

State Employee Maternity and Leave Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ariel Defay

Senate Sponsor:

LONG TITLE**General Description:**

This bill modifies policies related to paid leave and maternity.

Highlighted Provisions:

This bill:

- increases the amount of postpartum recovery leave available to a state employee from three to nine weeks;
- requires certain state employers to:
 - provide nine weeks of paid leave to a state employee who adopts a child younger than six years old; and
 - provide three weeks of paid leave to a state employee who fosters a child younger than six year old;
- provides that paid leave for an adoption or foster placement described above runs consecutive to the three weeks of paid leave that is currently available to a state employee who adopts or fosters a child younger than 18 years old;
- requires the Department of Human Resource Management to make rules to administer the paid leave types described above;
- establishes the LEA Optional Paid Leave Reimbursement Program (program) and requires the State Board of Education (board) to make rules to administer the program;
- specifies that the board shall reimburse an LEA under the program if:
 - the LEA develops paid leave policies that provide an LEA employee with paid leave hours for postpartum recovery leave, adoption leave, or foster leave up to the amounts described above; and
 - the LEA incurs a cost in providing the paid leave types described above to the LEA employee;
- requires the board to collect data on the program's use by LEAs and LEA employees;
- amends the Breastfeeding Protection Act to include a woman's use of a breast pump; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates \$3,000,000 in operating and capital budgets for fiscal year 2027, all of which is from the various sources as detailed in this bill.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

13-7a-102, as enacted by Laws of Utah 2018, Chapter 130

13-7a-103, as enacted by Laws of Utah 2018, Chapter 130

53F-9-204, as last amended by Laws of Utah 2025, Chapters 413, 433

53G-11-209, as last amended by Laws of Utah 2025, Chapter 426

63A-17-511, as last amended by Laws of Utah 2024, Chapter 396

ENACTS:

53F-5-224, Utah Code Annotated 1953

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

Section 1. Section **13-7a-102** is amended to read:

13-7a-102 . Definitions.

As used in this chapter:

(1)(a) "[~~Breastfeeding~~] Breastfeed" means the act of a woman breastfeeding a child.

~~[(2)]~~ (b) "[~~Breastfeeding~~] Breastfeed" includes lactation.

(2) "Breast pump" means a mechanical device used by a woman to express and collect milk from the woman's breasts.

Section 2. Section **13-7a-103** is amended to read:

13-7a-103 . Breastfeeding location and conduct.

A woman may breastfeed or use a breast pump in any place of public accommodation, as defined in Section 13-7-2.

Section 3. Section **53F-5-224** is enacted to read:

53F-5-224 . LEA Optional Paid Leave Reimbursement Program.

(1) This section creates the LEA Optional Paid Leave Reimbursement Program.

(2)(a) Subject to legislative appropriations and this section, the state board shall reimburse an LEA for a cost incurred by the LEA in providing an LEA employee paid leave hours under an optional paid leave policy described in Subsection 53G-11-209(2)(b).

(b) The state board may only issue a reimbursement under Subsection (2)(a) for a cost that is:

(i) described in Subsection (4); and

(ii) incurred by an LEA on or after July 1, 2026, and before July 1, 2029.

(3) An LEA is eligible for reimbursement under this section if the LEA:

(a) adopts an optional paid leave policy described in Subsection 53G-11-209(2)(b);

(b) incurs a cost because an LEA employee has taken paid leave provided to the LEA employee under the optional paid leave policy; and

(c) submits an application for reimbursement to the state board in accordance with rules made by the state board under Subsection (5).

(4) A reimbursement issued under this section may only cover:

(a) a cost incurred above the annual budgeted amount for an LEA employee;

(b) the cost to hire a substitute for a licensed educator with a classroom assignment; or

(c) another cost that is directly attributable to an LEA's provision of optional paid leave under Subsection 53F-11-209(2)(b).

