

**Melissa G. Ballard** proposes the following substitute bill:

1 **Speech, Language, and Hearing Occupations Licensing Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melissa G. Ballard**

Senate Sponsor: Evan J. Vickers

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2 **LONG TITLE**

3 **General Description:**

4 This bill modifies the regulations for hearing professionals.

5 **Highlighted Provisions:**

6 This bill:

7 ▶ defines terms;

8 ▶ allows the division to create temporary working groups when no board is available to  
9 assist the division;

10 ▶ allows an audiologist to supervise a hearing instrument specialist intern;

11 ▶ repeals the creation of the Speech-language Pathologist and Audiologist Licensing Board;

12 ▶ repeals the exemption permitting an individual to receive licensure as a speech-language  
13 pathologist or an audiologist from the State Board of Education;

14 ▶ creates an alternative path for licensure as an audiologist and as a speech-language  
15 pathologist;

16 ▶ aligns the unprofessional conduct standards of a hearing instrument specialist with the  
17 unprofessional conduct standards of audiologists; and

18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 **AMENDS:**

25 **53E-6-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special  
Session, Chapter 9

26 **53E-6-702 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 186

29       **53F-2-310 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 186  
30       **53F-2-405 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 165  
31       **53F-5-217 (Effective 05/06/26)**, as enacted by Laws of Utah 2020, Chapter 362  
32       **53G-11-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 484  
33       **53G-11-512 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 484  
34       **58-1-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapter 181  
35       **58-46a-102 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
36       2020, Chapter 154  
37       **58-46a-302 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
38       2020, Chapter 339  
39       **58-46a-302.5 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of  
40       Utah 2023, Chapter 303  
41       **58-46a-303 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
42       2023, Chapter 303  
43       **58-46a-305 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
44       2019, Chapter 349  
45       **58-46a-401 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994,  
46       Chapter 28  
47       **58-46a-501 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
48       2020, Chapter 154  
49       **58-46a-502 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
50       2020, Chapter 154  
51       **58-46a-503 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1998,  
52       Chapter 249  
53       **63I-1-258 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 236  
54       **63I-2-258 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 277  
55       **76-3-203.2 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 181

56       ENACTS:

57       **58-41-501 (Effective 05/06/26)**, Utah Code Annotated 1953

58       RENUMBERS AND AMENDS:

59       **58-41-101 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-2, as last  
60       amended by Laws of Utah 2020, Chapter 424)

61       **58-41-102 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-13, as  
62       last amended by Laws of Utah 2009, Chapter 183)

63       **58-41-103 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-16, as  
64        last amended by Laws of Utah 2025, Chapter 302)

65        **58-41-201 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-6, as last  
66        amended by Laws of Utah 1993, Chapter 297)

67        **58-41-301 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-5, as last  
68        amended by Laws of Utah 2024, Chapter 137)

69        **58-41-302 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-8, as last  
70        amended by Laws of Utah 1993, Chapter 297)

71        **58-41-303 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-12, as  
72        repealed and reenacted by Laws of Utah 1993, Chapter 297)

73        **58-41-304 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-5.5, as  
74        enacted by Laws of Utah 2010, Chapter 397)

75        **58-41-305 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-4, as last  
76        amended by Laws of Utah 2023, Chapter 329)

77        **58-41-306 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-17, as  
78        last amended by Laws of Utah 2017, Chapter 43)

79        **58-41-307 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-14, as  
80        last amended by Laws of Utah 1989, Chapter 207)

81        **58-41-401 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-9, as  
82        repealed and reenacted by Laws of Utah 1993, Chapter 297)

83        **58-41-502 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-15, as  
84        last amended by Laws of Utah 1989, Chapter 207)

85        REPEALS:

86        **58-41-1 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah  
87        1989, Chapter 207

88        **58-41-3 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah  
89        2020, Chapter 424

90        **58-46a-101 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994,  
91        Chapter 28

92        **58-46a-304 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994,  
93        Chapter 28

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

96        Section 1. Section **53E-6-102** is amended to read:

97                   **53E-6-102 (Effective 05/06/26). Definitions.**

98                   As used in this chapter:

99                   (1) "Certificate" means a license issued by a governmental jurisdiction outside the state.

