

1

Higher Education Code Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor:

2

LONG TITLE

3

General Description:

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

Highlighted Provisions:

5 This bill:

6

- 8 ▶ includes private postsecondary educational institutions to certain sections of code that
9 apply to institutions of higher education; and
- 10 ▶ makes technical changes.

Money Appropriated in this Bill:

11 None

Other Special Clauses:

12 None

Utah Code Sections Affected:

13 AMENDS:

14 **9-22-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
15 Session, Chapter 916 **9-22-104 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapters 352, 36517 **9-22-113 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
18 Session, Chapter 919 **9-22-114 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2019,
20 Chapter 48721 **53-8-105 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 271, 39322 **53H-11-306 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
23 First Special Session, Chapter 824 **58-37-3.5 (Effective 05/06/26) (Repealed 07/01/27)**, as last amended by Laws of Utah
25 2025, First Special Session, Chapter 926 **76-6-113 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 23027 **76-8-705 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special

31 Session, Chapter 9
32 **77-11a-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 80
33 **79-3-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
34 Session, Chapter 15
35 **79-6-106 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
36 Session, Chapter 9

37
38 *Be it enacted by the Legislature of the state of Utah:*

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

40 **9-22-102 (Effective 05/06/26). Definitions.**

41 As used in this chapter:

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

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

47 (3) "Educator" means the same as that term is defined in Section 53E-6-102.

48 (4) "Foundation" means a foundation established as described in Subsections 9-22-104(3)
49 and (4).

50 (5) "Fund" means the STEM Action Center Foundation Fund created in Section 9-22-105.

51 (6) "Grant program" means the Computing Partnerships Grants program created in this part.

52 (7) "High quality professional development" means professional development that meets
53 high quality standards developed by the State Board of Education.

54 (8) "Institution of higher education" means the same as that term is defined in Section
55 53H-1-101.

56 (9) "K-16" means kindergarten through grade 12 and post-secondary education programs.

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

59 [(10)] (11) "Provider" means a provider selected on behalf of the STEM board by the staff
60 of the STEM board and the staff of the State Board of Education:

61 (a) through a request for proposals process; or

62 (b) through a direct award or sole source procurement process for a pilot described in
63 Section 9-22-107.

64 [(11)] (12) "Review committee" means the committee established under Section 9-22-114.

65 [¶12] (13) "Stacked credentials" means credentials that:

- 66 (a) an individual can build upon to access an advanced job or higher wage;
- 67 (b) are part of a career pathway system;
- 68 (c) provide a pathway culminating in the equivalent of an associate's or bachelor's
- 69 degree;
- 70 (d) facilitate multiple exit and entry points; and
- 71 (e) recognize sub-goals or momentum points.

72 [¶13] (14) "STEM" means science, technology, engineering, and mathematics.

73 [¶14] (15) "STEM Action Center" means the center described in Section 9-22-106.

74 [¶15] (16) "STEM board" means the STEM Action Center Board created in Section
75 9-22-103.

76 [¶16] (17) "Talent Ready Program" means the Talent Ready Utah Program created in
77 Section 53H-13-303.

78 Section 2. Section **9-22-104** is amended to read:

9-22-104 (Effective 05/06/26). STEM Action Center Board -- Duties.

80 (1) The STEM board shall:

- 81 (a) establish [a] the STEM Action Center to:
 - 82 (i) coordinate STEM activities in the state among the following stakeholders:
 - 83 (A) the State Board of Education;
 - 84 (B) school districts and charter schools;
 - 85 (C) the Utah Board of Higher Education;
 - 86 (D) institutions of higher education;
 - 87 (E) private postsecondary educational institution;
 - 88 [¶E] (F) parents of home-schooled students;
 - 89 [¶F] (G) other state agencies; and
 - 90 [¶G] (H) business and industry representatives;
 - 91 (ii) align public education STEM activities with higher education STEM activities;
92 and
 - 93 (iii) create and coordinate best practices among public education and higher
94 education;
- 95 (b) with the advice and consent of the Senate, appoint a director to oversee the
96 administration of the STEM Action Center;
- 97 (c) select a physical location for the STEM Action Center;
- 98 (d) strategically engage industry and business entities to cooperate with the STEM board;