(5) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing:

(a) application requirements and timelines for reimbursement;

(b) standards for documenting a cost that is eligible for reimbursement under Subsection (4), including documentation sufficient to identify the basis for the paid leave hours for which the cost was incurred; and

(c) procedures for issuing a reimbursement to an LEA.

(6) The state board may not reimburse an LEA for a cost that is:

(a) incurred by the LEA under the mandatory paid leave policy described in Subsection 53F-11-209(2)(a); or

(b) incurred by the LEA in providing paid leave hours in excess of the optional paid leave policies described in Subsection 53F-11-209(2)(b).

Section 4. Section **53F-9-204** is amended to read:

53F-9-204 . Public Education Economic Stabilization Restricted Account.

(1) There is created within the Uniform School Fund a restricted account known as the "Public Education Economic Stabilization Restricted Account."

(2)(a) Except as provided in Subsection (2)(b), the account shall be funded from the following revenue sources:

(i) 15% of the difference between, as determined by the Office of the Legislative

- 99 Fiscal Analyst:
- 100 (A) the estimated amount of ongoing Income Tax Fund and Uniform School Fund
- 101 revenue available for the Legislature to appropriate for the next fiscal year; and
- 102 (B) the amount of ongoing appropriations from the Income Tax Fund and Uniform
- 103 School Fund in the current fiscal year; and
- 104 (ii) other appropriations as the Legislature may designate.
- 105 (b) If the appropriation described in Subsection (2)(a) would cause the ongoing
- 106 appropriations to the account to exceed 11% of Uniform School Fund appropriations
- 107 described in Section 53F-9-201.1 for the same fiscal year, the Legislature shall
- 108 appropriate only those funds necessary to ensure that the ongoing appropriations to
- 109 the account equal 11% of Uniform School Fund appropriations for that fiscal year.
- 110 (3) Subject to the availability of ongoing appropriations to the account, in accordance with
- 111 Utah Constitution, Article X, Section 5, Subsection (4), the ongoing appropriation to the
- 112 account shall be used to fund:
- 113 (a) except for a year described in Subsection (3)(b) or (c), one-time appropriations to the
- 114 public education system, including at least \$65,000,000 to the Catalyst Center Grant
- 115 Program described in Section 53E-3-507.1;
- 116 (b) the Minimum School Program for a year in which Income Tax Fund revenue and
- 117 Uniform School Fund revenue are insufficient to fund:
- 118 (i) ongoing appropriations to the public education system; and
- 119 (ii) enrollment growth and inflation estimates, as defined in Section 53F-9-201.1; and
- 120 (c) the minimum basic local amount as defined in Section 53F-2-301 for a year in which
- 121 the minimum basic tax rate, as defined in Section 53F-2-301, is insufficient to
- 122 generate the amount described in Subsection 53F-2-301(2)(a).
- 123 (4)(a) The account shall earn interest.
- 124 (b) All interest earned on account money shall be deposited in the account.
- 125 (5) On or before December 31, 2023, and every three years thereafter, the Office of the
- 126 Legislative Fiscal Analyst shall:
- 127 (a) review the percentages described in Subsections (2)(a)(i) and (2)(b); and
- 128 (b) recommend to the Executive Appropriations Committee any changes based on the
- 129 review described in Subsection (5)(a).
- 130 (6) In preparing budget bills for a given fiscal year, the Executive Appropriations
- 131 Committee shall make the one-time appropriations described in Subsection (3)(a) by
- 132 appropriating at least the lesser of 10% of the total amount of the one-time

appropriations to:

- (a) the cost of providing 32 paid professional hours for teachers in accordance with Section 53F-7-203;
- (b) the amount to make the distribution required under Section 53F-2-527;
- (c) the cost of the Stipends for Future Educators Grant Program described in Section 53F-5-223; [and]
- (d) the cost of the Rural School Sports Facilities Grant Program described in Section 53F-10-303[-] ; and
- (e) the cost of the LEA Optional Paid Leave Reimbursement Program described in Section 53F-5-224.