100                  (2) "DOD civilian" means the same as that term is defined in Section 53H-11-202.

101                  (3) "Educator" means:

102                   (a) a person who holds a license;

103                   (b) a teacher, counselor, administrator, librarian, or other person required, under rules of  
104                   the state board, to hold a license; [or]

105                   (c) for an audiologist or a speech language pathologist, an individual who an LEA  
106                   employs and holds a credential from the Division of Professional Licensing in  
107                   accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology  
108                   Licensing Act; or

109                   [(e)] (d) a person who is the subject of an allegation which has been received by an LEA,  
110                   the state board, or UPPAC and was, at the time noted in the allegation, a license  
111                   holder or a person employed in a position requiring licensure.

112                  (4) "License" means an authorization issued by the state board that permits the holder to  
113                   serve in a professional capacity in the public schools.

114                  (5) "National Board certification" means a current certificate issued by the National Board  
115                   for Professional Teaching Standards.

116                  (6) "School" means a public or private entity that provides educational services to a minor  
117                   child.

118                  (7) "UPPAC" means the Utah Professional Practices Advisory Commission.

119                   Section 2. Section **53E-6-702** is amended to read:

120                   **53E-6-702 (Effective 05/06/26). Reimbursement of legal fees and costs to**

121                   **educators.**

122                  (1) As used in this section:

123                   (a) "Action" means any action, except those referred to in Section 52-6-201, brought  
124                   against an educator by an individual or entity other than:  
125                    (i) the entity who licenses the educator; and  
126                    (ii) the LEA that employs the educator or employed the educator at the time of the  
127                   alleged act or omission.

128                   (b) "Educator" means:

129                    (i) an individual who holds or is required to hold a license as defined by the state  
130                   board and is employed by an LEA located within the state[.] ; or

131 (ii) for an audiologist or a speech language pathologist, an individual who an LEA  
132 employs and holds a credential from the Division of Professional Licensing in  
133 accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology  
134 Licensing Act.

135 (2) Except as otherwise provided in Section 52-6-201, an educator is entitled to recover [  
136 ~~reasonable attorneys' fees~~] reasonable attorney fees and costs incurred in the educator's  
137 defense against an individual or entity who initiates an action against the educator if:  
138 (a) the action is brought for any act or omission of the educator during the performance  
139 of the educator's duties within the scope of the educator's employment; and  
140 (b) it is dismissed or results in findings favorable to the educator.

141 (3) An educator who recovers under this section is also entitled to recover reasonable [  
142 ~~attorneys' fees~~] attorney fees and costs necessarily incurred by the educator in recovering  
143 the ~~attorneys' fees~~ attorney fees and costs allowed under Subsection (2).

144 Section 3. Section **53F-2-310** is amended to read:

145 **53F-2-310 (Effective 05/06/26). Stipends for special educators for additional days  
146 of work.**

147 (1) As used in this section:

148 (a) "Special education teacher" means a teacher whose primary assignment is the  
149 instruction of students with disabilities who are eligible for special education services.

150 (b) "Special educator" means a person employed by a school district, charter school, or  
151 the Utah Schools for the Deaf and the Blind who holds:

152 (i) a license issued by the state board ~~or, for a speech language pathologist, an~~  
153 individual who an LEA employs and holds a credential from the Division of  
154 Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language  
155 Pathology and Audiology Licensing Act; and

156 (ii) a position as a:

157 (A) special education teacher;

158 (B) speech-language pathologist; or

159 (C) teacher of the deaf or hard of hearing;

160 (2) The Legislature shall annually appropriate money for stipends to special educators for  
161 additional days of work:

162 (a) in recognition of the added duties and responsibilities assumed by special educators  
163 to comply with federal law regulating the education of students with disabilities and  
164 the need to attract and retain qualified special educators; and

165 (b) subject to future budget constraints.

166 (3)(a) The state board shall distribute money appropriated under this section to school  
167 districts, charter schools, and the Utah Schools for the Deaf and the Blind for  
168 stipends for special educators in the amount of \$200 per day for up to 10 additional  
169 working days.

170 (b) Money distributed under this section shall include, in addition to the \$200 per day  
171 stipend, money for the following employer-paid benefits:  
172 (i) retirement;  
173 (ii) workers' compensation;  
174 (iii) Social Security; and  
175 (iv) Medicare.