99 (i) to support high quality professional development and provide other assistance for
100 educators and students; and
101 (ii) to provide private funding and support for the STEM Action Center;
102 (e) give direction to the STEM Action Center and the providers selected through a
103 request for proposals process pursuant to this part; and
104 (f) work to meet the following expectations:
105 (i) that at least 50 educators are implementing best practice learning tools in
106 classrooms;
107 (ii) performance change in student achievement in each classroom participating in a
108 STEM Action Center project; and
109 (iii) that students from at least 50 schools [-]in the state [-]participate in the STEM
110 competitions, fairs, and camps described in Subsection 9-22-106(2)(d).
111 (2) The STEM board may:
112 (a) enter into contracts for the purposes of this part;
113 (b) apply for, receive, and disburse funds, contributions, or grants from any source for
114 the purposes set forth in this part;
115 (c) employ, compensate, and prescribe the duties and powers of individuals necessary to
116 execute the duties and powers of the STEM board;
117 (d) prescribe the duties and powers of the STEM Action Center providers; and
118 (e) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
119 make rules to administer this part.
120 (3) The STEM board may establish a foundation to assist in:
121 (a) the development and implementation of the programs authorized under this part to
122 promote STEM education; and
123 (b) implementation of other STEM education objectives described in this part.
124 (4) A foundation established by the STEM board under Subsection (3):
125 (a) may solicit and receive contributions from a private organization for STEM
126 education objectives described in this part;
127 (b) shall comply with the requirements described in Section 9-22-105;
128 (c) does not have power or authority to incur contractual obligations or liabilities that
129 constitute a claim against public funds;
130 (d) may not exercise executive or administrative authority over the programs or other
131 activities described in this part, except to the extent specifically authorized by the
132 STEM board;

133 (e) shall provide the STEM board with information detailing transactions and balances
134 associated with the foundation; and
135 (f) may not:
136 (i) engage in lobbying activities;
137 (ii) attempt to influence legislation; or
138 (iii) participate in any campaign activity for or against:
139 (A) a political candidate; or
140 (B) an initiative, referendum, proposed constitutional amendment, bond, or any
141 other ballot proposition submitted to the voters.

142 Section 3. Section **9-22-113** is amended to read:

143 **9-22-113 (Effective 05/06/26). Computer science initiative for public schools.**

144 (1) As used in this section:
145 (a) "Computational thinking" means the set of problem-solving skills and techniques that
146 software engineers use to write programs that underlie computer applications,
147 including decomposition, pattern recognition, pattern generalization, and algorithm
148 design.
149 (b) "Computer coding" means the process of writing script for a computer program or
150 mobile device.
151 (c) "Educator" means the same as that term is defined in Section 53E-6-102.
152 (d) "Endorsement" means a stipulation, authorized by the State Board of Education and
153 appended to a license, that specifies the areas of practice to which the license applies.
154 (e) "Institution of higher education" means the same as that term is defined in Section
155 53H-1-101.
156 (f) "Employer" means a private employer, public employer, industry association, union,
157 or the military.
158 (g) "License" means the same as that term is defined in Section 53E-6-102.
159 (h) "Private postsecondary educational institution" means the same as that term is
160 defined in Section 53H-1-101.
161 (2) Subject to legislative appropriations, on behalf of the STEM board, the staff of the
162 STEM board and the staff of the State Board of Education shall collaborate to develop
163 and implement a computer science initiative for public schools by:
164 (a) creating an online repository that:
165 (i) is available for school districts and charter schools to use as a resource; and
166 (ii) includes high quality computer science instructional resources that are designed

167 to teach students in all grade levels:

168 (A) computational thinking skills; and

169 (B) computer coding skills;

170 (b) providing for professional development on teaching computer science by:

171 (i) including resources for educators related to teaching computational thinking and

172 computer coding in the STEM education high quality professional development

173 application described in Section 9-22-110; and

174 (ii) providing statewide or regional professional development institutes; and

175 (c) awarding grants to a school district or charter school, on a competitive basis, that

176 may be used to provide incentives for an educator to earn a computer science

177 endorsement.