- (7) No later than October 15 of each year, the state board shall report to the Office of the Legislative Fiscal Analyst an estimated cost for each of the one-time appropriations described in Subsection (6).

Section 5. Section **53G-11-209** is amended to read:

53G-11-209 . Paid leave -- Parental leave -- Postpartum recovery leave -- Adoption leave -- Foster leave -- Leave sharing -- Rulemaking.

- (1) As used in this section:

- (a) "Adoption leave" means paid leave hours an LEA provides to an adoption leave eligible employee.
- (b) "Adoption leave eligible employee" means an LEA employee who:
 - (i) accrues paid leave benefits in accordance with the LEA's leave policies; and
 - (ii) is the adoptive parent of a young child, unless the employee is the spouse of the pre-existing parent.
- (c) "Child" means an individual younger than 18 years old.
- (d) "Foster leave" means paid leave hours an LEA provides to a foster leave eligible employee.
- (e) "Foster leave eligible employee" means an LEA employee who:
 - (i) accrues paid leave benefits in accordance with the LEA's leave policies; and
 - (ii) is the foster parent of a young child.
- ~~(f)~~ (f)(i) "Paid leave hours" means leave hours an LEA provides to an LEA employee who accrues paid leave benefits in accordance with the LEA's leave policies.
- (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type of leave an employee may take while still receiving compensation.

- 167 (iii) "Paid leave hours" is not limited parental leave or postpartum recovery leave.
 168 ~~[(b)]~~ (g) "Parental leave" means paid leave hours an LEA provides to a parental leave
 169 eligible employee to bond with a child or, in the case of a guardianship appointment,
 170 an incapacitated adult.
- 171 ~~[(e)]~~ (h) "Parental leave eligible employee" means an LEA employee who:
 172 (i) accrues paid leave benefits in accordance with the LEA's leave policies; and ~~[is:]~~
 173 ~~[(f)]~~ (ii)(A) is a birth parent as defined in Section 81-13-101;
 174 ~~[(ii)]~~ (B) ~~[legally adopting a minor child, unless the individual]~~ is the adoptive
 175 parent of a child, unless the employee is the spouse of the pre-existing parent;
 176 ~~[(iii)]~~ (C) is the intended parent of a child born under a validated gestational
 177 agreement in accordance with Title 81, Chapter 5, Part 8, Gestational
 178 Agreement; [or]
 179 ~~[(iv)]~~ (D) is appointed the legal guardian of a [minor-]child or incapacitated adult[-] ;
 180 or
 181 (E) is the foster parent of a child.
- 182 ~~[(d)]~~ (i) "Postpartum recovery leave" means ~~[leave hours a state employer]~~ paid leave
 183 hours an LEA provides to a postpartum recovery leave eligible employee to recover
 184 from childbirth.
- 185 ~~[(e)]~~ (j) "Postpartum recovery leave eligible employee" means an employee who:
 186 (i) ~~[who]~~ accrues paid leave benefits in accordance with the LEA's leave policies; and
 187 (ii) ~~[who]~~ gives birth to a child.
- 188 ~~[(f)]~~ (k) "Qualified employee" means:
 189 (i) a parental leave eligible employee; ~~[or]~~
 190 (ii) a postpartum recovery leave eligible employee[-] ;
 191 (iii) an adoption leave eligible employee; or
 192 (iv) a foster leave eligible employee.
- 193 ~~[(g)]~~ (l) "Retaliatory action" means to do any of the following regarding an employee:
 194 (i) dismiss the employee;
 195 (ii) reduce the employee's compensation;
 196 (iii) fail to increase the employee's compensation by an amount to which the
 197 employee is otherwise entitled to or was promised;
 198 (iv) fail to promote the employee if the employee would have otherwise been
 199 promoted; or
 200 (v) threaten to take an action described in Subsections ~~[(1)(g)(i)]~~ (1)(l)(i) through (iv).