176 (4) A special educator receiving a stipend shall:

177 (a) work an additional day beyond the number of days contracted with the special  
178 educator's school district or school for each daily stipend;  
179 (b) schedule the additional days of work before or after the school year; and  
180 (c) use the additional days of work to perform duties related to the IEP process,  
181 including:  
182 (i) administering student assessments;  
183 (ii) conducting IEP meetings;  
184 (iii) writing IEPs;  
185 (iv) conferring with parents; and  
186 (v) maintaining records and preparing reports.

187 (5) A special educator may:

188 (a) elect to receive a stipend for one to 10 days of additional work; or  
189 (b) elect to not receive a stipend.

190 (6) A person who does not hold a full-time position as a special educator is eligible for a  
191 partial stipend equal to the percentage of a full-time special educator position the person  
192 assumes.

193 Section 4. Section **53F-2-405** is amended to read:

194 **53F-2-405 (Effective 05/06/26). Educator salary adjustments.**

195 (1) As used in this section, "educator" means a person employed by [a school district,  
196 charter school,] an LEA or regional education service agency[, or the Utah Schools for  
197 the Deaf and the Blind] who holds:  
198 (a)(i) a license issued by the state board; and

(ii) a position as a:

- (A) classroom teacher;
- [~~(B) speech pathologist;~~]
- [~~(C) librarian or media specialist;~~]
- [~~(D) preschool teacher;~~]
- [~~(E) mentor teacher;~~]
- [~~(F) teacher specialist or teacher leader;~~]
- [~~(G) guidance counselor;~~]
- [~~(H) audiologist;~~]
- [~~(I) psychologist; or~~]
- [~~(J) social worker; or~~]

(b)(i) a license issued by the Division of Professional Licensing; and

(ii) a position as:

- (A) a social worker[.] ;
- (B) audiologist; or
- (C) speech language pathologist.

In recognition of the need to attract and retain highly skilled and dedicated educators, the Legislature shall annually appropriate money for educator salary adjustments, subject to future budget constraints.

(a) The state board shall distribute to each school district, each charter school, each regional education service agency, and the Utah Schools for the Deaf and the Blind money that the Legislature appropriates for educator salary adjustments based on the number of educator positions described in Subsection (1) in the school district, the charter school, each regional education service agency, or the Utah Schools for the Deaf and the Blind.

(b) Notwithstanding Subsection (3)(a), if appropriations are insufficient to provide the full amount of educator salary adjustments described in this section, the state board shall distribute money appropriated for educator salary adjustments to school districts, charter schools, each regional education service agency, and the Utah Schools for the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions in a school district, a charter school, each regional education service agency, or the Utah Schools for the Deaf and the Blind as compared to the total number of full-time-equivalent educator positions in school districts, charter schools, each regional education service agency, and the Utah Schools for the Deaf and the Blind.

233 Schools for the Deaf and the Blind.

234 (4) A school district, a charter school, each regional education service agency, or the Utah  
235 Schools for the Deaf and the Blind shall award bonuses to educators as follows:  
236 (a) for fiscal year 2026, the amount of the salary adjustment for each  
237 full-time-equivalent educator is:  
238 (i) if Chapter 6, Part 4, Utah Fits All Scholarship Program, is funded and in effect,  
239 \$10,350; or  
240 (ii) if Chapter 6, Part 4, Utah Fits All Scholarship Program, is not funded and in  
241 effect, \$5,175;  
242 (b) an individual who is not a full-time educator shall receive a partial salary adjustment  
243 based on the number of hours the individual works as an educator;  
244 (c) a salary adjustment may not be awarded if an educator has received an unsatisfactory  
245 rating on the educator's three most recent evaluations; and  
246 (d) for a fiscal year beginning on or after July 1, 2024, the amount of the salary  
247 adjustment is equal to:  
248 (i) the amount of salary adjustment in the preceding fiscal year; and  
249 (ii) a percentage increase that is equal to the percentage increase in the value of the  
250 WPU in the preceding fiscal year.