178 (3) A school district or charter school may enter into an agreement with one or more of the

179 following entities to jointly apply for a grant under Subsection (2)(c):

180 (a) a school district;

181 (b) a charter school;

182 (c) an employer;

183 (d) a private postsecondary educational institution;

184 [(d)] (e) an institution of higher education; or

185 [(e)] (f) a non-profit organization.

186 (4) To apply for a grant described in Subsection (2)(c), a school district or charter school

187 shall submit a plan to the State Board of Education for the use of the grant, including a

188 statement of purpose that describes the methods the school district or charter school

189 proposes to use to incentivize an educator to earn a computer science endorsement.

190 (5) The State Board of Education and the STEM board shall encourage schools to

191 independently pursue computer science and coding initiatives, subject to local school

192 board or charter school governing board approval, based on the unique needs of the

193 school's students.

194 (6) The STEM board shall include information on the status of the computer science

195 initiative in the annual report described in Section 9-22-109.

196 Section 4. Section **9-22-114** is amended to read:

197 **9-22-114 (Effective 05/06/26). Computing Partnerships Grants program.**

198 (1) There is created the Computing Partnerships Grants program consisting of the grants

199 created in this part to provide for the design and implementation of a comprehensive

200 K-16 computing partnerships program, based upon the following common elements:

- 201 (a) outreach and student engagement;
- 202 (b) courses and content;
- 203 (c) instruction and instructional support;
- 204 (d) work-based learning opportunities;
- 205 (e) student retention;
- 206 (f) industry engagement;
- 207 (g) stacked credentials that allow for multiple exit and entry points;
- 208 (h) competency-based learning strategies; and
- 209 (i) secondary and post-secondary collaborations.

210 (2) The grant program shall incentivize public schools and school districts to work with the
211 STEM Action Center, staff of the State Board of Education, Talent Ready Utah, industry
212 representatives, and secondary partners on the design and implementation of
213 comprehensive K-16 computing partnerships through:

- 214 (a) leveraging existing resources for content, professional learning, and instruction,
215 including existing career and technical education funds, programs, and initiatives;
- 216 (b) allowing for the support of professional learning for pre- and in-service educators;
- 217 (c) supporting activities that promote and enhance access, diversity, and equity;
- 218 (d) supporting collaborations and partnerships between K-12, institutions of higher
219 education, private postsecondary educational institutions, cultural and community
220 partners, and industry representatives;
- 221 (e) identifying the appropriate credentials that align with industry needs and providing
222 the credentials in a stacked credentials pathway;
- 223 (f) implementing a collaborative network that enables sharing and identification of best
224 practices; and
- 225 (g) providing infrastructure assistance that allows for the support of new courses and the
226 expansion of capacity for existing courses.

227 (3) The grant program shall include the following:

- 228 (a) rigorous and relevant metrics that are shared by all grant participants; and
- 229 (b) an evaluation by the STEM Action Center of the grant program that identifies best
230 practices.

231 (4) The STEM Action Center, in consultation with the State Board of Education, shall:

- 232 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
233 adopt rules:
- 234 (i) for the administration of the grant program and awarding of grants; and

235 (ii) that define outcome-based measures appropriate to the type of grant awarded
236 under this part;

237 (b) establish a grant application process;

238 (c) in accordance with Subsection (5), establish a review committee to make
239 recommendations for:

240 (i) metrics to analyze the quality of a grant application;

241 (ii) approval of a grant application; and

242 (iii) criteria to establish a requirement for an applicant to demonstrate financial need;
243 and

244 (d) with input from the review committee, adopt metrics to analyze the quality of a grant
245 application.

246 (5)(a) The review committee shall consist of K-16 educators, staff of the State Board of
247 Education, representatives of Talent Ready Utah, post-secondary partners, and
248 industry representatives.