(m) "Young child" means an individual younger than six years old.

(2) Beginning July 1, 2025, an LEA:

(a) ~~shall develop leave policies that[provide for the use and administration of parental leave and postpartum recovery leave by a qualified employee under this section in a manner that is not more restrictive than the parental and postpartum recovery leave available to state employees under Section 63A-17-511;]~~ allow:

(i) a parental leave eligible employee to use up to three work weeks of parental leave;
and

(ii) a postpartum recovery leave eligible employee to use up to three work weeks of postpartum recovery leave;

(b) may develop an optional paid leave policy that provides:

(i) a postpartum recovery leave eligible employee up to an additional six work weeks of postpartum recovery leave, for a total of up to nine work weeks of postpartum recovery leave;

(ii) an adoption leave eligible employee up to nine work weeks of adoption leave; or

(iii) a foster leave eligible employee up to three work weeks of foster leave;

~~[(b)]~~ (c) may develop leave policies that provide a mechanism for leave sharing between employees of the same LEA or school for all types of leave, including[;] sick leave, annual leave, parental leave, [and postpartum recovery leave] postpartum recovery leave, adoption leave, and foster leave;

~~[(e)]~~ (d) shall allow a [parental leave eligible employee and a postpartum recovery leave eligible] qualified employee who is part-time or who works in excess of a 40-hour work week or the equivalent of a 40-hour work week to use the amount of [postpartum recovery leave available] paid leave hours available to the qualified employee under this section on a pro rata basis; and

~~[(d)]~~ (e) shall provide each LEA employee written information regarding:

(i) a qualified employee's right to use parental leave or postpartum recovery leave under [this section; and] Subsection (2)(a);

(ii) if the LEA adopts an optional leave policy described in Subsection (2)(b), a qualified employee's right to use:

(A) additional paid leave hours for postpartum recovery leave;

(B) adoption leave; or

(C) foster leave; and

~~[(ii)]~~ (iii) the availability of and process for using or contributing to the leave sharing

mechanism described in Subsection [(2)(b)] (2)(c).

(3) Except with respect to the amount of paid leave hours described in Subsection (2)(b), an LEA shall administer the LEA's parental leave, postpartum recovery leave, adoption leave, and foster leave policies in a manner that is not more restrictive than the parental leave, postpartum recovery leave, adoption leave, and foster leave that is available to a state employee under Section 63A-17-511.

(4) An LEA that adopts an optional paid leave policy described in Subsection (2)(b) may apply to the state board for reimbursement under Section 53F-5-224.

[(3)] (5) An LEA may not take retaliatory action against a qualified employee for using parental leave[or postpartum recovery leave], postpartum recovery leave, adoption leave, or foster leave in accordance with this section.

[(4)] (6) An LEA may not charge parental leave[or postpartum recovery leave], postpartum recovery leave, adoption leave, or foster leave against paid leave hours to which a qualified employee is entitled as described in Subsection [(6)] (8).

[(5)] (7) An LEA or school may use leave bank sharing and other efforts to mitigate incurred costs of compliance with this section including coordinating with other LEAs or schools to share approaches or policies designed to fulfill the requirements of this section in a cost effective manner.

[(6)] (8)(a) [An LEA may provide leave that exceeds the benefits of the state leave policies described in this section] Subject to Subsection (8)(b), an LEA may provide paid leave hours that exceed the paid leave hours described in this section.

(b) An LEA may not be reimbursed under Section 53F-5-224 for a cost incurred by the LEA in providing paid leave hours to an LEA employee that exceed the paid leave hours described in Subsection (2)(b).

Section 6. Section **63A-17-511** is amended to read:

63A-17-511 . Parental leave -- Postpartum recovery leave -- Adoption leave -- Foster leave.

(1) As used in this section:

(a) "Adoption leave" means leave hours a state employer provides to an adoption leave eligible employee.

