3-12.5 and  
2816 includes pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
- 2817 (23) "Sexual orientation" means an individual's actual or perceived orientation as

2818 heterosexual, homosexual, or bisexual.

2819 (24) "Source of income" means the verifiable condition of being a recipient of federal, state,  
2820 or local assistance, including medical assistance, or of being a tenant receiving federal,  
2821 state, or local subsidies, including rental assistance or rent supplements.

2822 Section 42. Section **58-37f-301** is amended to read:

2823 **58-37f-301 (Effective 05/06/26). Access to database.**

2824 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
2825 Administrative Rulemaking Act, to:

2826 (a) effectively enforce the limitations on access to the database as described in this part;  
2827 and

2828 (b) establish standards and procedures to ensure accurate identification of individuals  
2829 requesting information or receiving information without request from the database.

2830 (2) The division shall make information in the database and information obtained from  
2831 other state or federal prescription monitoring programs by means of the database  
2832 available only to the following individuals, in accordance with the requirements of this  
2833 chapter and division rules:

2834 (a)(i) personnel of the division specifically assigned to conduct investigations related  
2835 to controlled substance laws under the jurisdiction of the division; and

2836 (ii) the following law enforcement officers, but the division may only provide  
2837 nonidentifying information, limited to [gender] sex, year of birth, and postal ZIP  
2838 code, regarding individuals for whom a controlled substance has been prescribed  
2839 or to whom a controlled substance has been dispensed:

2840 (A) a law enforcement agency officer who is engaged in a joint investigation with  
2841 the division; and

2842 (B) a law enforcement agency officer to whom the division has referred a  
2843 suspected criminal violation of controlled substance laws;

2844 (b) authorized division personnel engaged in analysis of controlled substance  
2845 prescription information as a part of the assigned duties and responsibilities of their  
2846 employment;

2847 (c) a board member if:

2848 (i) the board member is assigned to monitor a licensee on probation; and

2849 (ii) the board member is limited to obtaining information from the database regarding  
2850 the specific licensee on probation;

2851 (d) a person the division authorizes to obtain that information on behalf of the Utah

- 2852 Professionals Health Program established in Subsection 58-4a-103(1) if:
- 2853 (i) the person the division authorizes is limited to obtaining information from the
- 2854 database regarding the person whose conduct is the subject of the division's
- 2855 consideration; and
- 2856 (ii) the conduct that is the subject of the division's consideration includes a violation
- 2857 or a potential violation of Chapter 37, Utah Controlled Substances Act, or another
- 2858 relevant violation or potential violation under this title;
- 2859 (e) in accordance with a written agreement entered into with the department, employees
- 2860 of the Department of Health and Human Services:
- 2861 (i) whom the director of the Department of Health and Human Services assigns to
- 2862 conduct scientific studies regarding the use or abuse of controlled substances, if
- 2863 the identity of the individuals and pharmacies in the database are confidential and
- 2864 are not disclosed in any manner to any individual who is not directly involved in
- 2865 the scientific studies;
- 2866 (ii) when the information is requested by the Department of Health and Human
- 2867 Services in relation to a person or provider whom the Department of Health and
- 2868 Human Services suspects may be improperly obtaining or providing a controlled
- 2869 substance; or
- 2870 (iii) in the medical examiner's office;
- 2871 (f) in accordance with a written agreement entered into with the department, a designee
- 2872 of the director of the Department of Health and Human Services, who is not an
- 2873 employee of the Department of Health and Human Services, whom the director of the
- 2874 Department of Health and Human Services assigns to conduct scientific studies
- 2875 regarding the use or abuse of controlled substances pursuant to an application process
- 2876 established in rule by the Department of Health and Human Services, if:
- 2877 (i) the designee provides explicit information to the Department of Health and
- 2878 Human Services regarding the purpose of the scientific studies;
- 2879 (ii) the scientific studies to be conducted by the designee:
- 2880 (A) fit within the responsibilities of the Department of Health and Human
- 2881 Services for health and welfare;
- 2882 (B) are reviewed and approved by an Institutional Review Board that is approved
- 2883 for human subject research by the United States Department of Health and
- 2884 Human Services;
- 2885 (C) are not conducted for profit or commercial gain; and

- 2886 (D) are conducted in a research facility, as defined by division rule, that is  
2887 associated with a university or college accredited by one or more regional or  
2888 national accrediting agencies recognized by the United States Department of  
2889 Education;
- 2890 (iii) the designee protects the information as a business associate of the Department  
2891 of Health and Human Services; and
- 2892 (iv) the identity of the prescribers, patients, and pharmacies in the database are  
2893 de-identified, confidential, and not disclosed in any manner to the designee or to  
2894 any individual who is not directly involved in the scientific studies;
- 2895 (g) in accordance with a written agreement entered into with the department and the  
2896 Department of Health and Human Services, authorized employees of a managed care  
2897 organization, as defined in 42 C.F.R. Sec. 438, if:
- 2898 (i) the managed care organization contracts with the Department of Health and  
2899 Human Services under the provisions of Section 26B-3-202 and the contract  
2900 includes provisions that:
- 2901 (A) require a managed care organization employee who will have access to  
2902 information from the database to submit to a criminal background check; and
- 2903 (B) limit the authorized employee of the managed care organization to requesting  
2904 either the division or the Department of Health and Human Services to conduct  
2905 a search of the database regarding a specific Medicaid enrollee and to report  
2906 the results of the search to the authorized employee; and
- 2907 (ii) the information is requested by an authorized employee of the managed care  
2908 organization in relation to a person who is enrolled in the Medicaid program with  
2909 the managed care organization, and the managed care organization suspects the  
2910 person may be improperly obtaining or providing a controlled substance;
- 2911 (h) a licensed practitioner having authority to prescribe controlled substances, to the  
2912 extent the information:
- 2913 (i)(A) relates specifically to a current or prospective patient of the practitioner; and  
2914 (B) is provided to or sought by the practitioner for the purpose of:
- 2915 (I) prescribing or considering prescribing any controlled substance to the  
2916 current or prospective patient;
- 2917 (II) diagnosing the current or prospective patient;
- 2918 (III) providing medical treatment or medical advice to the current or  
2919 prospective patient; or

- 2920 (IV) determining whether the current or prospective patient:
- 2921 (Aa) is attempting to fraudulently obtain a controlled substance from the
- 2922 practitioner; or
- 2923 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a
- 2924 controlled substance from the practitioner;
- 2925 (ii)(A) relates specifically to a former patient of the practitioner; and
- 2926 (B) is provided to or sought by the practitioner for the purpose of determining
- 2927 whether the former patient has fraudulently obtained, or has attempted to
- 2928 fraudulently obtain, a controlled substance from the practitioner;
- 2929 (iii) relates specifically to an individual who has access to the practitioner's Drug
- 2930 Enforcement Administration identification number, and the practitioner suspects
- 2931 that the individual may have used the practitioner's Drug Enforcement
- 2932 Administration identification number to fraudulently acquire or prescribe a
- 2933 controlled substance;
- 2934 (iv) relates to the practitioner's own prescribing practices, except when specifically
- 2935 prohibited by the division by administrative rule;
- 2936 (v) relates to the use of the controlled substance database by an employee of the
- 2937 practitioner, described in Subsection (2)(i); or
- 2938 (vi) relates to any use of the practitioner's Drug Enforcement Administration
- 2939 identification number to obtain, attempt to obtain, prescribe, or attempt to
- 2940 prescribe, a controlled substance;
- 2941 (i) in accordance with Subsection (3)(a), an employee of a practitioner described in
- 2942 Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:
- 2943 (i) the employee is designated by the practitioner as an individual authorized to
- 2944 access the information on behalf of the practitioner;
- 2945 (ii) the practitioner provides written notice to the division of the identity of the
- 2946 employee; and
- 2947 (iii) the division:
- 2948 (A) grants the employee access to the database; and
- 2949 (B) provides the employee with a password that is unique to that employee to
- 2950 access the database in order to permit the division to comply with the
- 2951 requirements of Subsection 58-37f-203(7) with respect to the employee;
- 2952 (j) an employee of the same business that employs a licensed practitioner under
- 2953 Subsection (2)(h) if:

- 2954 (i) the employee is designated by the practitioner as an individual authorized to  
2955 access the information on behalf of the practitioner;
- 2956 (ii) the practitioner and the employing business provide written notice to the division  
2957 of the identity of the designated employee; and
- 2958 (iii) the division:
- 2959 (A) grants the employee access to the database; and
- 2960 (B) provides the employee with a password that is unique to that employee to  
2961 access the database in order to permit the division to comply with the  
2962 requirements of Subsection 58-37f-203(7) with respect to the employee;
- 2963 (k) a licensed pharmacist having authority to dispense a controlled substance, or a  
2964 licensed pharmacy intern or pharmacy technician working under the general  
2965 supervision of a licensed pharmacist, to the extent the information is provided or  
2966 sought for the purpose of:
- 2967 (i) dispensing or considering dispensing any controlled substance;
- 2968 (ii) determining whether a person:
- 2969 (A) is attempting to fraudulently obtain a controlled substance from the pharmacy,  
2970 practitioner, or health care facility; or
- 2971 (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled  
2972 substance from the pharmacy, practitioner, or health care facility;
- 2973 (iii) reporting to the controlled substance database; or
- 2974 (iv) verifying the accuracy of the data submitted to the controlled substance database  
2975 on behalf of a pharmacy where the licensed pharmacist, pharmacy intern, or  
2976 pharmacy technician is employed;
- 2977 (l) pursuant to a valid search warrant, federal, state, and local law enforcement officers  
2978 and state and local prosecutors who are engaged in an investigation related to:
- 2979 (i) one or more controlled substances; and
- 2980 (ii) a specific person who is a subject of the investigation;
- 2981 (m) subject to Subsection (7), a probation or parole officer, employed by the Division of  
2982 Adult Probation and Parole created in Section 64-14-202 or by a political  
2983 subdivision, to gain access to database information necessary for the officer's  
2984 supervision of a specific probationer or parolee who is under the officer's direct  
2985 supervision;
- 2986 (n) employees of the Office of Internal Audit within the Department of Health and  
2987 Human Services who are engaged in their specified duty of ensuring Medicaid

- 2988 program integrity under Section 26B-3-104;
- 2989 (o) a mental health therapist, if:
- 2990 (i) the information relates to a patient who is:
- 2991 (A) enrolled in a licensed substance abuse treatment program; and
- 2992 (B) receiving treatment from, or under the direction of, the mental health therapist
- 2993 as part of the patient's participation in the licensed substance abuse treatment
- 2994 program described in Subsection (2)(o)(i)(A);
- 2995 (ii) the information is sought for the purpose of determining whether the patient is
- 2996 using a controlled substance while the patient is enrolled in the licensed substance
- 2997 abuse treatment program described in Subsection (2)(o)(i)(A); and
- 2998 (iii) the licensed substance abuse treatment program described in Subsection
- 2999 (2)(o)(i)(A) is associated with a practitioner who:
- 3000 (A) is a physician, a physician assistant, an advance practice registered nurse, or a
- 3001 pharmacist; and
- 3002 (B) is available to consult with the mental health therapist regarding the
- 3003 information obtained by the mental health therapist, under this Subsection
- 3004 (2)(o), from the database;
- 3005 (p) an individual who is the recipient of a controlled substance prescription entered into
- 3006 the database, upon providing evidence satisfactory to the division that the individual
- 3007 requesting the information is in fact the individual about whom the data entry was
- 3008 made;
- 3009 (q) an individual under Subsection (2)(p) for the purpose of obtaining a list of the
- 3010 persons and entities that have requested or received any information from the
- 3011 database regarding the individual, except if the individual's record is subject to a
- 3012 pending or current investigation as authorized under this Subsection (2);
- 3013 (r) the inspector general, or a designee of the inspector general, of the Office of
- 3014 Inspector General of Medicaid Services, for the purpose of fulfilling the duties
- 3015 described in Title 63A, Chapter 13, Part 2, Office and Powers;
- 3016 (s) the following licensed physicians for the purpose of reviewing and offering an
- 3017 opinion on an individual's request for workers' compensation benefits under Title
- 3018 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah
- 3019 Occupational Disease Act:
- 3020 (i) a member of the medical panel described in Section 34A-2-601;
- 3021 (ii) a physician employed as medical director for a licensed workers' compensation

- 3022 insurer or an approved self-insured employer; or
- 3023 (iii) a physician offering a second opinion regarding treatment;
- 3024 (t) members of Utah's Opioid Fatality Review Committee, for the purpose of reviewing a
- 3025 specific fatality due to opioid use and recommending policies to reduce the frequency
- 3026 of opioid use fatalities;
- 3027 (u) a licensed pharmacist who is authorized by a managed care organization as defined
- 3028 in Section 31A-1-301 to access the information on behalf of the managed care
- 3029 organization, if:
- 3030 (i) the managed care organization believes that an enrollee of the managed care
- 3031 organization has obtained or provided a controlled substance in violation of a
- 3032 medication management program contract between the enrollee and the managed
- 3033 care organization; and
- 3034 (ii) the managed care organization included a description of the medication
- 3035 management program in the enrollee's outline of coverage described in Subsection
- 3036 31A-22-605(7); and
- 3037 (v) the Utah Medicaid Fraud Control Unit of the attorney general's office for the purpose
- 3038 of investigating active cases, in exercising the unit's authority to investigate and
- 3039 prosecute Medicaid fraud, abuse, neglect, or exploitation under 42 U.S.C. Sec.
- 3040 1396b(q).
- 3041 (3)(a) A practitioner described in Subsection (2)(h) may designate one or more
- 3042 employees to access information from the database under Subsection (2)(i), (2)(j), or
- 3043 (4)(c).
- 3044 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 3045 Administrative Rulemaking Act, to:
- 3046 (i) establish background check procedures to determine whether an employee
- 3047 designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the
- 3048 database;
- 3049 (ii) establish the information to be provided by an emergency department employee
- 3050 under Subsection (4); and
- 3051 (iii) facilitate providing controlled substance prescription information to a third party
- 3052 under Subsection (5).
- 3053 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or
- 3054 (4)(c) access to the database, unless the division determines, based on a background
- 3055 check, that the employee poses a security risk to the information contained in the

- 3056 database.
- 3057 (4)(a) An individual who is employed in the emergency department of a hospital may  
3058 exercise access to the database under this Subsection (4) on behalf of a licensed  
3059 practitioner if the individual is designated under Subsection (4)(c) and the licensed  
3060 practitioner:
- 3061 (i) is employed or privileged to work in the emergency department;
  - 3062 (ii) is treating an emergency department patient for an emergency medical condition;  
3063 and
  - 3064 (iii) requests that an individual employed in the emergency department and  
3065 designated under Subsection (4)(c) obtain information regarding the patient from  
3066 the database as needed in the course of treatment.
- 3067 (b) The emergency department employee obtaining information from the database shall,  
3068 when gaining access to the database, provide to the database the name and any  
3069 additional identifiers regarding the requesting practitioner as required by division  
3070 administrative rule established under Subsection (3)(b).
- 3071 (c) An individual employed in the emergency department under this Subsection (4) may  
3072 obtain information from the database as provided in Subsection (4)(a) if:
- 3073 (i) the employee is designated by the hospital as an individual authorized to access  
3074 the information on behalf of the emergency department practitioner;
  - 3075 (ii) the hospital operating the emergency department provide written notice to the  
3076 division of the identity of the designated employee; and
  - 3077 (iii) the division:
    - 3078 (A) grants the employee access to the database; and
    - 3079 (B) provides the employee with a password that is unique to that employee to  
3080 access the database.
- 3081 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a  
3082 practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to  
3083 pay for the costs incurred by the division to conduct the background check and make  
3084 the determination described in Subsection (3)(b).
- 3085 (5)(a)(i) An individual may request that the division provide the information under  
3086 Subsection (5)(b) to a third party who is designated by the individual each time a  
3087 controlled substance prescription for the individual is dispensed.
- 3088 (ii) The division shall upon receipt of the request under this Subsection (5)(a) advise  
3089 the individual in writing that the individual may direct the division to discontinue