249 (b) The review committee shall:

250 (i) review a grant application submitted;

251 (ii) make recommendations to a grant applicant to modify the grant application, if
252 necessary; and

253 (iii) make recommendations regarding the final disposition of an application.

254 (6) The STEM Action Center shall report annually on the grant program to the State Board
255 of Education and any findings and recommendations on the grant program shall be
256 included in the STEM Action Center annual report to the Education Interim Committee.

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

258 **53-8-105 (Effective 05/06/26). Duties of Highway Patrol.**

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

260 (a) enforce the state laws and rules governing use of the state highways;

261 (b) regulate traffic on all highways and roads of the state;

262 (c) assist the governor in an emergency or at other times at his discretion;

263 (d) in cooperation with federal, state, and local agencies, enforce and assist in the
264 enforcement of all state and federal laws related to the operation of a motor carrier on
265 a highway, including all state and federal rules and regulations;

266 (e) inspect certain vehicles to determine road worthiness and safe condition as provided
267 in Section 41-6a-1630;

268 (f) upon request, assist with any condition of unrest existing or developing on a campus

269 or related facility of an institution of higher education or private postsecondary
270 educational institution;

271 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the
272 state liquor laws;

273 (h) provide security and protection for both houses of the Legislature while in session as
274 the speaker of the House of Representatives and the president of the Senate find
275 necessary;

276 (i) enforce the state laws and rules governing use of capitol hill; and

277 (j) carry out the following for the Supreme Court and the Court of Appeals:

278 (i) provide security and protection to those courts when in session in the capital city
279 of the state;

280 (ii) execute orders issued by the courts; and

281 (iii) carry out duties as directed by the courts.

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

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

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

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

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

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

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

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

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

302 **53H-11-306 (Effective 05/06/26). Police officer's and firefighter's survivor tuition**

303 **waiver.**

304 (1) As used in this section:

305 (a) "Child" means an individual who:

306 (i) is a natural or adopted child of a deceased peace officer or deceased firefighter; and
307 (ii) was under the age of 25 at the time of the peace officer's or firefighter's death.

308 (b) "Department" means the Department of Public Safety.

309 (c)(i) "Fees" means general course fees, in addition to tuition, that are:

310 (A) imposed by an institution of higher education; and

311 (B) required to be paid by a student to engage in a course of study at the
312 institution of higher education.

313 (ii) "Fees" does not include a special course fee.

314 (d) "Killed" means that the peace officer's or firefighter's death is the direct and
315 proximate result of a traumatic injury incurred in the line of duty.

316 (e) "Line of duty" means an action that a peace officer or firefighter is obligated or
317 authorized to perform by rule, regulation, condition of employment or service, or
318 law, including a social, ceremonial, or athletic function that the peace officer or
319 firefighter is assigned to or compensated for by the public agency being served.

320 (f) "Occupational disease" means a disease that routinely constitutes a special hazard in,
321 or is commonly regarded as concomitant of, the peace officer's or firefighter's
322 occupation.

323 (g) "Traumatic injury" means a wound or the condition of the body caused by external
324 force, including an injury inflicted by bullet, explosive, sharp instrument, blunt
325 object, or other physical blow, fire, smoke, chemical, electricity, climatic condition,
326 infectious disease, radiation, or bacteria, but excluding an occupational disease.

327 (h) "Tuition" means tuition and fees at the rate charged for residents of the state.

328 (i)(i) "Utah firefighter" or "firefighter" means a member, including volunteer
329 members and members paid on call, of a fire department or other organization that
330 provides fire suppression and other fire-related services, of a political subdivision
331 who is responsible for or is in a capacity that includes responsibility for the
332 extinguishment of fires.

333 (ii) "Utah firefighter" or "firefighter" does not include a person whose job
334 description, duties, or responsibilities do not include direct involvement in fire
335 suppression.

336 (j) "Utah peace officer" or "peace officer" means an employee of a law enforcement

337 agency that is part of or administered by a private postsecondary educational
338 institution, the state, or any of its political subdivisions, and whose duties consist
339 primarily of the prevention and detection of crime and the enforcement of criminal
340 statutes or ordinances of this state or any of its political subdivisions.