(b) "Adoption leave eligible employee" means an employee of a state employer who:

(i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;

(ii) accrues paid leave benefits that can be used in the current and future calendar

269 years;

270 (iii) is not reemployed as defined in Section 49-11-1202; and

271 (iv) is the parent of a young child, unless the employee is the spouse of the

272 pre-existing parent.

273 (c) "Child" means an individual who is younger than 18 years old.

274 (d) "Foster leave" means leave hours a state employer provides to a foster leave eligible

275 employee.

276 (e) "Foster leave eligible employee" means an employee of a state employer who:

277 (i) is in a position that receives retirement benefits under Title 49, Utah State

278 Retirement and Insurance Benefit Act;

279 (ii) accrues paid leave benefits that can be used in the current and future calendar

280 years;

281 (iii) is not reemployed as defined in Section 49-11-1202; and

282 (iv) is the foster parent of a young child.

283 ~~(f)~~ (f) "Parental leave" means leave hours a state employer provides to a parental leave

284 eligible employee to bond with a child or, in the case of a guardianship appointment,

285 an incapacitated adult.

286 ~~(g)~~ (g) "Parental leave eligible employee" means an employee of a state employer who,

287 on the date an event described in Subsections (2)(a)(i)(A) through (D) occurs:

288 ~~(i) is an employee of a state employer;~~

289 ~~(ii)~~ (i) is in a position that receives retirement benefits under Title 49, Utah State

290 Retirement and Insurance Benefit Act;

291 ~~(iii)~~ (ii) accrues paid leave benefits that can be used in the current and future

292 calendar years;

293 ~~(iv)~~ (iii) is not reemployed as defined in Section 49-11-1202;

294 ~~(v)~~ (iv) is assuming a parental role with respect to ~~[the child or the]~~ a child or an

295 incapacitated adult for which parental leave is requested; and

296 ~~(vi)~~ (v)(A) is the child's biological parent;

297 (B) is the spouse of the person who gave birth to the child;

298 (C) is the adoptive parent of the child, unless the employee is the spouse of the

299 pre-existing parent;

300 (D) is the intended parent of the child and the child is born under a validated

301 gestational agreement in accordance with ~~[Title 78B, Chapter 15]~~ Title 81,

302 Chapter 5, Part 8, Gestational Agreement;

(E) is appointed the legal guardian of the child or the incapacitated adult; or

(F) is the foster parent of the child.

~~[(d)]~~ (h) "Postpartum recovery leave" means leave hours a state employer provides to a postpartum recovery leave eligible employee to recover from childbirth that occurs at 20 weeks or greater gestation.

(i) "Postpartum recovery leave eligible employee" means an employee of a state employer who:

(i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;

(ii) accrues paid leave benefits that can be used in the current and future calendar years;

(iii) is not reemployed as defined in Section 49-11-1202; and

(iv) gives birth to a child.

(j) "Qualified employee" means:

(i) a parental leave eligible employee;

(ii) a postpartum leave eligible employee;

(iii) an adoption leave eligible employee; or

(iv) a foster leave eligible employee.

(k) "Qualified leave" means:

(i) parental leave;

(ii) postpartum recovery leave;

(iii) adoption leave; or

(iv) foster leave.

~~[(e)]~~ (l) "Retaliatory action" means to do any of the following to an employee:

(i) dismiss the employee;

(ii) reduce the employee's compensation;

(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or

(v) threaten to take an action described in Subsections ~~[(1)(e)(i)]~~ (1)(l)(i) through (iv).