- 3090 providing the information to a third party and that notice of the individual's  
3091 direction to discontinue will be provided to the third party.
- 3092 (b) The information the division shall provide under Subsection (5)(a) is:
- 3093 (i) the fact a controlled substance has been dispensed to the individual, but without  
3094 identifying the controlled substance; and
- 3095 (ii) the date the controlled substance was dispensed.
- 3096 (c)(i) An individual who has made a request under Subsection (5)(a) may direct that  
3097 the division discontinue providing information to the third party.
- 3098 (ii) The division shall:
- 3099 (A) notify the third party that the individual has directed the division to no longer  
3100 provide information to the third party; and
- 3101 (B) discontinue providing information to the third party.
- 3102 (6)(a) An individual who is granted access to the database based on the fact that the  
3103 individual is a licensed practitioner or a mental health therapist shall be denied access  
3104 to the database when the individual is no longer licensed.
- 3105 (b) An individual who is granted access to the database based on the fact that the  
3106 individual is a designated employee of a licensed practitioner shall be denied access  
3107 to the database when the practitioner is no longer licensed.
- 3108 (7) A probation or parole officer is not required to obtain a search warrant to access the  
3109 database in accordance with Subsection (2)(m).
- 3110 (8) The division shall review and adjust the database programming which automatically  
3111 logs off an individual who is granted access to the database under Subsections (2)(h),  
3112 (2)(i), (2)(j), and (4)(c) to maximize the following objectives:
- 3113 (a) to protect patient privacy;
- 3114 (b) to reduce inappropriate access; and
- 3115 (c) to make the database more useful and helpful to a person accessing the database  
3116 under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations  
3117 such as an emergency department.
- 3118 (9) Any person who knowingly and intentionally accesses the database without express  
3119 authorization under this section is guilty of a class A misdemeanor.
- 3120 Section 43. Section **58-67-102** is amended to read:
- 3121 **58-67-102 (Effective 05/06/26). Definitions.**
- 3122 In addition to the definitions in Section 58-1-102, as used in this chapter:
- 3123 (1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize,

- 3124 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and  
3125 erbium: YAG lasers.
- 3126 (b) "Ablative procedure" does not include:
- 3127 (i) hair removal;
- 3128 (ii) laser tattoo removal; or
- 3129 (iii) cryolipolysis.
- 3130 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the  
3131 American Medical Association.
- 3132 (3) "Administrative penalty" means a monetary fine or citation imposed by the division for  
3133 acts or omissions determined to constitute unprofessional or unlawful conduct, in  
3134 accordance with a fine schedule established by the division in collaboration with the  
3135 board, as a result of an adjudicative proceeding conducted in accordance with Title 63G,  
3136 Chapter 4, Administrative Procedures Act.
- 3137 (4) "Associate physician" means an individual licensed under Section 58-67-302.8.
- 3138 (5) "Attempted sex change" means an attempt or effort to change an individual's body to  
3139 present that individual as being of a sex [~~or gender~~]that is different from the individual's  
3140 biological sex at birth.
- 3141 (6) "Biological sex at birth" means an individual's sex, as being male or female, according  
3142 to distinct reproductive roles as manifested by:
- 3143 (a) sex and reproductive organ anatomy;
- 3144 (b) chromosomal makeup; and
- 3145 (c) endogenous hormone profiles.
- 3146 (7) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 3147 (8) "Collaborating physician" means an individual licensed under Section 58-67-302 who  
3148 enters into a collaborative practice arrangement with an associate physician.
- 3149 (9) "Collaborative practice arrangement" means the arrangement described in Section  
3150 58-67-807.
- 3151 (10)(a) "Cosmetic medical device" means tissue altering energy based devices that have  
3152 the potential for altering living tissue and that are used to perform ablative or  
3153 nonablative procedures, such as American National Standards Institute designated  
3154 Class IIIb and Class IV lasers, intense pulsed light, radio frequency devices, and  
3155 lipolytic devices, and excludes American National Standards Institute designated  
3156 Class IIIa and lower powered devices.
- 3157 (b) Notwithstanding Subsection (10)(a), if an American National Standards Institute

- 3158 designated Class IIIa and lower powered device is being used to perform an ablative  
3159 procedure, the device is included in the definition of cosmetic medical device under  
3160 Subsection (10)(a).
- 3161 (11)(a) "Cosmetic medical procedure" includes:
- 3162 (i) the use of cosmetic medical devices to perform ablative or nonablative  
3163 procedures; or
- 3164 (ii) the injection of medication or substance, including a neurotoxin or a filler, for  
3165 cosmetic purposes.
- 3166 (b) "Cosmetic medical procedure" does not include a treatment of the ocular globe  
3167 including refractive surgery.
- 3168 (12) "Diagnose" means:
- 3169 (a) to examine in any manner another person, parts of a person's body, substances,  
3170 fluids, or materials excreted, taken, or removed from a person's body, or produced by  
3171 a person's body, to determine the source, nature, kind, or extent of a disease or other  
3172 physical or mental condition;
- 3173 (b) to attempt to conduct an examination or determination described under Subsection  
3174 (12)(a);
- 3175 (c) to hold oneself out as making or to represent that one is making an examination or  
3176 determination as described in Subsection (12)(a); or
- 3177 (d) to make an examination or determination as described in Subsection (12)(a) upon or  
3178 from information supplied directly or indirectly by another person, whether or not in  
3179 the presence of the person making or attempting the diagnosis or examination.
- 3180 (13) "LCME" means the Liaison Committee on Medical Education of the American  
3181 Medical Association.
- 3182 (14) "Medical assistant" means an unlicensed individual who may perform tasks as  
3183 described in Subsection 58-67-305(6).
- 3184 (15) "Medically underserved area" means a geographic area in which there is a shortage of  
3185 primary care health services for residents, as determined by the Department of Health  
3186 and Human Services.
- 3187 (16) "Medically underserved population" means a specified group of people living in a  
3188 defined geographic area with a shortage of primary care health services, as determined  
3189 by the Department of Health and Human Services.
- 3190 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to  
3191 alter living tissue, but is not intended or expected to excise, vaporize, disintegrate,

- 3192 or remove living tissue.
- 3193 (ii) Notwithstanding Subsection (17)(a)(i) nonablative procedure includes hair  
3194 removal.
- 3195 (b) "Nonablative procedure" does not include:
- 3196 (i) a superficial procedure as defined in Section 58-1-102;
- 3197 (ii) the application of permanent make-up;
- 3198 (iii) laser tattoo removal; or
- 3199 (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that are  
3200 performed by an individual licensed under this title who is acting within the  
3201 individual's scope of practice.
- 3202 (18) "Physician" means both physicians and surgeons licensed under Part 3, Licensing, and  
3203 osteopathic physicians and surgeons licensed under Chapter 68, Part 3, Licensing.
- 3204 (19)(a) "Practice of medicine" means:
- 3205 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human  
3206 disease, ailment, injury, infirmity, deformity, pain or other condition, physical or  
3207 mental, real or imaginary, including to perform cosmetic medical procedures, or to  
3208 attempt to do so, by any means or instrumentality, and by an individual in Utah or  
3209 outside the state upon or for any human within the state;
- 3210 (ii) when a person not licensed as a physician directs a licensee under this chapter to  
3211 withhold or alter the health care services that the licensee has ordered;
- 3212 (iii) to maintain an office or place of business for the purpose of doing any of the acts  
3213 described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or
- 3214 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis  
3215 or treatment of human diseases or conditions in any printed material, stationery,  
3216 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor  
3217 of medicine," "physician," "surgeon," "physician and surgeon," "Dr.," "M.D.," or  
3218 any combination of these designations in any manner which might cause a  
3219 reasonable person to believe the individual using the designation is a licensed  
3220 physician and surgeon, and if the party using the designation is not a licensed  
3221 physician and surgeon, the designation must additionally contain the description  
3222 of the branch of the healing arts for which the person has a license, provided that  
3223 an individual who has received an earned degree of doctor of medicine degree but  
3224 is not a licensed physician and surgeon in Utah may use the designation "M.D." if  
3225 it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and

3226 style of lettering.

3227 (b) [~~The practice~~] "Practice of medicine" does not include:

3228 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii) the  
3229 conduct described in Subsection (19)(a)(i) that is performed in accordance with a  
3230 license issued under another chapter of this title;

3231 (ii) an ablative cosmetic medical procedure if the scope of practice for the person  
3232 performing the ablative cosmetic medical procedure includes the authority to  
3233 operate or perform a surgical procedure; or

3234 (iii) conduct under Subsection 58-67-501(2).

3235 (20) "Prescription device" means an instrument, apparatus, implement, machine,  
3236 contrivance, implant, in vitro reagent, or other similar or related article, and any  
3237 component part or accessory, which is required under federal or state law to be  
3238 prescribed by a practitioner and dispensed by or through a person or entity licensed  
3239 under this chapter or exempt from licensure under this chapter.

3240 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be  
3241 dispensed only by prescription or is restricted to administration only by practitioners.

3242 (22)(a) "Primary sex characteristic surgical procedure" means any of the following if  
3243 done for the purpose of effectuating or facilitating an individual's attempted sex  
3244 change:

3245 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,  
3246 penectomy, vaginoplasty, or vulvoplasty;

3247 (ii) for an individual whose biological sex at birth is female, hysterectomy,  
3248 oophorectomy, metoidioplasty, or phalloplasty; or

3249 (iii) any surgical procedure that is related to or necessary for a procedure described in  
3250 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual  
3251 who is not sterile.

3252 (b) "Primary sex characteristic surgical procedure" does not include:

3253 (i) surgery or other procedures or treatments performed on an individual who:

3254 (A) is born with external biological sex characteristics that are irresolvably  
3255 ambiguous;

3256 (B) is born with 46, XX chromosomes with virilization;

3257 (C) is born with 46, XY chromosomes with undervirilization;

3258 (D) has both ovarian and testicular tissue; or

3259 (E) has been diagnosed by a physician, based on genetic or biochemical testing,

- 3260 with a sex development disorder characterized by abnormal sex chromosome  
3261 structure, sex steroid hormone production, or sex steroid hormone action for a  
3262 male or female; or
- 3263 (ii) removing a body part:
- 3264 (A) because the body part is cancerous or diseased; or
- 3265 (B) for a reason that is medically necessary, other than to effectuate or facilitate an  
3266 individual's attempted sex change.
- 3267 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if  
3268 done for the purpose of effectuating or facilitating an individual's attempted sex  
3269 change:
- 3270 (i) for an individual whose biological sex at birth is male, breast augmentation  
3271 surgery, chest feminization surgery, or facial feminization surgery; or
- 3272 (ii) for an individual whose biological sex at birth is female, mastectomy, breast  
3273 reduction surgery, chest masculinization surgery, or facial masculinization surgery.
- 3274 (b) "Secondary sex characteristic surgical procedure" does not include:
- 3275 (i) surgery or other procedures or treatments performed on an individual who:
- 3276 (A) is born with external biological sex characteristics that are irresolvably  
3277 ambiguous;
- 3278 (B) is born with 46, XX chromosomes with virilization;
- 3279 (C) is born with 46, XY chromosomes with undervirilization;
- 3280 (D) has both ovarian and testicular tissue; or
- 3281 (E) has been diagnosed by a physician, based on genetic or biochemical testing,  
3282 with a sex development disorder characterized by abnormal sex chromosome  
3283 structure, sex steroid hormone production, or sex steroid hormone action for a  
3284 male or female; or
- 3285 (ii) removing a body part:
- 3286 (A) because the body part is cancerous or diseased; or
- 3287 (B) for a reason that is medically necessary, other than to effectuate or facilitate an  
3288 individual's attempted sex change.
- 3289 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical  
3290 Boards.
- 3291 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and  
3292 58-67-501.
- 3293 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501

3294 and 58-67-502, and as may be further defined by division rule.

3295 Section 44. Section **58-68-102** is amended to read:

3296 **58-68-102 (Effective 05/06/26). Definitions.**

3297 In addition to the definitions in Section 58-1-102, as used in this chapter:

- 3298 (1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize,  
3299 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and  
3300 erbium: YAG lasers.
- 3301 (b) "Ablative procedure" does not include:
- 3302 (i) hair removal; or
- 3303 (ii) laser tattoo removal.
- 3304 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the  
3305 American Medical Association.
- 3306 (3) "Administrative penalty" means a monetary fine imposed by the division for acts or  
3307 omissions determined to constitute unprofessional or unlawful conduct, as a result of an  
3308 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,  
3309 Administrative Procedures Act.
- 3310 (4) "AOA" means the American Osteopathic Association.
- 3311 (5) "Associate physician" means an individual licensed under Section 58-68-302.5.
- 3312 (6) "Attempted sex change" means an attempt or effort to change an individual's body to  
3313 present that individual as being of a sex [~~or gender~~]that is different from the individual's  
3314 biological sex at birth.
- 3315 (7) "Biological sex at birth" means an individual's sex, as being male or female, according  
3316 to distinct reproductive roles as manifested by:
- 3317 (a) sex and reproductive organ anatomy;
- 3318 (b) chromosomal makeup; and
- 3319 (c) endogenous hormone profiles.
- 3320 (8) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 3321 (9) "Collaborating physician" means an individual licensed under Section 58-68-302 who  
3322 enters into a collaborative practice arrangement with an associate physician.
- 3323 (10) "Collaborative practice arrangement" means the arrangement described in Section  
3324 58-68-807.
- 3325 (11)(a) "Cosmetic medical device" means tissue altering energy based devices that have  
3326 the potential for altering living tissue and that are used to perform ablative or  
3327 nonablative procedures, such as American National Standards Institute designated

- 3328 Class IIIb and Class IV lasers, intense pulsed light, radio frequency devices, and  
3329 lipolytic devices and excludes American National Standards Institute designated  
3330 Class IIIa and lower powered devices.
- 3331 (b) Notwithstanding Subsection (11)(a), if an American National Standards Institute  
3332 designated Class IIIa and lower powered device is being used to perform an ablative  
3333 procedure, the device is included in the definition of cosmetic medical device under  
3334 Subsection (11)(a).
- 3335 (12) "Cosmetic medical procedure":
- 3336 (a) includes the use of cosmetic medical devices to perform ablative or nonablative  
3337 procedures; and
- 3338 (b) does not include a treatment of the ocular globe such as refractive surgery.
- 3339 (13) "Diagnose" means:
- 3340 (a) to examine in any manner another person, parts of a person's body, substances,  
3341 fluids, or materials excreted, taken, or removed from a person's body, or produced by  
3342 a person's body, to determine the source, nature, kind, or extent of a disease or other  
3343 physical or mental condition;
- 3344 (b) to attempt to conduct an examination or determination described under Subsection  
3345 (13)(a);
- 3346 (c) to hold oneself out as making or to represent that one is making an examination or  
3347 determination as described in Subsection (13)(a); or
- 3348 (d) to make an examination or determination as described in Subsection (13)(a) upon or  
3349 from information supplied directly or indirectly by another person, whether or not in  
3350 the presence of the person making or attempting the diagnosis or examination.
- 3351 (14) "Medical assistant" means an unlicensed individual who may perform tasks as  
3352 described in Subsection 58-68-305(6).
- 3353 (15) "Medically underserved area" means a geographic area in which there is a shortage of  
3354 primary care health services for residents, as determined by the Department of Health  
3355 and Human Services.
- 3356 (16) "Medically underserved population" means a specified group of people living in a  
3357 defined geographic area with a shortage of primary care health services, as determined  
3358 by the Department of Health and Human Services.
- 3359 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to  
3360 alter living tissue, but is not expected or intended to excise, vaporize, disintegrate,  
3361 or remove living tissue.

- 3362 (ii) Notwithstanding Subsection (17)(a)(i), nonablative procedure includes hair  
3363 removal.
- 3364 (b) "Nonablative procedure" does not include:
- 3365 (i) a superficial procedure as defined in Section 58-1-102;
- 3366 (ii) the application of permanent make-up;
- 3367 (iii) laser tattoo removal; or
- 3368 (iv) the use of photo therapy lasers for neuromusculoskeletal treatments that are  
3369 performed by an individual licensed under this title who is acting within the  
3370 individual's scope of practice.
- 3371 (18) "Physician" means both physicians and surgeons licensed under Chapter 67, Part 3,  
3372 Licensing, and osteopathic physicians and surgeons licensed under Part 3, Licensing.
- 3373 (19)(a) "Practice of osteopathic medicine" means:
- 3374 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human  
3375 disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or  
3376 mental, real or imaginary, or to attempt to do so, by any means or instrumentality,  
3377 which in whole or in part is based upon emphasis of the importance of the  
3378 musculoskeletal system and manipulative therapy in the maintenance and  
3379 restoration of health, by an individual in Utah or outside of the state upon or for  
3380 any human within the state;
- 3381 (ii) when a person not licensed as a physician directs a licensee under this chapter to  
3382 withhold or alter the health care services that the licensee has ordered;
- 3383 (iii) to maintain an office or place of business for the purpose of doing any of the acts  
3384 described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or
- 3385 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis  
3386 or treatment of human diseases or conditions, in any printed material, stationery,  
3387 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor  
3388 of osteopathic medicine," "osteopathic physician," "osteopathic surgeon,"  
3389 "osteopathic physician and surgeon," "Dr.," "D.O.," or any combination of these  
3390 designations in any manner which might cause a reasonable person to believe the  
3391 individual using the designation is a licensed osteopathic physician, and if the  
3392 party using the designation is not a licensed osteopathic physician, the designation  
3393 must additionally contain the description of the branch of the healing arts for  
3394 which the person has a license, provided that an individual who has received an  
3395 earned degree of doctor of osteopathic medicine but is not a licensed osteopathic

3396 physician and surgeon in Utah may use the designation "D.O." if it is followed by  
3397 "Not Licensed" or "Not Licensed in Utah" in the same size and style of lettering.

