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Patient Nondisclosure Clauses

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Anthony E. Loubet

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill addresses certain nondisclosure clauses.

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Highlighted Provisions:

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This bill:

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- ▶ defines terms;

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- ▶ makes the validity of a nondisclosure clause precluding a patient from reporting the conduct of the patient's health care provider to the Division of Professional Licensing contingent on the provider having provided the division's model notice to the patient before the execution of the nondisclosure clause; and

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- ▶ requires the division to make a model notice and publish the notice online for download.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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ENACTS:

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58-67-809, Utah Code Annotated 1953

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58-68-809, Utah Code Annotated 1953

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

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Section 1. Section **58-67-809** is enacted to read:

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58-67-809 . Nondisclosure clauses.

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(1) As used in this section, "nondisclosure clause" means a contractual requirement that operates to preclude a patient from reporting, to the division, the conduct of an individual licensed under this chapter who provided health care services to the patient.

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(2) After June 1, 2025, for a nondisclosure clause to be valid and enforceable, the individual licensed under this chapter must provide the notice described in Subsection (3)

31 to the patient or the patient's personal representative before the contract containing the
32 nondisclosure clause is executed.

33 (3) The division shall:

34 (a) create a model notice that includes information about a patient's option to report
35 unprofessional or unlawful conduct of an individual licensed under this chapter to the
36 division;

37 (b) include on the model notice:

38 (i) information regarding what constitutes unprofessional or unlawful conduct;
39 (ii) information about the process for reporting a complaint of unprofessional or
40 unlawful conduct to the division; and
41 (iii) a reference to Section 58-1-501; and

42 (c) publish the notice online for download.

43 (4) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
44 Administrative Rulemaking Act, that are necessary to administer this section.

45 Section 2. Section **58-68-809** is enacted to read:

46 **58-68-809 . Nondisclosure clauses.**

47 (1) As used in this section, "nondisclosure clause" means a contractual requirement that
48 operates to preclude a patient from reporting, to the division, the conduct of an
49 individual licensed under this chapter who provided health care services to the patient.

50 (2) After June 1, 2025, for a nondisclosure clause to be valid and enforceable, the
51 individual licensed under this chapter must provide the notice described in Subsection (3)
52 to the patient or the patient's personal representative before the contract containing the
53 nondisclosure clause is executed.

54 (3) The division shall:

55 (a) create a model notice that includes information about a patient's option to report
56 unprofessional or unlawful conduct of an individual licensed under this chapter to the
57 division;

58 (b) include on the model notice:

59 (i) information regarding what constitutes unprofessional or unlawful conduct;
60 (ii) information about the process for reporting a complaint of unprofessional or
61 unlawful conduct to the division; and
62 (iii) a reference to Section 58-1-501; and

63 (c) publish the notice online for download.

64 (4) The division may make rules, in accordance with Title 63G, Chapter 3, Utah

65 Administrative Rulemaking Act, that are necessary to administer this section.

66 **Section 3. Effective Date.**

67 This bill takes effect on May 6, 2026.