251 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
252 state board:

253 (a) shall make rules to ensure that the LEAs do not:  
254 (i) reduce or supplant a compensation increase from an increase in the WPU value  
255 with an increase from the salary supplement in this section; or  
256 (ii) reduce or artificially limit a teacher's salary to convert the salary supplement in  
257 this section into a windfall to the LEA; and  
258 (b) may make rules as necessary to administer this section.

259 (6)(a) Subject to future budget constraints, the Legislature shall appropriate sufficient  
260 money each year to:

261 (i) maintain educator salary adjustments provided in prior years; and  
262 (ii) provide educator salary adjustments to new employees.  
263 (b) Money appropriated for educator salary adjustments shall include money for the  
264 following employer-paid benefits:  
265 (i) retirement;  
266 (ii) worker's compensation;

267 (iii) social security; and

268 (iv) Medicare.

269 (7)(a) Subject to future budget constraints, the Legislature shall:

270 (i) maintain the salary adjustments provided to school administrators in the 2007-08  
271 school year; and

272 (ii) provide salary adjustments for new school administrators in the same amount as  
273 provided for existing school administrators.

274 (b) The appropriation provided for educator salary adjustments described in this section  
275 shall include salary adjustments for school administrators as specified in Subsection  
276 (7)(a).

277 (c) In distributing and awarding salary adjustments for school administrators, the state  
278 board, a school district, a charter school, each regional education service agency, or  
279 the Utah Schools for the Deaf and the Blind shall comply with the requirements for  
280 the distribution and award of educator salary adjustments as provided in Subsections  
281 (3) and (4).

282 Section 5. Section **53F-5-217** is amended to read:

283 **53F-5-217 (Effective 05/06/26). Grants for new and aspiring principals.**

284 (1) As used in this section:

285 (a) "Aspiring principal" means an educator who is:

286 (i) employed by an LEA; and  
287 (ii) pursuing a school leadership license or license area of concentration through  
288 enrollment in a state board approved school leadership program.

289 (b) "Educator" means:

290 (i) an individual who holds a professional educator license described in Section  
291 53E-6-201[.] ; or

292 (ii) for an audiologist or a speech language pathologist, an individual who an LEA  
293 employs and holds a credential from the Division of Professional Licensing in  
294 accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology  
295 Licensing Act.

296 (c) "Eligible applicant" means one of the following that has established a mentoring  
297 program for new principals, or agrees to establish a mentoring program during the  
298 first year of funding, that meets the requirements as described in Subsection (6):

299 (i) a single LEA;

300 (ii) a group of more than one LEA that submits a joint application; or

- (iii) a regional education service agency as described in Section 53G-4-410.
- (d) "Internship" means an extended supervised experience for an aspiring principal to engage in the work of a principal, designed to build and demonstrate the competencies required for a school leadership license or license area of concentration.
- (e) "New principal" means a principal hired by an LEA within the previous three years who has not been previously employed as a principal by the LEA.
- (f)(i) "Principal" means a school-level leader with executive authority, including:
  - (A) a principal;
  - (B) an assistant principal;
  - (C) a charter school director; or
  - (D) another school-based administrator.
- (ii) "Principal" does not include:
  - (A) a school district administrator; or
  - (B) a director of two or more charter schools.
- (g) "Residency" means a clinical experience for an aspiring principal that:
  - (i) takes place in a new setting, other than the aspiring principal's current position; and
  - (ii) that is designed to build and demonstrate the competencies required for a school leadership license or license area of concentration.
- (a) An eligible applicant may apply to the state board for a grant to provide professional learning and training activities for a new principal or an aspiring principal.
- (b) Subject to legislative appropriations, the state board shall award a grant to an eligible applicant on a qualifying or competitive basis.
- (c) The state board may award a grant to an eligible applicant for up to five years.
- (d) The state board shall determine an eligible applicant's grant amount based on a formula determined by the state board as described Subsection (6).
- (a) A grant recipient that receives a grant under this section may use the grant award:
  - (i) to provide mentoring activities to a new principal;
  - (ii) to provide job-embedded experiences such as an internship or residency to an aspiring principal to help the aspiring principal meet school leader standards and competencies required for licensure as a principal;
  - (iii) for activities designed to improve principal leadership, including:
    - (A) hiring a principal supervisor or a principal coach;
    - (B) providing professional learning activities to help a principal meet school

335 leadership standards and competencies for principal licensure established by  
336 the state board; and

337 (C) other activities determined by the state board in Subsection (6); and

338 (iv) for planning purposes during the first year of the grant award.