3398 (b) [~~The practice~~] "Practice of osteopathic medicine" does not include:

3399 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii), the  
3400 conduct described in Subsection (19)(a)(i) that is performed in accordance with a  
3401 license issued under another chapter of this title;

3402 (ii) an ablative cosmetic medical procedure if the scope of practice for the person  
3403 performing the ablative cosmetic medical procedure includes the authority to  
3404 operate or perform a surgical procedure; or

3405 (iii) conduct under Subsection 58-68-501(2).

3406 (20) "Prescription device" means an instrument, apparatus, implement, machine,  
3407 contrivance, implant, in vitro reagent, or other similar or related article, and any  
3408 component part or accessory, which is required under federal or state law to be  
3409 prescribed by a practitioner and dispensed by or through a person or entity licensed  
3410 under this chapter or exempt from licensure under this chapter.

3411 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be  
3412 dispensed only by prescription or is restricted to administration only by practitioners.

3413 (22)(a) "Primary sex characteristic surgical procedure" means any of the following if  
3414 done for the purpose of effectuating or facilitating an individual's attempted sex  
3415 change:

3416 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,  
3417 penectomy, vaginoplasty, or vulvoplasty;

3418 (ii) for an individual whose biological sex at birth is female, hysterectomy,  
3419 oophorectomy, metoidioplasty, or phalloplasty; or

3420 (iii) any surgical procedure that is related to or necessary for a procedure described in  
3421 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual  
3422 who is not sterile.

3423 (b) "Primary sex characteristic surgical procedure" does not include:

3424 (i) surgery or other procedures or treatments performed on an individual who:

3425 (A) is born with external biological sex characteristics that are irresolvably  
3426 ambiguous;

3427 (B) is born with 46, XX chromosomes with virilization;

3428 (C) is born with 46, XY chromosomes with undervirilization;

3429 (D) has both ovarian and testicular tissue; or

- 3430 (E) has been diagnosed by a physician, based on genetic or biochemical testing,  
3431 with a sex development disorder characterized by abnormal sex chromosome  
3432 structure, sex steroid hormone production, or sex steroid hormone action for a  
3433 male or female; or
- 3434 (ii) removing a body part:  
3435 (A) because the body part is cancerous or diseased; or  
3436 (B) for a reason that is medically necessary, other than to effectuate or facilitate an  
3437 individual's attempted sex change.
- 3438 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if  
3439 done for the purpose of effectuating or facilitating an individual's attempted sex  
3440 change:
- 3441 (i) for an individual whose biological sex at birth is male, breast augmentation  
3442 surgery, chest feminization surgery, or facial feminization surgery; or  
3443 (ii) for an individual whose biological sex at birth is female, mastectomy, breast  
3444 reduction surgery, chest masculinization surgery, or facial masculinization surgery.
- 3445 (b) "Secondary sex characteristic surgical procedure" does not include:
- 3446 (i) surgery or other procedures or treatments performed on an individual who:  
3447 (A) is born with external biological sex characteristics that are irresolvably  
3448 ambiguous;  
3449 (B) is born with 46, XX chromosomes with virilization;  
3450 (C) is born with 46, XY chromosomes with undervirilization;  
3451 (D) has both ovarian and testicular tissue; or  
3452 (E) has been diagnosed by a physician, based on genetic or biochemical testing,  
3453 with a sex development disorder characterized by abnormal sex chromosome  
3454 structure, sex steroid hormone production, or sex steroid hormone action for a  
3455 male or female; or
- 3456 (ii) removing a body part:  
3457 (A) because the body part is cancerous or diseased; or  
3458 (B) for a reason that is medically necessary, other than to effectuate or facilitate an  
3459 individual's attempted sex change.
- 3460 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical  
3461 Boards.
- 3462 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and  
3463 58-68-501.

3464 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501  
3465 and 58-68-502 and as may be further defined by division rule.

3466 Section 45. Section **63G-2-301** is amended to read:

3467 **63G-2-301 (Effective 05/06/26). Public records.**

3468 (1) As used in this section:

3469 (a) "Business address" means a single address of a governmental agency designated for  
3470 the public to contact an employee or officer of the governmental agency.

3471 (b) "Business email address" means a single email address of a governmental agency  
3472 designated for the public to contact an employee or officer of the governmental  
3473 agency.

3474 (c) "Business telephone number" means a single telephone number of a governmental  
3475 agency designated for the public to contact an employee or officer of the  
3476 governmental agency.

3477 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

3478 (2) The following records are public except to the extent they contain information expressly  
3479 permitted to be treated confidentially under the provisions of Subsections  
3480 63G-2-201(3)(b) and (6)(a):

3481 (a) laws;

3482 (b) the name, [~~gender~~] sex, gross compensation, job title, job description, business  
3483 address, business email address, business telephone number, number of hours worked  
3484 per pay period, dates of employment, and relevant education, previous employment,  
3485 and similar job qualifications of a current or former employee or officer of the  
3486 governmental entity, excluding:

3487 (i) undercover law enforcement personnel; and

3488 (ii) investigative personnel if disclosure could reasonably be expected to impair the  
3489 effectiveness of investigations or endanger any individual's safety;

3490 (c) final opinions, including concurring and dissenting opinions, and orders that are  
3491 made by a governmental entity in an administrative, adjudicative, or judicial  
3492 proceeding except that if the proceedings were properly closed to the public, the  
3493 opinion and order may be withheld to the extent that they contain information that is  
3494 private, controlled, or protected;

3495 (d) final interpretations of statutes or rules by a governmental entity unless classified as  
3496 protected as provided in Subsection 63G-2-305(17) or (18);

3497 (e) information contained in or compiled from a transcript, minutes, or report of the open

- 3498 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,  
3499 Open and Public Meetings Act, including the records of all votes of each member of  
3500 the governmental entity;
- 3501 (f) judicial records unless a court orders the records to be restricted under the rules of  
3502 civil or criminal procedure or unless the records are private under this chapter;
- 3503 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of  
3504 records filed with or maintained by county recorders, clerks, treasurers, surveyors,  
3505 zoning commissions, the Division of Forestry, Fire, and State Lands, the School and  
3506 Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the  
3507 Division of Water Rights, or other governmental entities that give public notice of:
- 3508 (i) titles or encumbrances to real property;  
3509 (ii) restrictions on the use of real property;  
3510 (iii) the capacity of persons to take or convey title to real property; or  
3511 (iv) tax status for real and personal property;
- 3512 (h) records of the Department of Commerce that evidence incorporations, mergers, name  
3513 changes, and uniform commercial code filings;
- 3514 (i) data on individuals that would otherwise be private under this chapter if the  
3515 individual who is the subject of the record has given the governmental entity written  
3516 permission to make the records available to the public;
- 3517 (j) documentation of the compensation that a governmental entity pays to a contractor or  
3518 private provider;
- 3519 (k) summary data;
- 3520 (l) voter registration records, including an individual's voting history, except for a voter  
3521 registration record or those parts of a voter registration record that are classified as  
3522 private under Subsections 63G-2-302(1)(j) through (n) or withheld under Subsection  
3523 20A-2-104(7);
- 3524 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if  
3525 available, and email address, if available, where that elected official may be reached  
3526 as required in Title 11, Chapter 47, Access to Elected Officials;
- 3527 (n) for a school community council member, a telephone number, if available, and email  
3528 address, if available, where that elected official may be reached directly as required  
3529 in Section 53G-7-1203;
- 3530 (o) annual audited financial statements of the Utah Educational Savings Plan described  
3531 in Section 53H-10-210; and

- 3532 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as  
3533 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 3534 (3) The following records are normally public, but to the extent that a record is expressly  
3535 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),  
3536 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 3537 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 3538 (b) records documenting a contractor's or private provider's compliance with the terms  
3539 of a contract with a governmental entity;
- 3540 (c) records documenting the services provided by a contractor or a private provider to  
3541 the extent the records would be public if prepared by the governmental entity;
- 3542 (d) contracts entered into by a governmental entity;
- 3543 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds  
3544 by a governmental entity;
- 3545 (f) records relating to government assistance or incentives publicly disclosed, contracted  
3546 for, or given by a governmental entity, encouraging a person to expand or relocate a  
3547 business in Utah, except as provided in Subsection 63G-2-305(35);
- 3548 (g) chronological logs and initial contact reports;
- 3549 (h) correspondence by and with a governmental entity in which the governmental entity  
3550 determines or states an opinion upon the rights of the state, a political subdivision,  
3551 the public, or any person;
- 3552 (i) empirical data contained in drafts if:
- 3553 (i) the empirical data is not reasonably available to the requester elsewhere in similar  
3554 form; and
- 3555 (ii) the governmental entity is given a reasonable opportunity to correct any errors or  
3556 make nonsubstantive changes before release;
- 3557 (j) drafts that are circulated to anyone other than:
- 3558 (i) a governmental entity;
- 3559 (ii) a political subdivision;
- 3560 (iii) a federal agency if the governmental entity and the federal agency are jointly  
3561 responsible for implementation of a program or project that has been legislatively  
3562 approved;
- 3563 (iv) a government-managed corporation; or
- 3564 (v) a contractor or private provider;
- 3565 (k) drafts that have never been finalized but were relied upon by the governmental entity

- 3566 in carrying out action or policy;
- 3567 (l) original data in a computer program if the governmental entity chooses not to  
3568 disclose the program;
- 3569 (m) arrest warrants after issuance, except that, for good cause, a court may order  
3570 restricted access to arrest warrants prior to service;
- 3571 (n) search warrants after execution and filing of the return, except that a court, for good  
3572 cause, may order restricted access to search warrants prior to trial;
- 3573 (o) records that would disclose information relating to formal charges or disciplinary  
3574 actions against a past or present governmental entity employee if:
- 3575 (i) the disciplinary action has been completed and all time periods for administrative  
3576 appeal have expired; and
- 3577 (ii) the charges on which the disciplinary action was based were sustained;
- 3578 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and  
3579 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that  
3580 evidence mineral production on government lands;
- 3581 (q) final audit reports;
- 3582 (r) occupational and professional licenses;
- 3583 (s) business licenses;
- 3584 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar  
3585 records used to initiate proceedings for discipline or sanctions against persons  
3586 regulated by a governmental entity, but not including records that initiate employee  
3587 discipline; and
- 3588 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding  
3589 the operation of a correctional facility or the care and control of inmates  
3590 committed to the custody of a correctional facility; and
- 3591 (ii) records that disclose the results of an audit or other inspection assessing a  
3592 correctional facility's compliance with a standard, regulation, policy, guideline, or  
3593 rule described in Subsection (3)(u)(i).
- 3594 (4) The list of public records in this section is not exhaustive and should not be used to limit  
3595 access to records.

3596 Section 46. Section **63G-3-306** is enacted to read:

3597 **63G-3-306 (Effective 05/06/26). Referencing biological sex.**

3598 (1) An agency when referencing biological sex in a rule:

3599 (a) shall use the term sex as defined in Section 68-3-12.5; and

3600 (b) may not use the term gender.

3601 Section 47. Section **63G-12-302** is amended to read:

3602 **63G-12-302 (Effective 05/06/26). Status verification system -- Registration and**  
3603 **use -- Performance of services -- Unlawful practice.**

3604 (1) As used in this section:

3605 (a) "Contract" means an agreement for the procurement of goods or services that is  
3606 awarded through a request for proposals process with a public employer and includes  
3607 a sole source contract.

3608 (b) "Contractor" means a subcontractor, contract employee, staffing agency, or any  
3609 contractor regardless of its tier.

3610 (2)(a) Subject to Subsection (5), a public employer shall register with and use a Status  
3611 Verification System to verify the federal employment authorization status of a new  
3612 employee.

3613 (b) This section shall be enforced without regard to race, religion, [~~gender~~] sex, ethnicity,  
3614 or national origin.

3615 (3)(a) Subject to Subsection (5), beginning July 1, 2009:

3616 (i) a public employer may not enter into a contract for the physical performance of  
3617 services within the state with a contractor unless the contractor registers and  
3618 participates in the Status Verification System to verify the work eligibility status  
3619 of the contractor's new employees that are employed in the state; and

3620 (ii) a contractor shall register and participate in the Status Verification System in  
3621 order to enter into a contract with a public employer.

3622 (b)(i) For purposes of compliance with Subsection (3)(a), a contractor is individually  
3623 responsible for verifying the employment status of only new employees who work  
3624 under the contractor's supervision or direction and not those who work for another  
3625 contractor or subcontractor, except as otherwise provided in Subsection (3)(b)(ii).

3626 (ii) Each contractor or subcontractor who works under or for another contractor shall  
3627 certify to the main contractor by affidavit that the contractor or subcontractor has  
3628 verified through the Status Verification System the employment status of each  
3629 new employee of the respective contractor or subcontractor.

3630 (c) Subsection (3)(a) does not apply to a contract:

3631 (i) entered into by the entities referred to in Subsection (3)(a) prior to July 1, 2009,  
3632 even though the contract may involve the physical performance of services within  
3633 the state on or after July 1, 2009; or

3634 (ii) that involves underwriting, remarketing, broker-dealer activities, securities  
3635 placement, investment advisory, financial advisory, or other financial or  
3636 investment banking services.

3637 (4)(a) It is unlawful for an employing entity in the state to discharge an employee  
3638 working in Utah who is a United States citizen or permanent resident alien and  
3639 replace the employee with, or have the employee's duties assumed by, an employee  
3640 who:

3641 (i) the employing entity knows, or reasonably should have known, is an unauthorized  
3642 alien hired on or after July 1, 2009; and

3643 (ii) is working in the state in a job category:

3644 (A) that requires equal skill, effort, and responsibility; and

3645 (B) which is performed under similar working conditions, as defined in 29 U.S.C.,  
3646 Sec. 206 (d)(1), as the job category held by the discharged employee.

3647 (b) An employing entity, which on the date of a discharge in question referred to in  
3648 Subsection (4)(a) is enrolled in and using the Status Verification System to verify the  
3649 employment eligibility of its employees in Utah who are hired on or after July 1,  
3650 2009, is exempt from liability, investigation, or lawsuit arising from an action under  
3651 this section.

3652 (c) A cause of action for a violation of this Subsection (4) arises exclusively from the  
3653 provisions of this Subsection (4).

3654 (5) On and after the program start date:

3655 (a) a public employer, after hiring an employee, shall verify the employment eligibility  
3656 of the new employee:

3657 (i) through the status verification system if the individual does not hold a permit; and

3658 (ii) through the u-verify program if the individual holds a permit; and

3659 (b) a contractor is considered to be in compliance with this section if, after hiring an  
3660 employee, the contractor verifies the employment eligibility of the new employee:

3661 (i) through the status verification system if the individual does not hold a permit; and

3662 (ii) through the u-verify program if the individual holds a permit.