341 (2) Subject to the limitations in Subsections (3), (4), and (5), an institution of higher
342 education shall waive tuition for each child and surviving spouse of a Utah peace officer
343 or Utah firefighter who has been killed or is killed in the line of duty if the individual
344 meets the following requirements:

- 345 (a) applies, qualifies, and is admitted as a full-time, part-time, or summer school student
346 in a program of study leading to a degree or certificate;
- 347 (b) is a resident student of the state as determined under Section 53H-11-202;
- 348 (c) applies to the department for a waiver of tuition under this section and provides
349 evidence satisfactory to the department that:
 - 350 (i) the applicant is the surviving spouse or child of a peace officer or firefighter who
351 was killed in the line of duty;
 - 352 (ii) the course or courses for which the applicant is seeking a tuition waiver meet the
353 requirements of Subsection (3); and
 - 354 (iii) the applicant meets the other requirements of this section;
- 355 (d) for a child of a peace officer or firefighter killed in the line of duty, applies under
356 Subsection (2)(c) for the first time before turning 25 years old;
- 357 (e) maintains satisfactory academic progress, as defined by the institution of higher
358 education, for each term or semester in which the individual is enrolled, which may
359 be measured by the definition used for federal student assistance programs under
360 Title IV of the Higher Education Act of 1965; and
- 361 (f) has not achieved a bachelor's degree and has received tuition reimbursement under
362 this section for less than 124 semester credits or 180 quarter credits at an institution
363 of higher education.

364 (3) A child or surviving spouse of a peace officer or firefighter who was killed in the line of
365 duty is eligible for a tuition waiver under this section of not more than nine semesters or
366 the equivalent number of quarters.

367 (4) Tuition shall be waived only to the extent that the tuition is not covered or paid by any
368 scholarship, trust fund, statutory benefit, or any other source of tuition coverage
369 available for a waiver under this section.

370 (5) An institution of higher education shall waive tuition under this section only for courses

371 that are applicable toward the degree or certificate requirements of the program in which
372 the child or surviving spouse is enrolled.

373 (6) Upon receiving an application under Subsection (2)(c), the department shall determine
374 whether the applicant and the courses for which tuition waiver is sought meet the
375 requirements of this section and, if so, shall approve the application and notify the
376 institution that the application has been approved.

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

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

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

383 **58-37-3.5 (Effective 05/06/26) (Repealed 07/01/27). Drugs for behavioral health
384 treatment.**

385 (1) As used in this section:

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

389 (b) "Healthcare system" means:

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

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

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

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

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

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

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

405 (4) Before July 1, 2026, a healthcare system that creates a behavioral health treatment
406 program under this section shall provide a written report to the Health and Human
407 Services Interim Committee regarding:
408 (a) drugs used;
409 (b) health outcomes of patients;
410 (c) side effects of any drugs used; and
411 (d) any other information necessary for the Legislature to evaluate the medicinal value
412 of any drugs.

413 (5) An individual or entity that complies with this section when using, distributing,
414 possessing, administering, or supervising the use of, a drug is not guilty of a violation of
415 this title.

416 Section 8. Section **76-6-113** is amended to read:

417 **76-6-113 (Effective 05/06/26). Property damage resulting in economic
418 interruption -- Enhanced penalties.**

419 (1)(a) As used in this section:
420 (i) "Business" means an enterprise carried on for the purpose of gain or economic
421 profit.
422 (ii) "Governmental entity" means the state, a county, a municipality, a special district,
423 a special service district, a school district, a state institution of higher education, or
424 any other political subdivision or administrative unit of the state.
425 (iii) "Economic interruption" means any disruption or cessation to the operations of a
426 business or governmental entity that results in:
427 (A) the business or governmental entity ceasing operations for at least one day; or
428 (B) the employees of the business or governmental entity being unable to perform
429 labor for the business or governmental entity for at least one day.
430 (iv) "Private postsecondary educational institution" means the same as that term is
431 defined in Section 53H-1-101.
432 (b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
433 (2) An actor commits property damage resulting in economic interruption if:
434 (a) the actor intentionally, knowingly, recklessly, or negligently damages, defaces, or
435 destroys a business's, private postsecondary educational institution's, or governmental
436 entity's property; and
437 (b) the actor's actions under Subsection (2)(a) cause an economic interruption for the
438 business, private postsecondary educational institution, or governmental entity.