339 (b) A grant recipient that receives a grant award under this section shall use the grant  
340 award for activities that are evidenced-based.

341 (4) A grant recipient that receives a grant award under this section shall report to the state  
342 board on the performance measures and reporting requirements described in Subsection  
343 (6).

344 (5) On or before the November 2026 meeting, the state board shall report to the Education  
345 Interim Committee on:

346 (a) the information described in Subsection (4); and

347 (b) for each grant recipient:

348 (i) how the grant recipient used the grant award;

349 (ii) the number and percent of principals receiving the professional learning and  
350 training activities described in Subsection (3);

351 (iii) survey data collected from participating new principals and aspiring principals  
352 regarding the quality and effectiveness of the professional learning and training  
353 activities described in Subsection (3);

354 (iv) retention rates for all principals;

355 (v) teacher retention rates in each school with a new principal or aspiring principal  
356 receiving the professional learning and training activities described in Subsection  
357 (3); and

358 (vi) school accountability data described in Title 53E, Chapter 5, Accountability, for  
359 each year the grant recipient uses the grant award to provide new and aspiring  
360 principals with the professional learning and training activities described in  
361 Subsection (3).

362 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
363 state board shall make rules establishing:

364 (a) mentoring program requirements for new principals;

365 (b) grant application and award procedures including a formula for determining an  
366 eligible applicant's grant award amount;

367 (c) performance measures and reporting requirements for a grant recipient;

368 (d) principal leadership standards and competencies;

369 (e) a grant award distribution schedule; and  
370 (f) professional learning activities to improve principal leadership for which a grant  
371 recipient may use a grant award.

372 Section 6. Section **53G-11-501** is amended to read:

373 **53G-11-501 (Effective 05/06/26). Definitions.**

374 As used in this part:

375 (1) "Administrator" means an individual who supervises educators and holds an appropriate  
376 license.

377 (2) "Career educator" means a licensed employee who has a reasonable expectation of  
378 continued employment under the policies of a local school board.

379 (3) "Career employee" means an employee of a school district who has obtained a  
380 reasonable expectation of continued employment based upon Section 53G-11-503 and  
381 an agreement with the employee or the employee's association, district practice, or  
382 policy.

383 (4) "Chronically absent" means a student who:  
384 (a) was enrolled in an LEA for at least 60 calendar days; and  
385 (b) missed 10% or more days of instruction, whether the absence was excused or not.

386 (5) "Contract term" or "term of employment" means the period of time during which an  
387 employee is engaged by the school district under a contract of employment, whether oral  
388 or written.

389 (6) "Dismissal" or "termination" means:  
390 (a) termination of the status of employment of an employee;  
391 (b) failure to renew or continue the employment contract of a career employee beyond  
392 the then-current school year;  
393 (c) reduction in salary of an employee not generally applied to all employees of the same  
394 category employed by the school district during the employee's contract term; or  
395 (d) change of assignment of an employee with an accompanying reduction in pay, unless  
396 the assignment change and salary reduction are agreed to in writing.

397 (7) "Educator" means an individual employed by a school district who is required to hold a  
398 professional license issued by the state board or, for an audiologist or a speech language  
399 pathologist, an individual who an LEA employs and holds a credential from the Division  
400 of Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language  
401 Pathology and Audiology Licensing Act, except:  
402 (a) a superintendent; or

403 (b) an individual who works less than three hours per day or is hired for less than half of  
404 a school year.

405 (8)(a) "Employee" means a career or provisional employee of a school district, except as  
406 provided in Subsection (7)(b).

407 (b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not  
408 include:

409 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the  
410 Blind;

411 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf  
412 and the Blind; or

413 (iii) a temporary employee.

414 (9) "Formative evaluation" means a planned, ongoing process which allows educators to  
415 engage in reflection and growth of professional skills as related to the Utah Effective  
416 Teaching Standards.

417 (10) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates the  
418 termination of an employee who started to work for a district most recently before  
419 terminating a more senior employee.