3663 Section 48. Section **63G-12-401** is amended to read:

3664 **63G-12-401 (Effective 05/06/26). Creation of identity documents -- Issuance to**  
3665 **citizens, nationals, and legal permanent resident aliens -- Exceptions.**

3666 (1) The following entities may create, publish, or otherwise manufacture an identification  
3667 document, identification card, or identification certificate and possess an engraved plate

- 3668 or other device for the printing of an identification document:
- 3669 (a) a federal, state, or local government agency for employee identification, which is  
3670 designed to identify the bearer as an employee;
- 3671 (b) a federal, state, or local government agency for purposes authorized or required by  
3672 law or a legitimate purpose consistent with the duties of the agency, including such  
3673 documents as voter identification cards, identification cards, passports, birth  
3674 certificates, and Social Security cards; and
- 3675 (c) a public school or state or private educational institution to identify the bearer as an  
3676 administrator, faculty member, student, or employee.
- 3677 (2) The name of the issuing entity shall be clearly printed upon the face of the identification  
3678 document.
- 3679 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity  
3680 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall  
3681 issue the document, card, or certificate only to:
- 3682 (a) a United States citizen;
- 3683 (b) a national; or
- 3684 (c) a legal permanent resident alien.
- 3685 (4)(a) Subsection (3) does not apply to an applicant for an identification document who  
3686 presents, in person, valid documentary evidence of the applicant's:
- 3687 (i) unexpired immigrant or nonimmigrant visa status for admission into the United  
3688 States;
- 3689 (ii) pending or approved application for asylum in the United States;
- 3690 (iii) admission into the United States as a refugee;
- 3691 (iv) pending or approved application for temporary protected status in the United  
3692 States;
- 3693 (v) approved deferred action status; or
- 3694 (vi) pending application for adjustment of status to legal permanent resident or  
3695 conditional resident.
- 3696 (b)(i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)  
3697 identification document to an applicant who satisfies the requirements of  
3698 Subsection (4)(a).
- 3699 (ii) Except as otherwise provided by federal law, the document is valid only:
- 3700 (A) during the period of time of the individual's authorized stay in the United  
3701 States; or

- 3702 (B) for one year from the date of issuance if there is no definite end to the  
 3703 individual's period of authorized stay.
- 3704 (iii) An entity issuing an identification document under this Subsection (4) shall  
 3705 clearly indicate on the document:  
 3706 (A) that it is temporary; and  
 3707 (B) its expiration date.
- 3708 (c) An individual may renew a document issued under this Subsection (4) only upon  
 3709 presentation of valid documentary evidence that the status by which the individual  
 3710 originally qualified for the identification document has been extended by the United  
 3711 States Citizenship and Immigration Services or other authorized agency of the United  
 3712 States Department of Homeland Security.
- 3713 (5)(a) Subsection (3) does not apply to an identification document issued under  
 3714 Subsection (1)(c) that:  
 3715 (i) is only valid for use on the educational institution's campus or facility; and  
 3716 (ii) includes a statement of the restricted use conspicuously printed upon the face of  
 3717 the identification document.
- 3718 (b) Subsection (3) does not apply to a license certificate, driving privilege card, or  
 3719 identification card issued or renewed under Title 53, Chapter 3, Uniform Driver  
 3720 License Act.
- 3721 (c) Subsection (3) does not apply to a public transit pass issued by a public transit  
 3722 district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:  
 3723 (i) is only valid for use on the public transit system; and  
 3724 (ii) includes a statement of the restricted use conspicuously printed on the face of the  
 3725 public transit pass.
- 3726 (d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.
- 3727 (e) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot  
 3728 Sponsored Resident Immigrant Program Act.
- 3729 (6) This section shall be enforced without regard to race, religion, [gender] sex, ethnicity, or  
 3730 national origin.
- 3731 Section 49. Section **63G-12-402** is amended to read:  
 3732 **63G-12-402 (Effective 05/06/26). Receipt of state, local, or federal public benefits**  
 3733 **-- Verification -- Exceptions -- Fraudulently obtaining benefits -- Criminal penalties --**  
 3734 **Annual report.**
- 3735 (1)(a) Except as provided in Subsection (3) or when exempted by federal law, an agency

- 3736 or political subdivision of the state shall verify the lawful presence in the United  
3737 States of an individual at least 18 years old who applies for:
- 3738 (i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or
  - 3739 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by  
3740 an agency or political subdivision of this state.
- 3741 (b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction Trades  
3742 Licensing Act, to an applicant that is an unincorporated entity, the Department of  
3743 Commerce shall verify in accordance with this Subsection (1) the lawful presence in  
3744 the United States of each individual who:
- 3745 (i) owns an interest in the contractor that is an unincorporated entity; and
  - 3746 (ii) engages, or will engage, in a construction trade in Utah as an owner of the  
3747 contractor described in Subsection (1)(b)(i).
- 3748 (2) This section shall be enforced without regard to race, religion, [~~gender~~] sex, ethnicity, or  
3749 national origin.
- 3750 (3) Verification of lawful presence under this section is not required for:
- 3751 (a) any purpose for which lawful presence in the United States is not restricted by law,  
3752 ordinance, or regulation;
  - 3753 (b) assistance for health care items and services that:
    - 3754 (i) are necessary for the treatment of an emergency medical condition, as defined in  
3755 42 U.S.C. Sec. 1396b(v)(3), of the individual involved; and
    - 3756 (ii) are not related to an organ transplant procedure;
  - 3757 (c) short-term, noncash, in-kind emergency disaster relief;
  - 3758 (d) public health assistance for immunizations with respect to immunizable diseases and  
3759 for testing and treatment of symptoms of communicable diseases whether or not the  
3760 symptoms are caused by the communicable disease;
  - 3761 (e) programs, services, or assistance such as soup kitchens, crisis counseling and  
3762 intervention, and short-term shelter, specified by the United States Attorney General,  
3763 in the sole and unreviewable discretion of the United States Attorney General after  
3764 consultation with appropriate federal agencies and departments, that:
    - 3765 (i) deliver in-kind services at the community level, including through public or  
3766 private nonprofit agencies;
    - 3767 (ii) do not condition the provision of assistance, the amount of assistance provided, or  
3768 the cost of assistance provided on the income or resources of the individual  
3769 recipient; and

- 3770 (iii) are necessary for the protection of life or safety;
- 3771 (f) the exemption for paying the nonresident portion of total tuition as set forth in  
3772 Section 53H-11-203;
- 3773 (g) an applicant for a license under Section 61-1-4, if the applicant:
- 3774 (i) is registered with the Financial Industry Regulatory Authority; and
- 3775 (ii) files an application with the state Division of Securities through the Central  
3776 Registration Depository;
- 3777 (h) a state public benefit to be given to an individual under Title 49, Utah State  
3778 Retirement and Insurance Benefit Act;
- 3779 (i) a home loan that will be insured, guaranteed, or purchased by:
- 3780 (i) the Federal Housing Administration, the Veterans Administration, or any other  
3781 federal agency; or
- 3782 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;
- 3783 (j) a subordinate loan or a grant that will be made to an applicant in connection with a  
3784 home loan that does not require verification under Subsection (3)(i);
- 3785 (k) an applicant for a license issued by the Department of Commerce or individual  
3786 described in Subsection (1)(b), if the applicant or individual provides the Department  
3787 of Commerce:
- 3788 (i) certification, under penalty of perjury, that the applicant or individual is:
- 3789 (A) a United States citizen;
- 3790 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or
- 3791 (C) lawfully present in the United States; and
- 3792 (ii)(A) the number assigned to a driver license or identification card issued under  
3793 Title 53, Chapter 3, Uniform Driver License Act; or
- 3794 (B) the number assigned to a driver license or identification card issued by a state  
3795 other than Utah if, as part of issuing the driver license or identification card,  
3796 the state verifies an individual's lawful presence in the United States; and
- 3797 (l) an applicant for:
- 3798 (i) an Opportunity scholarship described in Section 53H-11-402;
- 3799 (ii) a New Century scholarship described in Section 53H-11-407;
- 3800 (iii) a promise grant described in Section 53H-11-414; or
- 3801 (iv) a scholarship:
- 3802 (A) for an individual who is a graduate of a high school located within Utah; and
- 3803 (B) administered by an institution of higher education as defined in Section

- 3804 53H-1-101.
- 3805 (4)(a) An agency or political subdivision required to verify the lawful presence in the  
3806 United States of an applicant under this section shall require the applicant to certify  
3807 under penalty of perjury that:
- 3808 (i) the applicant is a United States citizen; or
  - 3809 (ii) the applicant is:
    - 3810 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and
    - 3811 (B) lawfully present in the United States.
  - 3812 (b) The certificate required under this Subsection (4) shall include a statement advising  
3813 the signer that providing false information subjects the signer to penalties for perjury.
- 3814 (5) An agency or political subdivision shall verify a certification required under Subsection  
3815 (4)(a)(ii) through the federal SAVE program.
- 3816 (6)(a) An individual who knowingly and willfully makes a false, fictitious, or fraudulent  
3817 statement or representation in a certification under Subsection (3)(k) or (4) is subject  
3818 to the criminal penalties applicable in this state for:
- 3819 (i) making a written false statement under Section 76-8-504; and
  - 3820 (ii) fraudulently obtaining:
    - 3821 (A) public assistance program benefits under Section 76-8-1203.1; or
    - 3822 (B) unemployment compensation under Section 76-8-1301, 76-8-1302, 76-8-1303,  
3823 or 76-8-1304.
  - 3824 (b) If the certification constitutes a false claim of United States citizenship under 18  
3825 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the  
3826 United States Attorney General for the applicable district based upon the venue in  
3827 which the application was made.
  - 3828 (c) If an agency or political subdivision receives verification that a person making an  
3829 application for a benefit, service, or license is not a qualified alien, the agency or  
3830 political subdivision shall provide the information to the Office of the Attorney  
3831 General unless prohibited by federal mandate.
- 3832 (7) An agency or political subdivision may adopt variations to the requirements of this  
3833 section that:
- 3834 (a) clearly improve the efficiency of or reduce delay in the verification process; or
  - 3835 (b) provide for adjudication of unique individual circumstances where the verification  
3836 procedures in this section would impose an unusual hardship on a legal resident of  
3837 Utah.

- 3838 (8) It is unlawful for an agency or a political subdivision of this state to provide a state,  
3839 local, or federal benefit, as defined in 8 U.S.C. [See:] Secs. 1611 and 1621, in violation  
3840 of this section.
- 3841 (9) A state agency or department that administers a program of state or local public benefits  
3842 shall:
- 3843 (a) provide an annual report to the governor, the president of the Senate, and the speaker  
3844 of the House regarding its compliance with this section; and
- 3845 (b)(i) monitor the federal SAVE program for application verification errors and  
3846 significant delays;
- 3847 (ii) provide an annual report on the errors and delays to ensure that the application of  
3848 the federal SAVE program is not erroneously denying a state or local benefit to a  
3849 legal resident of the state; and
- 3850 (iii) report delays and errors in the federal SAVE program to the United States  
3851 Department of Homeland Security.

3852 Section 50. Section **63G-31-101** is amended to read:

3853 **63G-31-101 (Effective 05/06/26). Definitions.**

3854 As used in this chapter:

- 3855 (1)(a) "Changing room" means a space designated for multiple individuals to dress or  
3856 undress within the same space.
- 3857 (b) "Changing room" includes:
- 3858 (i) a dressing room, fitting room, locker room, or shower room; and
- 3859 (ii) a restroom when a changing room contains or is attached to the restroom.
- 3860 (2)(a) "Facility" means a publicly owned or controlled building, structure, or other  
3861 improvement.
- 3862 (b) "Facility" includes a subset of a publicly owned or controlled building, structure, or  
3863 other improvement, including a restroom or locker room.
- 3864 (3) "Government entity" means the same as that term is defined in Section 63G-2-103.
- 3865 (4) "Intersex individual" means the same as that term is defined in Section 26B-8-101.
- 3866 (5) "Men's restroom" means a restroom that is designated for the exclusive use of males and  
3867 not females.
- 3868 (6)(a) "Open to the general public" means that a privacy space is:
- 3869 (i) freely accessible to a member of the general public;
- 3870 (ii) accessible to an individual who has purchased a ticket, paid an entry fee, paid a  
3871 membership fee, or otherwise paid to access the facility containing the relevant

- 3872 privacy space; or
- 3873 (iii) accessible to a student of an institution of higher education described in Section
- 3874 52B-2-101:
- 3875 (A) either freely or as described in Subsection (6)(a)(ii); or
- 3876 (B) within student housing as defined in Section 63G-31-305.
- 3877 (b) "Open to the general public" does not include a privacy space that is:
- 3878 (i) only accessible to employees of a government entity; or
- 3879 (ii) any area that is not normally accessible to the public.
- 3880 (7) "Privacy space" means a restroom or changing room within a publicly owned or
- 3881 controlled facility, where an individual has a reasonable expectation of privacy.
- 3882 (8) "Publicly owned or controlled" means that a government entity has at least a partial
- 3883 ownership interest in or has control of a facility, program, or event.
- 3884 (9)(a) "Restroom" means any space that includes a toilet.
- 3885 (b) "Restroom" includes:
- 3886 (i) sex-designated men's restrooms;
- 3887 (ii) sex-designated women's restrooms;
- 3888 (iii) unisex restrooms; and
- 3889 (iv) single-occupant restrooms.
- 3890 (10) "Sex-designated" means that a facility, program, or event is designated specifically for
- 3891 males or females and not the opposite sex.
- 3892 (11) "Single-occupant" means, in relation to a single-occupant facility or privacy space, that
- 3893 the facility or privacy space:
- 3894 (a) has floor-to-ceiling walls;
- 3895 (b) has an entirely encased and locking door; and
- 3896 (c) is designated for single occupancy.
- 3897 (12) "Unamended birth certificate" means a birth certificate:
- 3898 (a) with no amendment history; or
- 3899 (b) with an amendment history that:
- 3900 (i) does not include [~~gender-related~~] sex-related amendments; or
- 3901 (ii) includes [~~gender-related~~] sex-related amendments that only:
- 3902 (A) correct an error or omission resulting from a scrivener's error under
- 3903 Subsection 26B-8-107(2); or
- 3904 (B) correct a misidentification of birth sex for an intersex individual under
- 3905 Subsection 26B-8-107(3).

3906 (13) "Unisex" means, in relation to a unisex facility or privacy space, that the facility or  
3907 privacy space:

3908 (a) is designated for the use of both sexes; or

3909 (b) is not sex-designated.

3910 (14) "Women's restroom" means a restroom that is designated for the exclusive use of  
3911 females and not males.

3912 Section 51. Section **63G-31-201** is amended to read:

3913 **63G-31-201 (Effective 05/06/26). Distinctions on the basis of sex.**

3914 (1) A government entity may not, on the basis of sex, exclude an individual from  
3915 participation in, deny an individual from the benefits of, or subject an individual to a  
3916 sex-based distinction in or under any government or otherwise publicly owned or  
3917 controlled facility, program, or event, unless the distinction is substantially related to an  
3918 important government objective.

3919 (2) Each government entity shall ensure the preservation of distinctions on the basis of sex  
3920 that protect individual privacy and competitive opportunity, as described in this chapter.

3921 (3)(a) As used in this Subsection (3), "athletic facility" does not include a privacy space.

3922 (b) To preserve the individual privacy and competitive opportunity of females, an  
3923 individual is not entitled to and may not access, use, or benefit from a government  
3924 entity's athletic facility, program, or event if:

3925 (i) the facility, program, or event is designated for females; and

3926 (ii) the individual is not female.

3927 (c) To preserve the individual privacy and competitive opportunity of males, an  
3928 individual is not entitled to and may not access, use, or benefit from a government  
3929 entity's athletic facility, program, or event if:

3930 (i) the facility, program, or event is designated for males; and

3931 (ii) the individual is not male.

3932 (4) Subsections (1) through (3) and Subsection 63G-31-204(4) do not apply to:

3933 (a) a determination of the School Activity Eligibility Commission, created in Section  
3934 53G-6-1003, regarding a student's athletic eligibility; or

3935 (b) the participation of a student, if the student has obtained the eligibility approval of  
3936 the commission under Subsection 53G-6-1004(2), in a [~~gender-designated~~]  
3937 sex-designated interscholastic activity that does not correspond with the sex  
3938 designation on the student's birth certificate, as those terms are defined in Section  
3939 53G-6-1001.

3940 Section 52. Section **63G-34-101** is enacted to read:

3941 **CHAPTER 34. State Policies and Requirements**

3942 **63G-34-101 (Effective 05/06/26). Agency policies, programs, and practices that**  
 3943 **implicate biological sex.**

3944 A state agency when referencing biological sex in a policy, program, or practice:

3945 (1) shall use the term sex as defined in Section 68-3-12.5; and

3946 (2) may not use the term gender.