~~[(f)]~~ ~~"Postpartum recovery leave eligible employee" means an employee who:]~~

~~[(i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;]~~

- 337 ~~[(ii) accrues paid leave benefits that can be used in the current and future calendar~~
 338 ~~years;]~~
- 339 ~~[(iii) is not reemployed as defined in Section 49-11-1202; and]~~
- 340 ~~[(iv) gives birth to a child.]~~
- 341 ~~[(g)]~~ (m)(i) "State employer" means:
- 342 (A) a state executive branch agency, including the State Tax Commission, the
 343 National Guard, and the Board of Pardons and Parole;
- 344 (B) the legislative branch of the state; or
- 345 (C) the judicial branch of the state.
- 346 (ii) "State employer" does not include:
- 347 (A) an institute of higher education;
- 348 (B) the Utah Board of Higher Education;
- 349 (C) an independent entity as defined in Section 63E-1-102;
- 350 (D) the ~~[Attorney General's Office]~~ Office of the Attorney General;
- 351 (E) the ~~[State Auditor's Office]~~ Office of the State Auditor; or
- 352 (F) the ~~[State Treasurer's Office]~~ Office of the State Treasurer.
- 353 ~~[(h) "Qualified employee" means:]~~
- 354 ~~[(i) a parental leave eligible employee; or]~~
- 355 ~~[(ii) a postpartum leave eligible employee.]~~
- 356 (n) "Young child" means an individual who is younger than six years old.
- 357 (2)(a) Except as provided in Subsections ~~[(4) and (5)]~~ (3), (4), (5), and (6), a state
 358 employer shall:
- 359 (i) allow a parental leave eligible employee to use up to three work weeks of paid
 360 parental leave for:
- 361 (A) the birth of the parental leave eligible employee's child;
- 362 (B) the adoption of a child;
- 363 (C) the appointment of legal guardianship of a child or incapacitated adult; or
- 364 (D) the foster placement of a ~~[foster-]~~child in the parental leave eligible
 365 employee's care; ~~[and]~~
- 366 (ii) allow a postpartum recovery leave eligible employee to use up to ~~[three]~~ nine
 367 work weeks of paid postpartum recovery leave for recovery from childbirth~~[-]~~ ;
- 368 ~~[(iii) allow an adoption leave eligible employee to use up to nine work weeks of paid~~
 369 adoption leave for the adoption of a young child; and
- 370 ~~[(iv) allow a foster leave eligible employee to use up to three work weeks of paid~~

- 371 foster leave for the foster placement of a young child in the foster leave eligible
372 employee's care.
- 373 (b) A state employer shall allow a qualified employee who is part-time or who works in
374 excess of a 40-hour work week or its equivalent to use the amount of [~~parental leave~~
375 ~~or postpartum recovery leave~~] qualified leave that is available to the qualified
376 employee under this section on a pro rata basis as adopted by rule by the division
377 under Subsection [~~(12)~~] (14).
- 378 (3)(a) Parental leave described in Subsection (2)(a)(i):
- 379 (i) may not be used before the day on which:
- 380 (A) the parental leave eligible employee's child is born;
- 381 (B) the parental leave eligible employee adopts a child;
- 382 (C) the parental leave eligible employee is appointed legal guardian of a child or
383 incapacitated adult; or
- 384 (D) [~~a foster child is placed in the parental leave eligible employee's care.~~] a child
385 is placed in foster care with the parental leave eligible employee;
- 386 (ii) may not be used more than six months after the date described in Subsection
387 (3)(a)(i);
- 388 (iii) may not be used intermittently, unless:
- 389 (A) by mutual written agreement between the state employer and the parental
390 leave eligible employee; or
- 391 (B) a health care provider certifies that intermittent leave is medically necessary
392 due to a serious health condition of the child;
- 393 (iv) runs concurrently with any leave authorized under the Family and Medical Leave
394 Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and
- 395 (v) runs consecutively to postpartum recovery leave.
- 396 (b) The amount of parental leave authorized under Subsection (2)(a)(i) does not increase
397 if a parental leave eligible employee:
- 398 (i) has more than one child born from the same pregnancy;
- 399 (ii) adopts more than one child;
- 400 (iii) has more than one [~~foster child placed in the parental leave eligible employee's~~
401 ~~care~~] child placed in foster care with the parental leave eligible employee; or
- 402 (iv) is appointed legal guardian of more than one child or incapacitated adult.
- 403 (c) A parental leave eligible employee may not use more than three work weeks of paid
404 parental leave within a single 12-month period, regardless of whether during that

12-month period the parental leave eligible employee:

(i) becomes the parent of more than one child;

(ii) adopts more than one child;

(iii) has more than one ~~[foster child placed in the parental leave eligible employee's care]~~ child placed in foster care with the parental leave eligible employee; or

(iv) is appointed legal guardian of more than one child or incapacitated adult.