420 (11) "Provisional educator" means an educator employed by a school district who has not  
421 achieved status as a career educator within the school district.

422 (12) "Provisional employee" means an individual, other than a career employee or a  
423 temporary employee, who is employed by a school district.

424 (13) "School board" means a local school board or, for the Utah Schools for the Deaf and  
425 the Blind, the state board.

426 (14) "School district" or "district" means:

427 (a) a public school district; or

428 (b) the Utah Schools for the Deaf and the Blind.

429 (15) "Summative evaluation" means an evaluation that:

430 (a) a supervisor conducts;

431 (b) summarizes an educator's performance during an evaluation cycle; and

432 (c) a supervisor or school district may use to make decisions related to an educator's  
433 employment.

434 (16) "Temporary employee" means an individual who is employed on a temporary basis as  
435 defined by policies adopted by the school board. If the class of employees in question is  
436 represented by an employee organization recognized by the school board, the school

437       board shall adopt the school board's policies based upon an agreement with that  
438       organization. Temporary employees serve at will and have no expectation of continued  
439       employment.

440       (17)(a) "Unsatisfactory performance" means a deficiency in performing work tasks that  
441       may be:

- 442           (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and  
443           (ii) remediated through training, study, mentoring, or practice.

444       (b) "Unsatisfactory performance" does not include the following conduct that is  
445       designated as a cause for termination under Section 53G-11-512 or a reason for  
446       license discipline by the state board or Utah Professional Practices Advisory  
447       Commission:

- 448           (i) a violation of work policies;
- 449           (ii) a violation of school board policies, state board rules, or law;
- 450           (iii) a violation of standards of ethical, moral, or professional conduct; or
- 451           (iv) insubordination.

452       Section 7. Section **53G-11-512** is amended to read:

453       **53G-11-512 (Effective 05/06/26). Local school board to establish dismissal  
454       procedures.**

455       (1) A local school board shall, by contract with its employees or their associations, or by  
456       resolution of the local school board, establish procedures for dismissal of employees in  
457       an orderly manner without discrimination.

458       (2) The local school board shall ensure that the procedures described in Subsection (1)  
459       include:

- 460           (a) standards of due process;
- 461           (b) causes for dismissal; and
- 462           (c) procedures and standards related to developing and implementing a plan of  
463           assistance for a career employee whose performance is unsatisfactory.

464       (3) The local school board shall ensure that the procedures and standards for a plan of  
465       assistance adopted under Subsection (2)(c) require a plan of assistance to identify:

- 466           (a) specific, measurable, and actionable deficiencies;
- 467           (b) the available resources provided for improvement; and
- 468           (c) a course of action to improve employee performance.

469       (4) If a career employee exhibits both unsatisfactory performance as described in  
470       Subsection [53G-11-501(16)(a)] 53G-11-501(17)(a) and conduct described in Subsection [

471       53G-11-501(16)(b)] 53G-11-501(17)(b), an employer:

472       (a) may:

473           (i) attempt to remediate the conduct of the career employee; or  
474           (ii) terminate the career employee for cause if the conduct merits dismissal consistent  
475               with procedures established by the local school board; and

476       (b) is not required to develop and implement a plan of assistance for the career  
477               employee, as provided in Section 53G-11-514.

478       (5) If the conduct of a career employee described in Subsection (4) is satisfactorily  
479               remediated, and unsatisfactory performance issues remain, an employer shall develop  
480               and implement a plan of assistance for the career employee, as provided in Section  
481               53G-11-514.

482       (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily  
483               remediated, an employer:

484           (a) may dismiss the career employee for cause in accordance with procedures  
485               established by the local school board that include standards of due process and causes  
486               for dismissal; and  
487           (b) is not required to develop and implement a plan of assistance for the career  
488               employee, as provided in Section 53G-11-514.