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

440 (4) It is not a defense under this section that the actor did not know that the victim is a

441 business, private postsecondary educational institution, or governmental entity.

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

443 is guilty of:

444 (a) a third degree felony if the actor has two prior convictions for a violation of

445 Subsection (2) within five years before the day on which the actor committed the

446 most recent violation of Subsection (2); and

447 (b) a second degree felony if the actor has at least three prior convictions for a violation

448 of Subsection (2) within five years before the day on which the actor committed the

449 most recent violation of Subsection (2).

450 (6) A prior conviction used for a penalty enhancement under Subsection (5) is a conviction

451 that is from a separate criminal episode than:

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

453 (b) any other prior conviction that is used to enhance the penalty for the most recent

454 violation of Subsection (2).

455 (7) The prosecuting attorney, or the grand jury if an indictment is returned, shall include

456 notice in the information or indictment that the offense is subject to an enhancement

457 under Subsection (5).

458 Section 9. Section **76-8-705** is amended to read:

459 **76-8-705 (Effective 05/06/26). Willful interference with lawful activities of**

460 **students or faculty.**

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

462 (i) ["institution"] "Institution" means the same as that term is defined in Section

463 53H-1-101.

464 (ii) "Private postsecondary educational institution" means the same as that term is

465 defined in Section 53H-1-101.

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

467 (2) An actor commits willful interference with lawful activities of students or faculty if the

468 actor, while on property that is owned, operated, or controlled by an institution or

469 private postsecondary educational institution, willfully:

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

471 (i) freedom of movement;

472 (ii) use of the property or facilities; or

473 (iii) ingress or egress to the [institution's] institution or private postsecondary
474 educational institution's physical facilities;
475 (b) impedes a faculty or staff member of the institution or private postsecondary
476 educational institution in the lawful performance of the member's duties; or
477 (c) impedes a student of the institution or private postsecondary educational institution
478 in the lawful pursuit of the student's educational activities.

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

480 Section 10. Section **77-11a-101** is amended to read:

481 **77-11a-101 (Effective 05/06/26). Definitions.**

482 As used in this chapter:

483 (1)(a) "Agency" means an agency of this state or a political subdivision of this state.
484 (b) "Agency" includes a law enforcement agency or a multijurisdictional task force.
485 (2) "Claimant" means:
486 (a) an owner of property;
487 (b) an interest holder; or
488 (c) an individual or entity who asserts a claim to any property for which an agency seeks
489 to forfeit.
490 (3)(a) "Computer" means, except as provided in Subsection (3)(c), an electronic,
491 magnetic, optical, electrochemical, or other high-speed data processing device that
492 performs logical, arithmetic, and storage functions.
493 (b) "Computer" includes any device that is used for the storage of digital or electronic
494 files, flash memory, software, or other electronic information.
495 (c) "Computer" does not mean a computer server of an [Internet] internet or electronic
496 service provider, or the service provider's employee, if used to comply with the
497 requirements under 18 U.S.C. Sec. 2258A.
498 (4)(a) "Contraband" means any property, item, or substance that is unlawful to produce
499 or to possess under state or federal law.
500 (b) "Contraband" includes:
501 (i) a controlled substance that is possessed, transferred, distributed, or offered for
502 distribution in violation of Title 58, Chapter 37, Utah Controlled Substances Act;
503 or
504 (ii) a computer that:
505 (A) contains or houses child sexual abuse material, or is used to create, download,
506 transfer, upload to a storage account, or store any electronic or digital files

507 containing child sexual abuse material; or

508 (B) contains the personal identifying information of another individual, as defined
509 in Section 76-6-1101, whether that individual is alive or deceased, and the
510 personal identifying information has been used to create false or fraudulent
511 identification documents or financial transaction cards in violation of Title 76,
512 Chapter 6, Part 5, Fraud.