(4)(a) Postpartum recovery leave described in Subsection (2)(a)(ii):

(i) shall be used starting on the day on which the postpartum recovery leave eligible employee gives birth, unless a health care provider certifies that an earlier start date is medically necessary;

(ii) shall be used in a single continuous period, unless otherwise authorized in writing by the director of the division;

(iii) runs concurrently with any leave authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and

(iv) runs consecutively to parental leave.

(b) The amount of postpartum recovery leave authorized under Subsection (2)(a)(ii) does not increase if a postpartum recovery leave eligible employee has more than one child born from the same pregnancy.

(5)(a) Adoption leave described in Subsection (2)(a)(iii):

(i) may not be used before the day on which the adoption leave eligible employee adopts a young child;

(ii) may not be used more than six months after the date described in Subsection (5)(a)(i);

(iii) may not be used intermittently, unless:

(A) by mutual written agreement between the state employer and the adoption leave eligible employee; or

(B) a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the young child;

(iv) runs concurrently with any leave authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and

(v) runs consecutively to parental leave.

(b) The amount of adoption leave authorized under Subsection (2)(a)(iii) does not increase if an adoption leave eligible employee adopts more than one young child.

(c) An adoption leave eligible employee may not use more than nine work weeks of paid

adoption leave within a single 12-month period, regardless of whether during that 12-month period the adoption leave eligible employee adopts more than one young child.

(d)(i) If two adoption leave eligible employees jointly adopt a young child, only one of the employees may use adoption leave under this section.

(ii) The adoption leave eligible employees described in Subsection (5)(d)(i) shall notify the state employer which employee will take adoption leave under this section no later than the deadline described in Subsection (7)(a)(i).

(6)(a) Foster leave described in Subsection (2)(a)(iv):

(i) may not be used before the day on which a young child is placed in foster care with a foster leave eligible employee;

(ii) may not be used more than six months after the date described in Subsection (6)(a)(i);

(iii) may not be used intermittently, unless:

(A) by mutual written agreement between the state employer and the foster leave eligible employee; or

(B) a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the young child;

(iv) runs concurrently with any leave authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and

(v) runs consecutively to parental leave.

(b) The amount of foster leave authorized under Subsection (2)(a)(iv) does not increase if a foster leave eligible employee has more than one young child placed in foster care with the foster leave eligible employee.

(c) A foster leave eligible employee may not use more than three work weeks of paid foster leave within a single 12-month period, regardless of whether during that 12-month period more than one young child is placed in foster care with the foster leave eligible employee.

(d)(i) If a young child is placed in foster care with two foster leave eligible employees, only one of the employees may use foster leave under this section.

(ii) The foster leave eligible employees described in Subsection (6)(d)(i) shall notify the state employer which employee will take foster leave under this section no later than the deadline described in Subsection (7)(a)(i).

[(5)] (7)(a) Except as provided in Subsection [(5)(b)] (7)(b), a qualified employee shall

473 give the state employer notice at least 30 days before the day on which the qualified
474 employee plans to:

475 (i) begin using [~~parental leave or postpartum recovery leave~~] qualified leave under
476 this section; and

477 (ii) stop using [~~postpartum recovery leave~~] qualified leave under this section.

478 (b) If circumstances beyond the qualified employee's control prevent the qualified
479 employee from giving notice in accordance with Subsection [(5)(a)] (7)(a), the
480 qualified employee shall give each notice described in Subsection [(5)(a)] (7)(a) as
481 soon as reasonably practicable.