489       Section 8. Section **58-1-203** is amended to read:

490       **58-1-203 (Effective 05/06/26). Duties, functions, and responsibilities of division in  
491               collaboration with board -- Construction Services Commission.**

492       (1) ~~[The following duties, functions, and responsibilities of the division shall be performed  
493               by the division with the collaboration and assistance of the appropriate board:]~~ The  
494               division shall perform the following duties, functions, and responsibilities with the  
495               collaboration and assistance of the appropriate board:

496           (a) defining which schools, colleges, universities, departments of universities, military  
497               educational and training programs, or other institutions of learning are reputable and  
498               in good standing with the division;  
499           (b) prescribing license qualifications;  
500           (c) prescribing rules governing applications for licenses;  
501           (d) providing for a fair and impartial method of examination of applicants;  
502           (e) defining unprofessional conduct, by rule, to supplement the definitions under this  
503               chapter or other licensing chapters;  
504           (f) establishing advisory peer committees to the board and prescribing their scope of

505 authority; and

506 (g) establishing conditions for reinstatement and renewal of licenses.

507 (2) Notwithstanding Subsection (1), the duties, functions, and responsibilities of the  
508 division outlined in Subsection (1) shall, instead, be performed by the Construction  
509 Services Commission for all purposes of Title 58, Chapter 55, Utah Construction Trades  
510 Licensing Act.

511 (3) If no appropriate board is available to advise the division, the division may create  
512 temporary working groups with members of the relevant occupation and the public to  
513 assist the division in executing the duties, functions, and responsibilities described in  
514 Subsection (1).

515 Section 9. Section **58-41-101**, which is renumbered from Section 58-41-2 is renumbered  
516 and amended to read:

## 517 **CHAPTER 41. Speech-Language Pathology and Audiology Licensing Act**

### 518 **Part 1. General Provisions**

#### 519 **[58-41-2] 58-41-101 (Effective 05/06/26) (Repealed 07/01/29). Definitions.**

520 [In addition to the definitions in Section 58-1-102, as] As used in this chapter:

521 (1) "AAA" means the American Academy of Audiology.

522 (2) "ABA" means the American Board of Audiology.

523 (3) "ASHA" means the American Speech-Language-Hearing Association.

524 [(2) "Association" means the Utah Speech-Language-Hearing Association.]

525 [(3) (4) "Audiologist" means [a person who practices audiology or who holds himself out to  
526 the public directly or indirectly by any means, act, title, identification, performance,  
527 method, or procedure as one who nonmedically examines, measures, tests, interprets,  
528 evaluates, assesses, diagnoses, directs, instructs, treats, counsels, prescribes, and  
529 recommends for persons affected by or suspected of having disorders of or conditions of  
530 hearing loss, or assists persons in achieving the reception, communication, and  
531 perception of sound and determines the range, nature, and degree of hearing function  
532 related to communication needs, or provides audiology services and uses audio  
533 electronic equipment and provides audiology services and consultation regarding noise  
534 control and hearing conservation, conducts tests and interpretation of vestibular function  
535 and nystagmus, prepares ear impressions and provides ear molds, aids, accessories,  
536 prescriptions, and prostheses for hearing, evaluates sound environment and equipment,  
537 and calibrates instruments used in testing and supplementing auditory function. A

538 person is deemed to be an audiologist if the person directly or indirectly provides or  
539 offers to provide these services or functions set forth in Subsection (4) or any related  
540 function.] an independent hearing and balance healthcare practitioner with the education  
541 to assess, diagnose, manage, and non-medically treat disorders of the auditory and  
542 vestibular systems across the lifespan.

543 [(4)] (5)(a) ["Audiology" means the application of principles, methods, and procedures,  
544 and measuring, testing, examining, interpreting, diagnosing, predicting, evaluating,  
545 prescribing, consulting, treating, instructing, and researching, which is related to  
546 hearing, vestibular function, and the disorders of hearing, to related language and  
547 speech disorders and to aberrant behavior related to hearing loss or vestibular  
548 function, for the purpose of preventing and modifying disorders related to hearing  
549 loss or vestibular function, and planning, directing, managing, conducting, and  
550 participating in hearing conservation, evoked potentials evaluation, nonmedical  
551 tinnitus evaluation or treatment, noise control, habilitation, and rehabilitation  
552 programs, including hearing aid evaluation, assistive listening device evaluation,  
553 prescription, preparation, and dispensing, and auditory training and lip reading.]  
554 "Audiology" means the prevention, diagnosis, and treatment of a disorder related to  
555 hearing or vestibular function.

556 (b) "Audiology" includes administering and interpreting electrophysiologic  
557 measurements of neural function.