3947 Section 53. Section **63N-2-104.2** is amended to read:

3948 **63N-2-104.2 (Effective 05/06/26). Written agreement -- Contents -- Grounds for**  
 3949 **amendment or termination.**

3950 (1) If the office determines that a business entity is eligible for a tax credit under Section  
 3951 63N-2-104.1, the office may enter into a written agreement with the business entity that:

3952 (a) establishes performance benchmarks for the business entity to claim a tax credit,  
 3953 including any minimum wage requirements;

3954 (b) specifies the maximum amount of tax credit that the business entity may be  
 3955 authorized for a taxable year and over the life of the new commercial project, subject  
 3956 to the limitations in Section 63N-2-104.3;

3957 (c) establishes the length of time the business entity may claim a tax credit;

3958 (d) requires the business entity to retain records supporting a claim for a tax credit for at  
 3959 least four years after the business entity claims the tax credit;

3960 (e) requires the business entity to submit to audits for verification of any tax credit  
 3961 claimed; and

3962 (f) requires the business entity, in order to claim a tax credit, to meet the requirements of  
 3963 Section 63N-2-105.

3964 (2) In establishing the terms of a written agreement, including the duration and amount of  
 3965 tax credit that the business entity may be authorized to receive, the office shall:

3966 (a) authorize the tax credit in a manner that provides the most effective incentive for the  
 3967 new commercial project;

3968 (b) consider the following factors:

3969 (i) whether the new commercial project provides vital or specialized support to  
 3970 supply chains;

3971 (ii) whether the new commercial project provides an innovative product, technology,  
 3972 or service;

3973 (iii) the number and wages of new incremental jobs associated with the new

- 3974 commercial project;
- 3975 (iv) the amount of financial support provided by local government entities for the
- 3976 new commercial project;
- 3977 (v) the amount of capital expenditures associated with the new commercial project;
- 3978 (vi) whether the new commercial project returns jobs transferred overseas;
- 3979 (vii) the rate of unemployment in the county in which the new commercial project is
- 3980 located;
- 3981 (viii) whether the new commercial project creates a remote work opportunity;
- 3982 (ix) whether the new commercial project is located in a development zone created by
- 3983 a local government entity as described in Subsection 63N-2-104(2);
- 3984 (x) whether the business entity commits to hiring Utah workers for the new
- 3985 commercial project;
- 3986 (xi) whether the business entity adopts a corporate citizenry plan or supports
- 3987 initiatives in the state that advance education, [~~gender~~] sex equality, diversity and
- 3988 inclusion, work-life balance, environmental or social good, or other similar causes;
- 3989 (xii) whether the business entity's headquarters are located within the state;
- 3990 (xiii) the likelihood of other business entities relocating to another state as a result of
- 3991 the new commercial project;
- 3992 (xiv) the necessity of the tax credit for the business entity's expansion in the state or
- 3993 relocation from another state;
- 3994 (xv) whether the proposed new commercial project might reasonably be expected to
- 3995 occur in the foreseeable future without the tax credit; and
- 3996 (xvi) the location and impact of the new commercial project on existing and planned
- 3997 transportation facilities, existing and planned housing, including affordable
- 3998 housing, and public infrastructure; and
- 3999 (c) consult with the GOEO board.
- 4000 (3) In determining the amount of tax credit that a business entity may be authorized to
- 4001 receive under a written agreement, the office may:
- 4002 (a) authorize a higher or optimized amount of tax credit for a new commercial project
- 4003 located within a development zone created by a local government entity as described
- 4004 in Subsection 63N-2-104(2); and
- 4005 (b) establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
- 4006 Rulemaking Act, a process by which the office closely approximates the amount of
- 4007 taxes the business entity paid under Title 59, Chapter 12, Sales and Use Tax Act, for

4008 a capital project.

4009 (4) If the office identifies any of the following events after entering into a written  
4010 agreement with a business entity, the office and the business entity shall amend, or the  
4011 office may terminate, the written agreement:

4012 (a) a change in the business entity's organization resulting from a merger with or  
4013 acquisition of another entity located in the state;

4014 (b) a material increase in the business entity's retail operations that results in new state  
4015 revenue not subject to the incentive; or

4016 (c) an increase in the business entity's operations that:

4017 (i) is outside the scope of the written agreement or outside the boundaries of a  
4018 development zone; and

4019 (ii) results in new state revenue not subject to the incentive.

4020 Section 54. Section **63N-4-803** is amended to read:

4021 **63N-4-803 (Effective 05/06/26). County Economic Opportunity Advisory Board.**

4022 (1)(a) Each rural county that seeks to obtain a grant from the office under Subsection  
4023 63N-4-802(4)(a), shall create a CEO board composed of at least the following  
4024 members appointed by the county legislative body:

4025 (i) a county representative;

4026 (ii) a representative of a municipality in the county;

4027 (iii) a workforce development representative;

4028 (iv) a private-sector representative; and

4029 (v) a member of the public who lives in the county.

4030 (b) The county legislative body may also appoint additional members with experience or  
4031 expertise in economic development matters.

4032 (c) In appointing members of the CEO board, the county legislative body may consider [  
4033 ~~gender~~] sex and socioeconomic diversity.

4034 (2) Each CEO board shall assist and advise the county legislative body on:

4035 (a) applying for a grant under Subsection 63N-4-802(4)(a);

4036 (b) what projects should be funded by grant money provided to a rural county under  
4037 Subsection 63N-4-802(4)(a); and

4038 (c) preparing reporting requirements for grant money received by a rural county under  
4039 Subsection 63N-4-802(4)(a).

4040 Section 55. Section **67-1-2.5** is amended to read:

4041 **67-1-2.5 (Effective 05/06/26). Executive boards -- Database -- Governor's review**

4042 **of new boards -- Creation of boards and commissions -- Inactive boards.**

4043 (1) As used in this section:

4044 (a) "Administrator" means the boards and commissions administrator designated under  
4045 Subsection (3).4046 (b) "Executive board" means an executive branch board, commission, council,  
4047 committee, working group, task force, study group, advisory group, or other body:

4048 (i) with a defined limited membership;

4049 (ii) that is created by the constitution, by statute, by executive order, by the governor,  
4050 lieutenant governor, attorney general, state auditor, or state treasurer or by the  
4051 head of a department, division, or other administrative subunit of the executive  
4052 branch of state government; and

4053 (iii) that is created to operate for more than six months.

4054 (c) "Inactive board" means a board that does not need to function at the present time, but  
4055 may need to function in the future.4056 (d) "Interim committee" means the same as that term is defined in Legislative Joint  
4057 Rules, Title 7, Chapter 1, Part 2, Creation and Organization of Legislative  
4058 Committees.4059 (2)(a) Except as provided in Subsection (2)(c), before August 1 of the calendar year  
4060 following the year in which a new executive board is created in statute, the governor  
4061 shall:

4062 (i) review the executive board to evaluate:

4063 (A) whether the executive board accomplishes a substantial governmental interest;  
4064 and

4065 (B) whether it is necessary for the executive board to continue to exist;

4066 (ii) in the governor's review described in Subsection (2)(a)(i), consider:

4067 (A) the funding required for the executive board;

4068 (B) the staffing resources required for the executive board;

4069 (C) the time members of the executive board are required to commit to serve on  
4070 the executive board; and4071 (D) whether the responsibilities of the executive board could reasonably be  
4072 accomplished through an existing entity or without statutory direction; and4073 (iii) submit a report to the Government Operations Interim Committee recommending  
4074 that the Legislature:

4075 (A) repeal the executive board;

- 4076 (B) add a sunset provision or future repeal date to the executive board;
- 4077 (C) make other changes to make the executive board more efficient; or
- 4078 (D) make no changes to the executive board.
- 4079 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give
- 4080 deference to:
- 4081 (i) reducing the size of government; and
- 4082 (ii) making governmental programs more efficient and effective.
- 4083 (c) The governor is not required to conduct the review or submit the report described in
- 4084 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I,
- 4085 Chapter 1, Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal
- 4086 Dates by Title Act.
- 4087 (3)(a) The governor shall designate a board and commissions administrator from the
- 4088 governor's staff to maintain a computerized database containing information about all
- 4089 executive boards.
- 4090 (b) The administrator shall ensure that the database contains:
- 4091 (i) the name of each executive board;
- 4092 (ii) the current statutory or constitutional authority for the creation of the executive
- 4093 board;
- 4094 (iii) the sunset date on which each executive board's statutory authority expires;
- 4095 (iv) the state officer or department and division of state government under whose
- 4096 jurisdiction the executive board operates or with which the executive board is
- 4097 affiliated, if any;
- 4098 (v) the name, address, [~~gender~~] sex, telephone number, and county of each individual
- 4099 currently serving on the executive board, along with a notation of all vacant or
- 4100 unfilled positions;
- 4101 (vi) the title of the position held by the person who appointed each member of the
- 4102 executive board;
- 4103 (vii) the length of the term to which each member of the executive board was
- 4104 appointed and the month and year that each executive board member's term
- 4105 expires;
- 4106 (viii) whether members appointed to the executive board require the advice and
- 4107 consent of the Senate;
- 4108 (ix) the organization, interest group, profession, local government entity, or
- 4109 geographic area that an individual appointed to an executive board represents, if

- 4110 any;
- 4111 (x) the party affiliation of an individual appointed to an executive board, if the statute  
4112 or executive order creating the position requires representation from political  
4113 parties;
- 4114 (xi) whether each executive board is a policy board or an advisory board;
- 4115 (xii) whether the executive board has or exercises rulemaking authority, or is a  
4116 rulemaking board as defined in Section 63G-24-102; and
- 4117 (xiii) any compensation and expense reimbursement that members of the executive  
4118 board are authorized to receive.
- 4119 (4) The administrator shall ensure the governor's website includes:
- 4120 (a) the information contained in the database, except for an individual's:
- 4121 (i) physical address;
- 4122 (ii) email address; and
- 4123 (iii) telephone number;
- 4124 (b) a portal, accessible on each executive board's web page within the governor's  
4125 website, through which a member of the public may provide input on:
- 4126 (i) an individual appointed to serve on the executive board; or
- 4127 (ii) a sitting member of the executive board;
- 4128 (c) each report the administrator receives under Subsection (5); and
- 4129 (d) the summary report described in Subsection (6).
- 4130 (5)(a) Before August 1, in each even-numbered year, each executive board shall prepare  
4131 and submit to the administrator a report that includes:
- 4132 (i) the name of the executive board;
- 4133 (ii) a description of the executive board's official function and purpose;
- 4134 (iii) a description of the actions taken by the executive board since the last report the  
4135 executive board submitted to the administrator under this Subsection (5);
- 4136 (iv) recommendations on whether any statutory, rule, or other changes are needed to  
4137 make the executive board more effective; and
- 4138 (v) an indication of whether the executive board should continue to exist.
- 4139 (b) The administrator shall compile and post the reports described in Subsection (5)(a) to  
4140 the governor's website before September 1 of a calendar year in which the  
4141 administrator receives a report described in Subsection (5)(a).
- 4142 (6)(a) Before September 1 of a calendar year in which the administrator receives a report  
4143 described in Subsection (5)(a), the administrator shall prepare a report that includes:

- 4144 (i) as of July 1 of that year, the total number of executive boards that exist;
- 4145 (ii) a summary of the reports submitted to the administrator under Subsection (5),
- 4146 including:
- 4147 (A) a list of each executive board that submitted a report under Subsection (5);
- 4148 (B) a list of each executive board that failed to timely submit a report under
- 4149 Subsection (5);
- 4150 (C) an indication of any recommendations made under Subsection (5)(a)(iv);
- 4151 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the
- 4152 executive board should no longer exist; and
- 4153 (E) a recommendation regarding whether the administrator recommends the
- 4154 executive board should continue to exist; and
- 4155 (iii) a list of each executive board, identified and reported by the Division of
- 4156 Archives and Record Services under Section 63A-16-601, that did not post a
- 4157 notice of a public meeting on the Utah Public Notice Website during the previous
- 4158 fiscal year.
- 4159 (b) On or before September 1 of a calendar year in which the administrator prepares a
- 4160 report described in Subsection (6)(a), in accordance with Section 68-3-14, the
- 4161 administrator shall submit the report to:
- 4162 (i) the president of the Senate;
- 4163 (ii) the speaker of the House of Representatives; and
- 4164 (iii) the Government Operations Interim Committee.
- 4165 (c)(i) Within 60 days after the day on which an executive board fails to timely submit
- 4166 a report under Subsection (5), a legislative interim committee shall conduct a
- 4167 review to determine whether to recommend repeal of the executive board.
- 4168 (ii) The Office of Legislative Research and General Counsel shall notify the chairs of
- 4169 an interim committee whose subject area most closely relates to an executive
- 4170 board described in Subsection (6)(c)(i) of:
- 4171 (A) the name of the board;
- 4172 (B) information regarding the function of the board; and
- 4173 (C) the deadline by which the interim committee is required to conduct a review
- 4174 described in Subsection (6)(c)(i).
- 4175 (iii) If there is not an interim committee with a subject area relating to the executive
- 4176 board, or if the interim committee described in Subsection (6)(c)(ii) is unable to
- 4177 timely conduct the review described in Subsection (6)(c), the Government

- 4178 Operations Interim Committee shall conduct the review.
- 4179 (iv) If an interim committee recommends that an executive board described in  
4180 Subsection (6)(c)(i) be repealed, the Office of Legislative Research and General  
4181 Counsel shall draft a bill repealing the executive board.
- 4182 (7) The Legislature may not create an executive board except through a bill that receives a  
4183 favorable recommendation by unanimous vote of an interim committee.
- 4184 (8) Except for an executive board created by the Utah Constitution, an interim committee  
4185 may determine that an executive board is an inactive board and recommend that the  
4186 governor deactivate the executive board.
- 4187 (9) Except for an executive board created by the Utah Constitution, an interim committee  
4188 may recommend that the governor reactivate a deactivated executive board.
- 4189 (10) If an interim committee recommends that the governor deactivate or reactivate an  
4190 executive board, the chairs of the interim committee shall submit a written notice  
4191 identifying the name of the executive board and the reason for the recommendation to:  
4192 (a) the governor;  
4193 (b) the chairs of the Legislative Management Committee;  
4194 (c) the administrator, as defined in Section 67-1-2.5; and  
4195 (d) the executive branch agency that oversees the board.
- 4196 (11) Except for an executive board created by the Utah Constitution, the Legislature may  
4197 deactivate or reactivate an executive board by concurrent resolution.
- 4198 (12)(a) Except as provided in Subsection (12)(c), the governor may determine that an  
4199 executive board is an inactive board:  
4200 (i) in response to the recommendation of an interim committee; or  
4201 (ii) based on the governor's own determination.
- 4202 (b) Except as provided in Subsection (12)(c), if the governor determines that an  
4203 executive board is an inactive board, the governor may deactivate the executive board.
- 4204 (c) The governor may not deactivate an executive board if:  
4205 (i) the executive board is created by the Utah Constitution;  
4206 (ii) within the previous one-year period, the Legislature created the executive board,  
4207 reauthorized the executive board, or, by concurrent resolution, reactivated the  
4208 executive board; or  
4209 (iii) the board is created by a statute that expressly prohibits the governor from  
4210 deactivating the executive board.
- 4211 (d) An executive board that the governor deactivates under Subsection (12)(b), or that

4212 the Legislature deactivates by concurrent resolution, may not take an action or fulfill  
4213 a duty that the executive board is otherwise statutorily authorized to take or fulfill.

4214 (13)(a) Except as provided in Subsection (13)(c), the governor may determine that a  
4215 deactivated executive board should be reactivated.

4216 (b) Except as provided in Subsection (13)(c), if the governor determines that a  
4217 deactivated executive board should be reactivated, the governor may reactivate the  
4218 executive board.

4219 (c) The governor may not reactivate an executive board if:

4220 (i) within the previous one-year period, the Legislature deactivated the executive  
4221 board by concurrent resolution; or

4222 (ii) the board is created by a statute that expressly prohibits the governor from  
4223 reactivating the executive board.

4224 (d) An executive board that the governor reactivates under Subsection (13)(b), or that  
4225 the Legislature reactivates by concurrent resolution, may take an action or fulfill a  
4226 duty that the executive board is statutorily authorized to take or fulfill.

4227 (14) Before the governor deactivates or reactivates an executive board under this section,  
4228 the governor shall submit a written notice identifying the name of the board and the  
4229 reason the governor has determined to deactivate or reactivate the executive board to:

4230 (a) the chairs of the Legislative Management Committee;

4231 (b) the chairs of the Government Operations Interim Committee;

4232 (c) the administrator, as defined in Section 67-1-2.5; and

4233 (d) the executive branch agency that oversees the board.