482 [(6)] (8) Except as provided in Subsections (3)(a)(iv)[~~and~~] , (4)(a)(iii), (5)(a)(iv), and
483 (6)(a)(iv), a state employer may not charge [~~parental leave or postpartum recovery leave~~]
484 qualified leave under this section against sick, annual, compensatory, excess, or other
485 leave a qualified employee is entitled to.

486 [(7)] (9) A state employer may not compensate a qualified employee for any unused [~~parental leave or postpartum recovery leave~~] qualified leave upon termination of
487 employment.
488

489 [(8)] (10)(a) Following the expiration of a qualified employee's [~~parental leave or~~
490 ~~postpartum recovery~~] qualified leave under this section, the state employer shall
491 ensure that the qualified employee may return to:

492 (i) the position that the qualified employee held before using [~~parental leave or~~
493 ~~postpartum recovery~~] qualified leave; or

494 (ii) a position within the state employer that is equivalent in seniority, status, benefits,
495 and pay to the position that the qualified employee held before using [~~parental~~
496 ~~leave or postpartum recovery~~] qualified leave.

497 (b) If during the time a qualified employee uses [~~parental leave or postpartum recovery~~]
498 qualified leave under this section the state employer experiences a reduction in force
499 and, as part of the reduction in force, the qualified employee would have been
500 separated had the qualified employee not been using the [~~parental leave or~~
501 ~~postpartum recovery~~] qualified leave, the state employer may separate the qualified
502 employee in accordance with any applicable process or procedure as if the qualified
503 employee were not using the [~~parental leave or postpartum recovery~~] qualified leave.

504 [(9)] (11) During the time a qualified employee uses [~~parental leave or postpartum recovery~~]
505 qualified leave under this section, the qualified employee shall continue to receive all
506 employment related benefits and payments at the same level that the qualified employee

received immediately before beginning the ~~[parental leave or postpartum]~~ qualified leave, provided that the qualified employee pays any required employee contributions.

~~[(10)]~~ (12) A state employer may not:

- (a) interfere with or otherwise restrain a qualified employee from using ~~[parental leave or postpartum recovery]~~ qualified leave in accordance with this section; or
- (b) take retaliatory action against a qualified employee for using ~~[parental leave or postpartum recovery]~~ qualified leave in accordance with this section.

~~[(11)]~~ (13) A state employer shall provide each employee written information regarding a qualified employee's right to use ~~[parental leave or postpartum recovery]~~ qualified leave under this section.

~~[(12)]~~ (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall~~[-]~~ :

- (a) ~~[on or before July 1, 2022,]~~ make rules for the use and administration of parental leave and postpartum recovery leave under this section, including a schedule that provides paid parental leave or postpartum recovery leave for a qualified employee who is part-time or who works in excess of a 40-hour work week on a pro rata basis~~[-]~~ ;
and
- (b) on or before July 1, 2026, make rules for the use and administration of adoption leave and foster leave under this section, including a schedule that provides paid adoption leave or foster leave for a qualified employee who is part-time or who works in excess of a 40-hour work week on a pro rata basis.

Section 7. **FY 2027 Appropriations.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for fiscal year 2027.

Subsection 7(a). **Operating and Capital Budgets**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1	To State Board of Education - State Board and Administrative Operations	
	From Public Education Economic Stabilization	
	Restricted Account, One-time	3,000,000
	Schedule of Programs:	
	Financial Operations	3,000,000

541 The Legislature intends that, under the LEA
542 Optional Paid Leave Reimbursement Program described
543 in Section 53F-5-224, the State Board of Education
544 reimburse eligible costs over the three fiscal years
545 beginning on July 1, 2026, and ending on June 30, 2029,
546 and administer the appropriation in a manner that results
547 in approximately equal fiscal-year expenditures over that
548 period.

549 Section 8. **Effective Date.**

550 This bill takes effect on July 1, 2026.