513 (5) "Controlled substance" means the same as that term is defined in Section 58-37-2.

514 (6) "Court" means a municipal, county, or state court.

515 (7) "Division of Law Enforcement" means the division within the Department of Natural
516 Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.

517 (8) "Evidence" means the same as that term is defined in Section 77-11c-101.

518 (9) "Forfeit" means to divest a claimant of an ownership interest in property seized by a
519 peace officer or agency.

520 (10) "Innocent owner" means a claimant who:

521 (a) held an ownership interest in property at the time of the commission of an offense
522 subjecting the property to seizure, and:

523 (i) did not have actual knowledge of the offense subjecting the property to seizure; or
524 (ii) upon learning of the commission of the offense, took reasonable steps to prohibit
525 the use of the property in the commission of the offense; or

526 (b) acquired an ownership interest in the property and had no knowledge that the
527 commission of the offense subjecting the property to seizure had occurred or that the
528 property had been seized, and:

529 (i) acquired the property in a bona fide transaction for value;

530 (ii) was an individual, including a minor child, who acquired an interest in the
531 property through probate or inheritance; or

532 (iii) was a spouse who acquired an interest in property through dissolution of
533 marriage or by operation of law.

534 (11)(a) "Interest holder" means a secured party as defined in Section 70A-9a-102, a
535 party with a right-of-offset, a mortgagee, lien creditor, or the beneficiary of a security
536 interest or encumbrance pertaining to an interest in property, whose interest would be
537 perfected against a good faith purchaser for value.

538 (b) "Interest holder" does not mean a person:

539 (i) who holds property for the benefit of or as an agent or nominee for another
540 person; or

541 (ii) who is not in substantial compliance with any statute requiring an interest in
542 property to be:
543 (A) recorded or reflected in public records in order to perfect the interest against a
544 good faith purchaser for value; or
545 (B) held in control by a secured party, as defined in Section 70A-9a-102, in
546 accordance with Section 70A-9a-314 in order to perfect the interest against a
547 good faith purchaser for value.

548 (12) "Law enforcement agency" means:

549 (a) a municipal, county, state institution of higher education, private postsecondary
550 educational institution, or state police force or department;
551 (b) a sheriff's office; or
552 (c) a municipal, county, or state prosecuting authority.

553 (13) "Legislative body" means:

554 (a)(i) the Legislature, county commission, county council, city commission, city
555 council, or town council that has fiscal oversight and budgetary approval authority
556 over an agency; or
557 (ii) the agency's governing political subdivision; or
558 (b) the lead governmental entity of a multijurisdictional task force, as designated in a
559 memorandum of understanding executed by the agencies participating in the task
560 force.

561 (14) "Multijurisdictional task force" means a law enforcement task force or other agency
562 comprised of individuals who are employed by or acting under the authority of different
563 governmental entities, including federal, state, county, or municipal governments, or any
564 combination of federal, state, county, or municipal agencies.

565 (15) "Owner" means an individual or entity, other than an interest holder, that possesses a
566 bona fide legal or equitable interest in property.

567 (16) "Pawn or secondhand business" means the same as that term is defined in Section
568 13-32a-102.

569 (17) "Peace officer" means an employee:

570 (a) of an agency;
571 (b) whose duties consist primarily of the prevention and detection of violations of laws
572 of this state or a political subdivision of this state; and
573 (c) who is authorized by the agency to seize property.

574 (18)(a) "Proceeds" means:

- (i) property of any kind that is obtained directly or indirectly as a result of the commission of an offense; or
- (ii) any property acquired directly or indirectly from, produced through, realized through, or caused by an act or omission regarding property under Subsection (18)(a)(i).

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

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

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

(b) "Property" does not include contraband.

) "Prosecuting attorney" means:

- (a) the attorney general and an assistant attorney general;
- (b) a district attorney or deputy district attorney;
- (c) a county attorney or assistant county attorney; and
- (d) an attorney authorized to commence an action on behalf of the state.