4234 Section 56. Section **67-1-11** is amended to read:

4235 **67-1-11 (Effective 05/06/26). Sex balance in appointing board members.**

4236 (1) As used in this section, "appointing authority" means the speaker of the House, the  
4237 president of the Senate, the governor, the governor's designee, nominating committee, or  
4238 executive branch officer or other body empowered by statute or rule to make any  
4239 appointment or nomination for appointment to any board, committee, bureau,  
4240 commission, council, panel, or other entity.

4241 (2) In making a nomination, appointment, or reappointment to fill a vacancy on any board,  
4242 committee, bureau, commission, council, or other entity, the appointing authority shall  
4243 strongly consider nominating, appointing, or reappointing a qualified individual whose [  
4244 gender] sex is in the minority on that entity.

4245 Section 57. Section **76-5d-101** is amended to read:

4246 **76-5d-101 (Effective 05/06/26). Definitions.**

4247 As used in this chapter:

- 4248 (1) "Adult" is an individual who is 18 years old or older.
- 4249 (2) "Child" is an individual younger than 18 years old.
- 4250 (3) "Female breast" means the undeveloped, partially developed, or developed breast of a  
4251 female individual.
- 4252 (4) "HIV infection" means an indication of a Human Immunodeficiency Virus (HIV)  
4253 infection determined by current medical standards and detected by any of the following:
- 4254 (a) presence of antibodies to HIV, verified by a positive confirmatory test, such as  
4255 Western blot with an interpretation based on criteria currently recommended by the  
4256 Association of State and Territorial Public Health Laboratory Directors or another  
4257 confirmatory test approved by the Utah State Health Laboratory;
- 4258 (b) presence of HIV antigen;
- 4259 (c) isolation of HIV; or
- 4260 (d) demonstration of HIV proviral DNA.
- 4261 (5) "HIV positive individual" means an individual who has an HIV infection.
- 4262 (6) "Local law enforcement agency" means an agency responsible for investigating  
4263 violations of offenses in Part 2, General Offenses, the filing of charges that may lead to  
4264 convictions, and the conducting of, or obtaining the results of, tests for HIV infection.
- 4265 (7) "Positive" means an indication of HIV infection.
- 4266 (8) "Prostituted individual" means an individual engaged in prostitution or sexual  
4267 solicitation.
- 4268 (9) "Prostitution" means engaging in sexual activity with another individual in exchange for  
4269 a fee or the functional equivalent of a fee.
- 4270 (10) "Public place" means a place to which the public or any substantial group of the public  
4271 has access.
- 4272 (11) "Sexual activity" means, regardless of the [gender] sex of either participant:
- 4273 (a) an act of masturbation, sexual intercourse, or any sexual act involving the genitals of  
4274 one individual and the mouth or anus of another individual; or
- 4275 (b) the touching of the genitals, female breast, or anus of one individual with any other  
4276 body part of another individual with the intent to sexually arouse or gratify either  
4277 individual.
- 4278 (12) "Sexual solicitation" means the conduct described in Section 76-5d-209, sexual  
4279 solicitation by an actor offering to engage in sexual activity for compensation.

4280 (13) "Test" means a test for HIV infection in accordance with standards recommended by  
4281 the Department of Health and Human Services.

4282 Section 58. Section **77-7-17.5** is amended to read:

4283 **77-7-17.5 (Effective 05/06/26). Physical body cavity search policy --**

4284 **Requirements.**

4285 (1) As used in this section:

4286 (a) "Arrestee" means an individual who is in the custody of law enforcement for an  
4287 offense for which the individual has not been convicted.

4288 (b)(i) "Body cavity" includes the anus, rectum, vagina, esophagus, or stomach.

4289 (ii) "Body cavity" does not include the mouth, ear canal, or nasal passages.

4290 (c)(i) "Physical body cavity search" means a search of a body cavity of an individual  
4291 that involves touching the individual with:

4292 (A) any part of another individual's body; or

4293 (B) an instrument or other item.

4294 (ii) "Physical body cavity search" does not include a clothed, pat down search.

4295 (2) Each county jail shall adopt and implement a policy that meets the minimum standards  
4296 contained in a model policy established by the Commission on Criminal and Juvenile  
4297 Justice.

4298 (3) The model policy shall specify the minimum standards and procedures to be followed  
4299 by the county jail when a body cavity search is performed on an arrestee within the  
4300 county jail's jurisdiction, including:

4301 (a) stating with specificity the circumstances under which a body cavity search may be  
4302 performed on an arrestee;

4303 (b) designating who may authorize the performance of a body cavity search;

4304 (c) designating specific jail staff or medical personnel who may perform a body cavity  
4305 search;

4306 (d) requiring any nonmedically trained jail staff who may perform a body cavity search  
4307 to be trained on safe practices for conducting a body cavity search;

4308 (e) requiring documentation of each body cavity search performed at the correctional  
4309 facility, including:

4310 (i) the identity of the arrestee searched;

4311 (ii) the date, time, and location of the search;

4312 (iii) the identity of the individual performing the search;

4313 (iv) the identity of the individual authorizing the search;

- 4314 (v) a description of the body areas searched and the procedures followed in  
4315 performing the search; and  
4316 (vi) the circumstances necessitating the body cavity search; and  
4317 (f) designating rules and procedures to be followed, by authorized staff, when  
4318 performing a body cavity search that account for the health and privacy interests of  
4319 the arrestee, including:  
4320 (i) the location where a body cavity search must be performed;  
4321 (ii) the [~~gender~~] sex requirements of the individuals who perform or observe the  
4322 search in relation to the [~~gender~~] sex of the arrestee being searched; and  
4323 (iii) methods to ensure the body cavity search is conducted with the minimal amount  
4324 of touching necessary to effectuate the purposes of the search.

4325 (4) A county jail's body cavity search policy is a public record.

4326 Section 59. Section **78A-2-110** is amended to read:

4327 **78A-2-110 (Effective 05/06/26). Databases for judicial boards.**

4328 (1) As used in this section, "judicial board" means any judicial branch board, commission,  
4329 council, committee, working group, task force, study group, advisory group, or other  
4330 body with a defined limited membership that is created to operate for more than six  
4331 months by:

- 4332 (a) the constitution;  
4333 (b) statute;  
4334 (c) judicial order;  
4335 (d) any justice or judge;  
4336 (e) the Judicial Council;  
4337 (f) the state court administrator, a district court administrator, trial court executive, or a  
4338 business and chancery court administrator; or  
4339 (g) any clerk or administrator in the judicial branch of state government.

4340 (2) The Judicial Council shall designate an individual from the Judicial Council's staff to  
4341 maintain a computerized database containing information about all judicial boards.

4342 (3) The individual designated to maintain the database shall:

- 4343 (a) ensure that the database contains:  
4344 (i) the name of the judicial board;  
4345 (ii) the statutory or constitutional authority for the creation of the judicial board;  
4346 (iii) the court or other judicial entity under whose jurisdiction the judicial board  
4347 operates or with which the judicial board is affiliated, if any;

- 4348 (iv) the name, address, [~~gender~~] sex, telephone number, and county of each individual  
4349 currently serving on the judicial board, along with a notation of all vacant or  
4350 unfilled positions;
- 4351 (v) the title of the position held by the individual who appointed each member of the  
4352 judicial board;
- 4353 (vi) the length of the term to which each member of the judicial board was appointed  
4354 and the month and year that each judicial board member's term expires;
- 4355 (vii) the organization, interest group, profession, local government entity, or  
4356 geographic area that the member of the judicial board represents, if any;
- 4357 (viii) whether or not the judicial board allocates state or federal funds and the amount  
4358 of those funds allocated during the last fiscal year;
- 4359 (ix) whether the judicial board is a policy board or an advisory board;
- 4360 (x) whether or not the judicial board has or exercises rulemaking authority; and
- 4361 (xi) any compensation and expense reimbursement that members of the executive  
4362 board are authorized to receive;
- 4363 (b) make the information contained in the database available to the public upon request;
- 4364 (c) cooperate with other entities of state government to publish the data or useful  
4365 summaries of the data;
- 4366 (d) prepare, publish, and distribute an annual report by April 1 of each year that  
4367 includes, as of March 1 of that year:
- 4368 (i) the total number of judicial boards;
- 4369 (ii) the name of each of those judicial boards and the court, council, administrator,  
4370 executive, or clerk under whose jurisdiction the executive board operates or with  
4371 which the judicial board is affiliated, if any;
- 4372 (iii) for each court, council, administrator, executive, or clerk, the total number of  
4373 judicial boards under the jurisdiction of or affiliated with that court, council,  
4374 administrator, executive, or clerk;
- 4375 (iv) the total number of members for each of those judicial boards;
- 4376 (v) whether each board is a policymaking board or an advisory board and the total  
4377 number of policy boards and the total number of advisory boards; and
- 4378 (vi) the compensation, if any, paid to the members of each of those judicial boards;  
4379 and
- 4380 (e) distribute copies of the report described in Subsection (3)(d) to:
- 4381 (i) the chief justice of the Utah Supreme Court;

- 4382 (ii) the state court administrator;
- 4383 (iii) the governor;
- 4384 (iv) the president of the Utah Senate;
- 4385 (v) the speaker of the Utah House;
- 4386 (vi) the Office of Legislative Research and General Counsel; and
- 4387 (vii) any other persons who request a copy of the annual report.

4388 Section 60. Section **78B-6-2401** is amended to read:

4389 **78B-6-2401 (Effective 05/06/26). Definitions.**

4390 As used in this part:

- 4391 (1) "AMA guides" means the edition of the American Medical Association's Guides to the
- 4392 Evaluation of Permanent Impairment in effect at the time of the performance of an
- 4393 examination or test on an exposed individual.
- 4394 (2) "Asbestos" means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite
- 4395 asbestos, actinolite asbestos, asbestiform winchite, asbestiform richterite, asbestiform
- 4396 amphibole minerals, and any of these minerals that have been chemically treated or
- 4397 altered, including all minerals defined as asbestos in 29 C.F.R. Sec. 1910 at the time the
- 4398 asbestos action is filed.
- 4399 (3) "Asbestosis" means bilateral diffuse interstitial fibrosis of the lungs caused by the
- 4400 inhalation of asbestos fibers.
- 4401 (4)(a) "Asbestos action" means a claim for damages or other civil or equitable relief
- 4402 presented in a civil action resulting from, based on, or related to:
- 4403 (i) the health effects of exposure to asbestos, including:
- 4404 (A) loss of consortium;
- 4405 (B) wrongful death;
- 4406 (C) mental or emotional injury;
- 4407 (D) risk or fear of disease or other injury; and
- 4408 (E) costs of medical monitoring or surveillance; and
- 4409 (ii) any other derivative claim made by or on behalf of an individual exposed to
- 4410 asbestos or a representative, spouse, parent, child, or other relative of that
- 4411 individual.
- 4412 (b) "Asbestos action" does not include a claim for workers' compensation or veterans
- 4413 benefits.
- 4414 (5) "Asbestos trust" means a:
- 4415 (a) government-approved or court-approved trust that is intended to provide

- 4416 compensation to claimants arising out of, based on, or related to the health effects of  
4417 exposure to asbestos or asbestos-containing products;
- 4418 (b) qualified settlement fund that is intended to provide compensation to claimants  
4419 arising out of, based on, or related to the health effects of exposure to asbestos or  
4420 asbestos-containing products;
- 4421 (c) compensation fund or claims facility created as a result of an administrative or legal  
4422 action that is intended to provide compensation to claimants arising out of, based on,  
4423 or related to the health effects of exposure to asbestos or asbestos-containing  
4424 products;
- 4425 (d) court-approved bankruptcy that is intended to provide compensation to claimants  
4426 arising out of, based on, or related to the health effects of exposure to asbestos or  
4427 asbestos-containing products; or
- 4428 (e) plan of reorganization or trust pursuant to 11 U.S.C. Sec. 524(g) or 11 U.S.C. Sec.  
4429 1121(a) or other applicable provision of law that is intended to provide compensation  
4430 to claimants arising out of, based on, or related to the health effects of exposure to  
4431 asbestos or asbestos-containing products.
- 4432 (6) "ATS testing standards" means the official technical statements from the American  
4433 Thoracic Society for pulmonary function testing in effect at the time of the performance  
4434 of an examination or test on an exposed individual.
- 4435 (7) "Board-certified physician in internal medicine" means a licensed physician who is  
4436 certified by the American Board of Internal Medicine or the American Osteopathic  
4437 Board of Internal Medicine.
- 4438 (8) "Board-certified physician in occupational medicine" means a licensed physician who is  
4439 certified in the specialty of:
- 4440 (a) occupational medicine by the American Board of Preventative Medicine; or  
4441 (b) occupational and environmental medicine by the American Osteopathic Board of  
4442 Preventative Medicine.
- 4443 (9) "Board-certified physician in pathology" means a licensed physician:
- 4444 (a) who holds primary certification in anatomic pathology or clinical pathology from the  
4445 American Board of Pathology or the American Osteopathic Board of Pathology; and  
4446 (b) whose professional practice is principally in the field of pathology involving regular  
4447 evaluation of pathology materials obtained from surgical or postmortem specimens.
- 4448 (10) "Board-certified physician in pulmonary medicine" means a licensed physician who is  
4449 certified in the specialty of pulmonary medicine by the American Board of Internal

- 4450 Medicine or the American Osteopathic Board of Internal Medicine.
- 4451 (11) "Certified B reader" means a physician who is certified as a B reader by the National  
4452 Institute for Occupational Safety and Health.
- 4453 (12) "Chest x-ray" means a chest film taken in accordance with applicable state and federal  
4454 laws and taken in the posterior-anterior view.
- 4455 (13) "Exposed individual" means an individual whose exposure to asbestos is the basis for  
4456 the asbestos action.
- 4457 (14) "FEV1" means the maximal volume of air expelled in the first second during  
4458 performance of spirometry.
- 4459 (15) "FEV1/FVC ratio" means the ratio that is calculated from FEV1 divided by FVC.
- 4460 (16) "FVC" means the maximal volume of air expired with maximum effort from a position  
4461 of full inspiration.
- 4462 (17) "ILO system" means the system for the classification of chest x-rays provided in the  
4463 International Labour Office's Guidelines for the Use of ILO International Classification  
4464 of Radiographs of Pneumoconioses in effect at the time of the performance of an  
4465 examination or test on an exposed individual.
- 4466 (18) "Law firm" means a person that employs a lawyer.
- 4467 (19) "Lawyer" means an individual who is authorized to provide legal services in any state  
4468 or territory of the United States.
- 4469 (20)(a) "Nonmalignant condition" means a condition that may be caused by asbestos  
4470 other than a diagnosed cancer.
- 4471 (b) "Nonmalignant condition" does not include asbestos-related lung cancer  
4472 accompanied by asbestosis.
- 4473 (21) "Pathological evidence of asbestosis" means a statement by a board-certified physician  
4474 in pathology that more than one representative section of lung tissue demonstrates a  
4475 pattern of peribronchiolar or parenchymal scarring in the presence of characteristic  
4476 asbestos bodies and there is no other more likely explanation for the presence of the  
4477 fibrosis.
- 4478 (22) "Plaintiff" means:
- 4479 (a) the person bringing the asbestos action, including a personal representative if the  
4480 asbestos action is brought by an estate; or
- 4481 (b) a conservator or next friend if the asbestos action is brought on behalf of a minor or  
4482 legally incapacitated individual.
- 4483 (23) "Plethysmography" means the test for determining lung volume in which the exposed

- 4484 individual is enclosed in a chamber equipped to measure pressure, flow, or volume  
4485 change.
- 4486 (24) "Predicted lower limit of normal" means the fifth percentile of healthy populations  
4487 based on age, height, and [gender] sex as referenced in the AMA guides.
- 4488 (25) "Pulmonary function testing" means spirometry, lung volume testing, and diffusion  
4489 capacity testing, including appropriate measurements, quality control data, and graphs,  
4490 that are performed in accordance with the methods of calibration and techniques  
4491 provided in the AMA guides and the ATS testing standards in effect at the time of the  
4492 performance of a test on an exposed individual.
- 4493 (26) "Qualified physician" means a licensed physician who:
- 4494 (a) is a board-certified physician in internal medicine, a board-certified physician in  
4495 occupational medicine, a board-certified physician in pathology, or a board-certified  
4496 physician in pulmonary medicine, as is appropriate to the diagnostic specialty in  
4497 question;
- 4498 (b)(i) conducted a physical examination of the exposed individual and took a detailed  
4499 occupational, exposure, medical, smoking, and social history from the exposed  
4500 individual; or
- 4501 (ii) if the exposed individual is deceased, reviewed the pathology material and took a  
4502 detailed history from the individual most knowledgeable about the information  
4503 forming the basis of the asbestos action;
- 4504 (c)(i) treated the exposed individual and had a physician-patient relationship with the  
4505 exposed individual at the time of the physical examination; or
- 4506 (ii) if the licensed physician is a board-certified physician in pathology, examined  
4507 tissue samples or pathological slides of the exposed individual;
- 4508 (d) prepared or directly supervised the preparation and final review of a medical report  
4509 under this part; and
- 4510 (e) has not relied on any examinations, tests, radiographs, reports, or opinions of a  
4511 doctor, clinic, laboratory, or testing company that performed an examination, test,  
4512 radiograph, or screening of the exposed individual in violation of a law, regulation,  
4513 licensing requirement, or medical ethics requirement of the state in which the  
4514 examination, test, radiograph, or screening of the exposed individual was conducted.
- 4515 (27) "Radiological evidence of asbestosis" means a quality 1 or 2 chest x-ray showing  
4516 bilateral small, irregular opacities, classified by width as s, t, or u, that occur primarily in  
4517 the lower lung zones graded by a certified B reader as at least 1/0 on the ILO system.