) "Public interest use" means a:

- (a) use by a government agency as determined by the legislative body of the agency's jurisdiction; or
- (b) donation of the property to a nonprofit charity registered with the state.

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

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

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

Section 11. Section **79-3-202** is amended to read:

79-3-202 (Effective 05/06/26). Powers and duties of survey.

The survey shall:

(a) assist and advise state and local agencies [and state educational institutions], institutions of higher education as defined in Section 53H-1-101, and private postsecondary educational institutions as defined in Section 53H-1-101 on geologic, paleontologic, and mineralologic subjects;

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

geology of this state;

- (l) stimulate research, study, and activities in the field of paleontology;
- (m) mark, protect, and preserve critical paleontological sites;
- (n) collect, preserve, and administer critical paleontological specimens until the specimens are placed in a repository or curation facility;
- (o) administer critical paleontological site excavation records;
- (p) edit and publish critical paleontological records and reports; and
- (q) collect the land use permits described in Sections 10-20-611 and 17-79-608.

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

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

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

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

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

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

- (i) the action is approved by the board;
- (ii) the projects are not inconsistent with the state's objectives; and
- (iii) the results of the projects are available to the public.

Section 12. Section **79-6-106** is amended to read:

79-6-106 (Effective 05/06/26). Hydrogen advisory council.

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

- (a) hydrogen energy in general;
- (b) hydrogen project facilities;
- (c) technology suppliers;
- (d) hydrogen producers or processors;

677 (e) renewable and fossil based power generation industries; and
678 (f) fossil fuel based hydrogen feedstock providers.

679 (2)(a) Except as required by Subsection (2)(b), a member shall serve a four-year term.
680 (b) The executive director shall, at the time of appointment or reappointment, adjust the
681 length of terms to ensure that the terms of council members are staggered so that
682 approximately half of the hydrogen advisory council is appointed every two years.
683 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
684 appointed for the unexpired term.

685 (3)(a) A majority of the members appointed under this section constitutes a quorum of
686 the hydrogen advisory council.
687 (b) The hydrogen advisory council shall determine:
688 (i) the time and place of meetings; and
689 (ii) any other procedural matter not specified in this section.

690 (4) A member may not receive compensation or benefits for the member's service, but may
691 receive per diem and travel expenses in accordance with:
692 (a) Section 63A-3-106;
693 (b) Section 63A-3-107; and
694 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
695 63A-3-107.

696 (5) The office shall staff the hydrogen advisory council.

697 (6) The hydrogen advisory council may:
698 (a) develop hydrogen facts and figures that facilitate use of hydrogen fuel within the
699 state;
700 (b) encourage cross-state cooperation with states that have hydrogen programs;
701 (c) work with state agencies, the private sector, and other stakeholders, such as
702 environmental groups, to:
703 (i) recommend realistic goals for hydrogen development that can be executed within
704 realistic time frames; and
705 (ii) educate, discuss, consult, and make recommendations in hydrogen related matters
706 that benefit the state;
707 (d) promote hydrogen research at an institution of higher education or a private
708 postsecondary educational institution, as defined in Section 53H-1-101;
709 (e) make recommendations regarding how to qualify for federal funding of hydrogen
710 projects, including hydrogen related projects for:

- (i) the state;
- (ii) a local government;
- (iii) a privately commissioned project;
- (iv) an educational project;
- (v) scientific development; and
- (vi) engineering and novel technologies;
- (f) make recommendations related to the development of multiple feedstock or energy resources in the state such as wind, solar, hydroelectric, geothermal, coal, natural gas, oil, water, electrolysis, coal gasification, liquefaction, hydrogen storage, safety handling, compression, and transportation;
- (g) make recommendations to establish statewide safety protocols for production, transportation, and handling of hydrogen for both residential and commercial applications;
- (h) facilitate public events to raise the awareness of hydrogen and hydrogen related fuels within the state and how hydrogen can be advantageous to all forms of transportation, heat, and power generation;
- (i) review and make recommendations regarding legislation; and
- (j) make other recommendations to the director related to hydrogen development in the state.

Section 13. Effective Date.

This bill takes effect on May 6, 2026.