- 4518 (28) "Radiological evidence of diffuse bilateral pleural thickening" means a quality 1 or 2  
4519 chest x-ray showing diffuse bilateral pleural thickening of at least b2 on the ILO system  
4520 and blunting of at least one costophrenic angle as classified by a certified B reader.
- 4521 (29) "Spirometry" means a test of air capacity of the lung through a spirometer that  
4522 measures the volume of air inspired and expired.
- 4523 (30) "Supporting test results" means a report by a certified B reader, x-ray examinations,  
4524 diagnostic imaging of the chest, pathology reports, pulmonary function testing, and other  
4525 tests, which are reviewed by the diagnosing physician or qualified physician in reaching  
4526 the physician's conclusions.
- 4527 (31) "Sworn declaration" means the same as that term is defined in Section 78B-18a-102.
- 4528 (32) "Timed gas dilution" means a method for measuring total lung capacity in which the  
4529 individual breaths into a spirometer containing a known concentration of an inert and  
4530 insoluble gas for a specific time and the concentration of that inert and insoluble gas in  
4531 the lung is compared to the concentration of that type of gas in the spirometer.
- 4532 (33) "Total lung capacity" means the volume of gas contained in the lungs at the end of the  
4533 maximal inspiration.
- 4534 (34) "Trust claims materials" means a final executed proof of claim and all other documents  
4535 and information related to a claim against an asbestos trust, including:
- 4536 (a) claims forms and supplementary materials;  
4537 (b) affidavits;  
4538 (c) depositions and trial testimony;  
4539 (d) work history;  
4540 (e) medical and health records;  
4541 (f) documents reflecting the status of a claim against an asbestos trust; and  
4542 (g) all documents relating to the settlement of the trust claim if the trust claim has settled.
- 4543 (35) "Trust governance documents" means all documents that relate to eligibility and  
4544 payment levels, including:
- 4545 (a) claims payment matrices; and  
4546 (b) trust distribution procedures or plans for reorganization for an asbestos trust.
- 4547 (36) "Veterans benefits" means a program for benefits in connection with military service  
4548 administered by the United States Department of Veterans Affairs under United States  
4549 Code, Title 38, Veterans Benefits.
- 4550 (37)(a) "Workers' compensation" means a program administered by the United States or  
4551 a state to provide benefits, funded by a responsible employer or the employer's

4552 insurance carrier, for occupational diseases or injuries or for disability or death  
4553 caused by occupational diseases or injuries.

4554 (b) "Workers' compensation" includes the Longshore and Harbor Workers'  
4555 Compensation Act, 33 U.S.C. Sec. 901 et seq., and Federal Employees'  
4556 Compensation Act, 5 U.S.C. Sec. 8101 et seq.

4557 (c) "Workers' compensation" does not include the Federal Employers' Liability Act, 45  
4558 U.S.C. Sec. 51 et seq.

4559 Section 61. Section **79-2-203** is amended to read:

4560 **79-2-203 (Effective 05/06/26). Policy board members.**

4561 (1) Members of a policy board within the department shall be appointed consistent with the  
4562 following criteria:

4563 (a) geographical distribution;

4564 (b) expertise or personal experience with subject matter;

4565 (c) diversity of opinion and political preference; and

4566 (d) [~~gender~~] sex, cultural, and ethnic representation.

4567 (2) The governor may remove a member at any time for official misconduct, habitual or  
4568 willful neglect of duty, or for other good and sufficient cause.

4569 (3) No member of the Legislature may serve as a member of a division policy board.

4570 (4)(a) In addition to the disclosures required by Section 67-16-7, a board member shall  
4571 disclose any conflict of interest to the board.

4572 (b) Notwithstanding Section 67-16-9, a board member with a substantial conflict may  
4573 serve on the board if the member refrains from voting on a board action when the  
4574 conflict involves:

4575 (i) a direct financial interest in the subject under consideration; or

4576 (ii) an entity or asset that could be substantially affected by the outcome of board  
4577 action.

4578 Section 62. Section **81-9-204** is amended to read:

4579 **81-9-204 (Effective 05/06/26). Custody and parent-time of a minor child --**

4580 **Custody factors -- Preferences.**

4581 (1) In a proceeding between parents in which the custody and parent-time of a minor child  
4582 is at issue, the court shall consider the best interests of the minor child in determining  
4583 any form of custody and parent-time.

4584 (2) The court shall determine whether an order for custody or parent-time is in the best  
4585 interests of the minor child by a preponderance of the evidence.

- 4586 (3) In determining any form of custody and parent-time under Subsection (1), the court  
4587 shall consider:
- 4588 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic  
4589 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a  
4590 household member of the parent;
- 4591 (b) whether the parent has intentionally exposed the minor child to:
- 4592 (i) pornography; or
- 4593 (ii) material harmful to minors, as "material" and "harmful to minors" are defined in  
4594 Section 76-5c-101; and
- 4595 (c) whether custody and parent-time would endanger the minor child's health or physical  
4596 or psychological safety.
- 4597 (4) In determining the form of custody and parent-time that is in the best interests of the  
4598 minor child, the court may consider, among other factors the court finds relevant, the  
4599 following for each parent:
- 4600 (a) evidence of psychological maltreatment;
- 4601 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the  
4602 developmental needs of the minor child, including the minor child's:
- 4603 (i) physical needs;
- 4604 (ii) emotional needs;
- 4605 (iii) educational needs;
- 4606 (iv) medical needs; and
- 4607 (v) any special needs;
- 4608 (c) the parent's capacity and willingness to function as a parent, including:
- 4609 (i) parenting skills;
- 4610 (ii) co-parenting skills, including:
- 4611 (A) ability to appropriately communicate with the other parent;
- 4612 (B) ability to encourage the sharing of love and affection; and
- 4613 (C) willingness to allow frequent and continuous contact between the minor child  
4614 and the other parent, except that, if the court determines that the parent is  
4615 acting to protect the minor child from domestic violence, neglect, or abuse, the  
4616 parent's protective actions may be taken into consideration; and
- 4617 (iii) ability to provide personal care rather than surrogate care;
- 4618 (d) the past conduct and demonstrated moral character of the parent as described in  
4619 Subsection (9);

- 4620 (e) the emotional stability of the parent;
- 4621 (f) the parent's inability to function as a parent because of drug abuse, excessive  
4622 drinking, or other causes;
- 4623 (g) the parent's reason for having relinquished custody or parent-time in the past;
- 4624 (h) duration and depth of desire for custody or parent-time;
- 4625 (i) the parent's religious compatibility with the minor child;
- 4626 (j) the parent's financial responsibility;
- 4627 (k) the child's interaction and relationship with step-parents, extended family members  
4628 of other individuals who may significantly affect the minor child's best interests;
- 4629 (l) who has been the primary caretaker of the minor child;
- 4630 (m) previous parenting arrangements in which the minor child has been happy and  
4631 well-adjusted in the home, school, and community;
- 4632 (n) the relative benefit of keeping siblings together;
- 4633 (o) the stated wishes and concerns of the minor child, taking into consideration the  
4634 minor child's cognitive ability and emotional maturity;
- 4635 (p) the relative strength of the minor child's bond with the parent, meaning the depth,  
4636 quality, and nature of the relationship between the parent and the minor child; and
- 4637 (q) any other factor the court finds relevant.
- 4638 (5)(a) A minor child may not be required by either party to testify unless the trier of fact  
4639 determines that extenuating circumstances exist that would necessitate the testimony  
4640 of the minor child be heard and there is no other reasonable method to present the  
4641 minor child's testimony.
- 4642 (b)(i) The court may inquire and take into consideration the minor child's desires  
4643 regarding future custody or parent-time schedules, but the expressed desires are  
4644 not controlling and the court may determine the minor child's custody or  
4645 parent-time otherwise.
- 4646 (ii) The desires of a minor child who is 14 years old or older shall be given added  
4647 weight, but is not the single controlling factor.
- 4648 (c)(i) If an interview with a minor child is conducted by the court in accordance with  
4649 Subsection (5)(b), the interview shall be conducted by the court in camera.
- 4650 (ii) The prior consent of the parties may be obtained but is not necessary if the court  
4651 finds that an interview with a minor child is the only method to ascertain the  
4652 minor child's desires regarding custody.
- 4653 (6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a

- 4654 parent due to a disability, as defined in Section 57-21-2, in awarding custody or  
4655 determining whether a substantial change has occurred for the purpose of modifying  
4656 an award of custody.
- 4657 (b) The court may not consider the disability of a parent as a factor in awarding custody  
4658 or modifying an award of custody based on a determination of a substantial change in  
4659 circumstances, unless the court makes specific findings that:
- 4660 (i) the disability significantly or substantially inhibits the parent's ability to provide  
4661 for the physical and emotional needs of the minor child at issue; and
- 4662 (ii) the parent with a disability lacks sufficient human, monetary, or other resources  
4663 available to supplement the parent's ability to provide for the physical and  
4664 emotional needs of the minor child at issue.
- 4665 (c) Nothing in this section may be construed to apply to adoption proceedings under  
4666 Chapter 13, Adoption.
- 4667 (7) This section does not establish:
- 4668 (a) a preference for either parent solely because of the [~~gender~~] sex of the parent; or
- 4669 (b) a preference for or against joint physical custody or sole physical custody, but allows  
4670 the court and the family the widest discretion to choose a parenting plan that is in the  
4671 best interest of the minor child.
- 4672 (8) When an issue before the court involves custodial responsibility in the event of a  
4673 deployment of a parent who is a service member and the service member has not yet  
4674 been notified of deployment, the court shall resolve the issue based on the standards in  
4675 Sections 81-10-306 through 81-10-309.
- 4676 (9) In considering the past conduct and demonstrated moral standards of each party under  
4677 Subsection (4)(d) or any other factor a court finds relevant, the court may not:
- 4678 (a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal  
4679 dosage form, a cannabis product in a medicinal dosage form, or a medical  
4680 cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production  
4681 Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid  
4682 Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently  
4683 than the court would consider or treat the lawful possession or use of any  
4684 prescribed controlled substance; or
- 4685 (ii) discriminate against a parent because of the parent's status as a:
- 4686 (A) cannabis production establishment agent, as that term is defined in Section  
4687 4-41a-102;

- 4688 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 4689 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201;
- 4690 or
- 4691 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,
- 4692 Cannabinoid Research and Medical Cannabis; or
- 4693 (b) discriminate against a parent based upon the parent's agreement or disagreement with
- 4694 a minor child of the couple's:
- 4695 (i) assertion that the minor child's gender identity is different from the minor child's
- 4696 biological sex;
- 4697 (ii) practice of having or expressing a different gender identity than the minor child's
- 4698 biological sex; or
- 4699 (iii) sexual orientation.
- 4700 (10)(a) The court shall consider evidence of domestic violence if evidence of domestic
- 4701 violence is presented.
- 4702 (b) The court shall consider as primary, the safety and well-being of the minor child and
- 4703 the parent who experiences domestic violence.
- 4704 (c) A court shall consider an order issued by a court in accordance with Title 78B,
- 4705 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or
- 4706 substantiated potential harm to the minor child.
- 4707 (d) If a parent relocates because of an act of domestic violence or family violence by the
- 4708 other parent, the court shall make specific findings and orders with regards to the
- 4709 application of Section 81-9-209.
- 4710 (11) Absent a showing by a preponderance of evidence of real harm or substantiated
- 4711 potential harm to the minor child:
- 4712 (a) it is in the best interest of the minor child to have frequent, meaningful, and
- 4713 continuing access to each parent following separation or divorce;
- 4714 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing
- 4715 access with the parent's minor child consistent with the minor child's best interests;
- 4716 and
- 4717 (c) it is in the best interest of the minor child to have both parents actively involved in
- 4718 parenting the minor child.
- 4719 (12) Notwithstanding any other provision of this chapter, the court may not grant custody or
- 4720 parent-time of a minor child to a parent convicted of a sexual offense, as defined in
- 4721 Section 77-37-2, that resulted in the conception of the minor child unless:

- 4722 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents  
4723 to custody or parent-time and the court determines it is in the best interest of the  
4724 minor child to award custody or parent-time to the convicted parent; or  
4725 (b) after the date of the conviction, the convicted parent and the nonconvicted parent  
4726 cohabit and establish a mutual custodial environment for the minor child.

4727 (13) A denial of custody or parent-time under Subsection (12) does not:

- 4728 (a) terminate the parental rights of the parent denied parent-time or custody; or  
4729 (b) affect the obligation of the convicted parent to financially support the minor child.

4730 Section 63. Section **81-9-402** is amended to read:

4731 **81-9-402 (Effective 05/06/26). Custody and visitation for individuals other than a**  
4732 **parent -- Venue.**

4733 (1)(a) In accordance with Section 80-2a-201, it is the public policy of this state that a  
4734 parent retain the fundamental right and duty to exercise primary control over the care,  
4735 supervision, upbringing, and education of a minor child of the parent.

4736 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's  
4737 best interests.

4738 (2) The presumption in Subsection [(1)] (1)(b) is rebutted and a court may grant custodial or  
4739 visitation rights to an individual other than a parent if the court finds, by clear and  
4740 convincing evidence, that the individual seeking custodial or visitation rights has  
4741 established that:

- 4742 (a) the individual has intentionally assumed the role and obligations of a parent;  
4743 (b) the individual and the minor child have formed a substantial emotional bond and  
4744 created a parent-child type relationship;  
4745 (c) the individual substantially contributed emotionally or financially to the minor child's  
4746 well being;  
4747 (d) the assumption of the parental role is not the result of a financially compensated  
4748 surrogate care arrangement;  
4749 (e) the continuation of the relationship between the individual and the minor child is in  
4750 the minor child's best interest;  
4751 (f) the loss or cessation of the relationship between the individual and the minor child  
4752 would substantially harm the minor child; and  
4753 (g) the parent:  
4754 (i) is absent as of the time of filing of the petition;  
4755 (ii) does not have the ability to exercise primary physical custody of the minor child

- 4756 as of the time of filing of the petition; or
- 4757 (iii) has abused or neglected the minor child, or that another court has found that the
- 4758 parent has abused or neglected the minor child.
- 4759 (3) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350,
- 4760 an individual shall file a verified petition, or a petition supported by an affidavit, for
- 4761 custodial or visitation rights to the minor child in the juvenile court if a matter is pending
- 4762 in the juvenile court, or in the district court in the county where the minor child:
- 4763 (a) currently resides; or
- 4764 (b) lived with a parent or an individual other than a parent who acted as a parent within
- 4765 six months before the commencement of the action.
- 4766 (4) An individual may file a petition under this section in a pending divorce, parentage
- 4767 action, or other proceeding, including a proceeding in the juvenile court involving
- 4768 custody of or visitation with a minor child.
- 4769 (5) The petition shall include detailed facts supporting the petitioner's right to file the
- 4770 petition including the criteria set forth in Subsection (2) and residency information
- 4771 described in Section 81-11-209.
- 4772 (6) An individual may not file a petition under this section against a parent who is actively
- 4773 serving outside the state in any branch of the military.
- 4774 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the
- 4775 Utah Rules of Civil Procedure on all of the following:
- 4776 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;
- 4777 (b) any individual who has court-ordered custody or visitation rights;
- 4778 (c) the minor child's guardian;
- 4779 (d) the guardian ad litem, if one has been appointed;
- 4780 (e) an individual or agency that has physical custody of the minor child or that claims to
- 4781 have custody or visitation rights; and
- 4782 (f) any other individual or agency that has previously appeared in any action regarding
- 4783 custody of or visitation with the minor child.
- 4784 (8) The court may order a custody evaluation to be conducted in any proceeding brought
- 4785 under this section.
- 4786 (9) The court may enter temporary orders in a proceeding brought under this section
- 4787 pending the entry of final orders.
- 4788 (10) Except as provided in Subsection (11), a court may not grant custody of a minor child
- 4789 under this section to an individual:

- 4790 (a) who is not the parent of the minor child; and
- 4791 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no  
4792 contest to a felony or attempted felony involving conduct that constitutes any of the  
4793 following:
- 4794 (i) child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-109.4,  
4795 and 76-5-114;
- 4796 (ii) child abuse homicide, as described in Section 76-5-208;
- 4797 (iii) child kidnapping, as described in Section 76-5-301.1;
- 4798 (iv) human trafficking of a child, as described in Section 76-5-308.5;
- 4799 (v) sexual abuse of a minor, as described in Section 76-5-401.1;
- 4800 (vi) rape of a child, as described in Section 76-5-402.1;
- 4801 (vii) object rape of a child, as described in Section 76-5-402.3;
- 4802 (viii) sodomy on a child, as described in Section 76-5-403.1;
- 4803 (ix) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated sexual  
4804 abuse of a child, as described in Section 76-5-404.3;
- 4805 (x) sexual exploitation of a minor, as described in Section 76-5b-201;
- 4806 (xi) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1; or
- 4807 (xii) an offense in another state that, if committed in this state, would constitute an  
4808 offense described in this Subsection (10).
- 4809 (11)(a) As used in this Subsection (11), "disqualifying offense" means an offense listed  
4810 in Subsection (10) that prevents a court from granting custody except as provided in  
4811 this Subsection (11).
- 4812 (b) An individual described in Subsection (10) may only be considered for custody of a  
4813 minor child if the following criteria are met by clear and convincing evidence:
- 4814 (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;
- 4815 (ii) at least 10 years have elapsed from the day on which the individual is  
4816 successfully released from prison, jail, parole, or probation related to a  
4817 disqualifying offense;
- 4818 (iii) during the 10 years before the day on which the individual files a petition with  
4819 the court seeking custody the individual has not been convicted, plead guilty, or  
4820 plead no contest to an offense greater than an infraction or traffic violation that  
4821 would likely impact the health, safety, or well-being of the minor child;
- 4822 (iv) the individual can provide evidence of successful treatment or rehabilitation  
4823 directly related to the disqualifying offense;

- 4824 (v) the court determines that the risk related to the disqualifying offense is unlikely to  
4825 cause harm, as defined in Section 80-1-102, or potential harm to the minor child  
4826 currently or at any time in the future when considering all of the following:
- 4827 (A) the minor child's age;
  - 4828 (B) the minor child's [gender] sex;
  - 4829 (C) the minor child's development;
  - 4830 (D) the nature and seriousness of the disqualifying offense;
  - 4831 (E) the preferences of a minor child who is 12 years old or older;
  - 4832 (F) any available assessments, including custody evaluations, parenting  
4833 assessments, psychological or mental health assessments, and bonding  
4834 assessments; and
  - 4835 (G) any other relevant information;
- 4836 (vi) the individual can provide evidence of the following:
- 4837 (A) the relationship with the minor child is of long duration;
  - 4838 (B) that an emotional bond exists with the minor child; and
  - 4839 (C) that custody by the individual who has committed the disqualifying offense  
4840 ensures the best interests of the minor child are met;
- 4841 (vii)(A) there is no other responsible relative known to the court who has or likely  
4842 could develop an emotional bond with the minor child and does not have a  
4843 disqualifying offense; or
- 4844 (B) if there is a responsible relative known to the court that does not have a  
4845 disqualifying offense, Subsection (11)(d) applies; and
- 4846 (viii) that the continuation of the relationship between the individual with the  
4847 disqualifying offense and the minor child could not be sufficiently maintained  
4848 through any type of visitation if custody were given to the relative with no  
4849 disqualifying offense described in Subsection (11)(d).
- 4850 (c) The individual with the disqualifying offense bears the burden of proof regarding  
4851 why placement with that individual is in the best interest of the minor child over  
4852 another responsible relative or equally situated individual who does not have a  
4853 disqualifying offense.
- 4854 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to  
4855 the court who does not have a disqualifying offense:
- 4856 (i) preference for custody is given to a relative who does not have a disqualifying  
4857 offense; and

4858 (ii) before the court may place custody with the individual who has the disqualifying  
4859 offense over another responsible, willing, and able relative:

4860 (A) an impartial custody evaluation shall be completed; and

4861 (B) a guardian ad litem shall be assigned.

4862 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final  
4863 decision on custody has not been made and to a case filed on or after March 25, 2017.

4864 Section 64. Section **81-12-105** is amended to read:

4865 **81-12-105 (Effective 05/06/26). Contents of petition.**

4866 (1)(a) A petition under this chapter must be verified and include a copy of any existing  
4867 child custody determination, if available.

4868 (b) The petition must specify the risk factors for abduction, including the relevant factors  
4869 described in Section 81-12-106.

4870 (2) Subject to Subsection 81-11-209(5), if reasonably ascertainable, the petition must  
4871 contain:

4872 (a) the name, date of birth, and [~~gender~~] sex of the minor child;

4873 (b) the customary address and current physical location of the minor child;

4874 (c) the identity, customary address, and current physical location of the respondent;

4875 (d) a statement of whether a prior action to prevent abduction or domestic violence has  
4876 been filed by a party or other individual or entity having custody of the minor child,  
4877 and the date, location, and disposition of the action;

4878 (e) a statement of whether a party to the proceeding has been arrested for a crime related  
4879 to domestic violence, stalking, or child abuse or neglect, and the date, location, and  
4880 disposition of the case; and

4881 (f) any other information required to be submitted to the court for a child custody  
4882 determination under Section 81-11-209.

4883 Section 65. Section **81-12-106** is amended to read:

4884 **81-12-106 (Effective 05/06/26). Factors to determine risk of abduction.**

4885 (1) In determining whether there is a credible risk of abduction of a minor child, the court  
4886 shall consider any evidence that the petitioner or respondent:

4887 (a) has previously abducted or attempted to abduct the minor child;

4888 (b) has threatened to abduct the minor child;

4889 (c) has recently engaged in activities that may indicate a planned abduction, including:

4890 (i) abandoning employment;

4891 (ii) selling a primary residence;

- 4892 (iii) terminating a lease;
- 4893 (iv) closing bank or other financial management accounts, liquidating assets, hiding  
4894 or destroying financial documents, or conducting any unusual financial activities;
- 4895 (v) applying for a passport or visa or obtaining travel documents for the respondent, a  
4896 family member, or the minor child; or
- 4897 (vi) seeking to obtain the minor child's birth certificate or school or medical records;
- 4898 (d) has engaged in domestic violence, stalking, or child abuse or neglect;
- 4899 (e) has refused to follow a child custody determination;
- 4900 (f) lacks strong familial, financial, emotional, or cultural ties to the state or the United  
4901 States;
- 4902 (g) has strong familial, financial, emotional, or cultural ties to another state or country;
- 4903 (h) is likely to take the minor child to a country that:
- 4904 (i) is not a party to the Hague Convention on the Civil Aspects of International Child  
4905 Abduction and does not provide for the extradition of an abducting parent or for  
4906 the return of an abducted minor child;
- 4907 (ii) is a party to the Hague Convention on the Civil Aspects of International Child  
4908 Abduction but:
- 4909 (A) the Hague Convention on the Civil Aspects of International Child Abduction  
4910 is not in force between the United States and that country;
- 4911 (B) is noncompliant according to the most recent compliance report issued by the  
4912 United States Department of State; or
- 4913 (C) lacks legal mechanisms for immediately and effectively enforcing a return  
4914 order under the Hague Convention on the Civil Aspects of International Child  
4915 Abduction;
- 4916 (iii) poses a risk that the minor child's physical or emotional health or safety would be  
4917 endangered in the country because of specific circumstances relating to the minor  
4918 child or because of human rights violations committed against a minor child;
- 4919 (iv) has laws or practices that would:
- 4920 (A) enable the respondent, without due cause, to prevent the petitioner from  
4921 contacting the minor child;
- 4922 (B) restrict the petitioner from freely traveling to or exiting from the country  
4923 because of the petitioner's [gender] sex, nationality, marital status, or religion; or
- 4924 (C) restrict the minor child's ability legally to leave the country after the minor  
4925 child reaches the age of majority because of a minor child's [gender] sex,

4926 nationality, or religion;

4927 (v) is included by the United States Department of State on a current list of state  
4928 sponsors of terrorism;

4929 (vi) does not have an official United States diplomatic presence in the country; or

4930 (vii) is engaged in active military action or war, including a civil war, to which the  
4931 minor child may be exposed;

4932 (i) is undergoing a change in immigration or citizenship status that would adversely  
4933 affect the respondent's ability to remain in the United States legally;

4934 (j) has had an application for United States citizenship denied;

4935 (k) has forged or presented misleading or false evidence on government forms or  
4936 supporting documents to obtain or attempt to obtain a passport, a visa, travel  
4937 documents, a social security card, a driver license, or other government-issued  
4938 identification card or has made a misrepresentation to the United States government;

4939 (l) has used multiple names to attempt to mislead or defraud; or

4940 (m) has engaged in any other conduct the court considers relevant to the risk of  
4941 abduction.

4942 (2) In the hearing on a petition under this chapter, the court shall consider any evidence that  
4943 the respondent believed in good faith that the respondent's conduct was necessary to  
4944 avoid imminent harm to the minor child or respondent and any other evidence that may  
4945 be relevant to whether the respondent may be permitted to remove or retain the minor  
4946 child.

4947 Section 66. Section **81-13-203** is amended to read:

4948 **81-13-203 (Effective 05/06/26). Who may adopt -- Adoption of a minor child.**

- 4949 (1) An adult may adopt a minor child in accordance with this section and this chapter.
- 4950 (2) Except as otherwise provided in this section and subject to the placement requirements  
4951 described in Section 81-13-403, a minor child may be adopted by:
- 4952 (a) adults who are legally married to each other in accordance with the laws of this state,  
4953 including adoption by a stepparent; or
- 4954 (b) an adult who is not married.
- 4955 (3) If an adult is cohabiting in a relationship that is not a legally valid and binding marriage  
4956 under the laws of this state, the adult may not adopt a minor child unless the individual  
4957 is a relative of the minor child or a recognized placement under the Indian Child Welfare  
4958 Act, 25 U.S.C. Sec. 1901 et seq.
- 4959 (4) A married adult who is lawfully separated from the married adult's spouse may not

- 4960 adopt a minor child without the consent of the married adult's spouse if the spouse is  
4961 capable of giving consent.
- 4962 (5) An adult may not adopt a minor child unless:
- 4963 (a) the adult is at least 10 years older than the minor child; or
- 4964 (b) at least one adult of a married couple is at least 10 years older than the minor child if  
4965 a married couple is adopting the minor child.
- 4966 (6) Except as provided in Subsection (7), an adult may not adopt a minor child if, before  
4967 adoption is finalized, the adult has been convicted of, pleaded guilty to, or pleaded no  
4968 contest to a felony or attempted felony involving conduct that constitutes:
- 4969 (a) child abuse, as described in Section 76-5-109;
- 4970 (b) aggravated child abuse, as described in Section 76-5-109.2;
- 4971 (c) child abandonment, as described in Section 76-5-109.3;
- 4972 (d) child torture, as described in Section 76-5-109.4;
- 4973 (e) commission of domestic violence in the presence of a child, as described in Section  
4974 76-5-114;
- 4975 (f) child abuse homicide, as described in Section 76-5-208;
- 4976 (g) child kidnapping, as described in Section 76-5-301.1;
- 4977 (h) human trafficking of a child, as described in Section 76-5-308.5;
- 4978 (i) sexual abuse of a minor, as described in Section 76-5-401.1;
- 4979 (j) rape of a child, as described in Section 76-5-402.1;
- 4980 (k) object rape of a child, as described in Section 76-5-402.3;
- 4981 (l) sodomy on a child, as described in Section 76-5-403.1;
- 4982 (m) sexual abuse of a child, as described in Section 76-5-404.1;
- 4983 (n) aggravated sexual abuse of a child, as described in Section 76-5-404.3;
- 4984 (o) sexual exploitation of a minor, as described in Section 76-5b-201;
- 4985 (p) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1; or
- 4986 (q) an offense in another state that, if committed in this state, would constitute an  
4987 offense described in this Subsection (6).
- 4988 (7)(a) As used in this Subsection (7), "disqualifying offense" means an offense listed in  
4989 Subsection (6) that prevents a court from considering an adult for adoption of a minor  
4990 child except as provided in this Subsection (7).
- 4991 (b) An adult described in Subsection (6) may only be considered for adoption of a minor  
4992 child if the following criteria are met by clear and convincing evidence:
- 4993 (i) at least 10 years have elapsed from the day on which the adult is successfully

- 4994 released from prison, jail, parole, or probation related to a disqualifying offense;
- 4995 (ii) during the 10 years before the day on which the adult files a petition with the
- 4996 court seeking adoption, the adult has not been convicted, pleaded guilty, or
- 4997 pleaded no contest to an offense greater than an infraction or traffic violation that
- 4998 would likely impact the health, safety, or well-being of the minor child;
- 4999 (iii) the adult can provide evidence of successful treatment or rehabilitation directly
- 5000 related to the disqualifying offense;
- 5001 (iv) the court determines that the risk related to the disqualifying offense is unlikely
- 5002 to cause harm, as defined in Section 80-1-102, or potential harm to the minor child
- 5003 currently or at any time in the future when considering all of the following:
- 5004 (A) the minor child's age;
- 5005 (B) the minor child's [gender] sex;
- 5006 (C) the minor child's development;
- 5007 (D) the nature and seriousness of the disqualifying offense;
- 5008 (E) the preferences of a minor child who is 12 years old or older;
- 5009 (F) any available assessments, including custody evaluations, home studies,
- 5010 pre-placement adoptive evaluations, parenting assessments, psychological or
- 5011 mental health assessments, and bonding assessments; and
- 5012 (G) any other relevant information;
- 5013 (v) the adult can provide evidence of all of the following:
- 5014 (A) the relationship with the minor child is of long duration;
- 5015 (B) that an emotional bond exists with the minor child; and
- 5016 (C) that adoption by the individual who has committed the disqualifying offense
- 5017 ensures the best interests of the minor child are met; and
- 5018 (vi) the adoption is by:
- 5019 (A) a stepparent whose spouse is the adoptee's parent and consents to the
- 5020 adoption; or
- 5021 (B) subject to Subsection (7)(d), a relative of the minor child, as defined in
- 5022 Section 80-3-102, and there is not another relative without a disqualifying
- 5023 offense filing an adoption petition.
- 5024 (c) The adult with the disqualifying offense bears the burden of proof regarding why
- 5025 adoption with that adult is in the best interest of the minor child over another
- 5026 responsible relative or equally situated adult who does not have a disqualifying
- 5027 offense.

- 5028 (d) If there is an alternative responsible relative who does not have a disqualifying  
5029 offense filing an adoption petition:
- 5030 (i) preference for adoption shall be given to a relative who does not have a  
5031 disqualifying offense; and
- 5032 (ii) before the court may grant adoption to the adult who has the disqualifying offense  
5033 over another responsible, willing, and able relative:
- 5034 (A) an impartial custody evaluation shall be completed; and  
5035 (B) a guardian ad litem shall be assigned.
- 5036 (8) Subsections (6) and (7) apply to a case pending on March 25, 2017, for which a final  
5037 decision on adoption has not been made and to a case filed on or after March 25, 2017.
- 5038 **Section 67. Repealer.**
- 5039 This bill repeals:
- 5040 **Section 26B-1-239, Systematic medical evidence review of hormonal transgender**  
5041 **treatments.**
- 5042 **Section 68. Effective Date.**
- 5043 This bill takes effect on May 6, 2026.