558 [(5)] (6) ["Audiology aide"] "Audiology assistant" means an individual who:  
559 (a) meets the minimum qualifications [established by the board for audiology aides.  
560 Those qualifications shall be substantial but less than those established by this  
561 chapter for licensing an audiologist] the division makes by rule in accordance with  
562 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
563 (b) does not act independently; and  
564 (c) works under the personal direction and direct supervision of a licensed audiologist  
565 who accepts responsibility for the acts and performance of that audiology [aide]  
566 assistant under this chapter.

567 [(6) "Board" means the Speech-language Pathology and Audiology Licensing Board  
568 created under Section 58-41-6.]

569 (7) "CCC" means the [certificate of clinical competency] Certificate of Clinical Competence  
570 awarded by [the American Speech-Language-Hearing Association] ASHA.

571 (8)(a) "Licensed individual" means an individual who is:

572 (i) licensed under this chapter; or  
573 (ii) licensed in accordance with Chapter 41a, Audiology and Speech-language  
574 Pathology Interstate Compact, if the license is not expired, suspended, or revoked.

575 [(8) "CFY" means the clinical fellowship year prescribed by ASHA.]

576 (9) "Disorder" means the condition of decreased, absent, or impaired:

577 (a) auditory, speech, voice, or language function; or  
578 (b) ability to communicate or swallow.

579 (10) "Hearing instrument" means the same as that term is defined in Section 58-46a-102.

580 (11) "Hearing [aid-] instrument dealer" means [one-] a person who sells, repairs, and adjusts [  
581 hearing aids] a hearing instrument.

582 [(11) "Licensed audiologist" means any individual to whom a license has been issued under  
583 this chapter or Chapter 41a, Audiology and Speech-language Pathology Interstate  
584 Compact, if the license is in force and has not been suspended or revoked.]

585 [(12) "Licensed speech-language pathologist" means any individual licensed under this  
586 chapter or Chapter 41a, Audiology and Speech-language Pathology Interstate Compact,  
587 if the license is in force and has not been suspended or revoked.]

588 [(13) "Person" means any individual, group, organization, partnership, or corporate body,  
589 except that only an individual may be licensed under this chapter.]

590 [(14)] (12)(a) "Invasive procedure" means a procedure that the division determines by  
591 rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
592 presents a high-risk to a patient and impacts the essential functions of  
593 communication, breathing, feeding, or swallowing.

594 (b) "Invasive procedure" includes:

595 (i) endoscopy;  
596 (ii) fiberoptic endoscopic evaluation of swallowing;  
597 (iii) pharyngeal electrical stimulation; and  
598 (iv) tracheostomy management.

599 (13)(a) "Over-the-counter hearing aid" means an air-conduction hearing aid, as defined  
600 in 21 C.F.R. Sec. 800.30(b), that is intended for use by a person that is at least 18  
601 years old to compensate for mild to moderate hearing impairment.

602 (b) "Over-the-counter hearing aid" includes a device that is available over-the-counter,  
603 without the supervision, prescription, or other order, involvement, or intervention of a  
604 licensed person, to consumers through in-person transactions, by mail, or online.

605 (c) "Over-the-counter hearing aid" does not include a device that requires implantation

606                   or other surgical intervention.

607       (14) "Practice of audiology" means rendering or offering to render to [individuals, groups, agencies, organizations, industries] an individual, a group, an agency, an organization, an industry, or the public [any performance or] a service in audiology.

610       (15) "Practice of speech-language pathology" [means rendering, prescribing, or offering to render to individuals, groups, agencies, organizations, industries or the public any service in speech-language pathology] means applying speech-language pathology to identify, prevent, ameliorate, or modify a disorder of speech, voice, language, cognitive communication, or swallowing.

615       (16) "Prescribe" means to:

- 616           (a) determine, specify, and give the directions, procedures, or rules for [a person] an individual to follow in determining and ordering the preparation, delivery, and use of specific mechanical, acoustic, or electronic aids to hearing or speech; and
- 619           (b) determine or designate a remedy for [a person] an individual.

620       (17) "Prescription" means a written or oral order for the delivery or execution of that which has been prescribed.

622       (18) "Speech-language pathologist" means:

- 623           (a) [a person] an individual who practices speech-language pathology or who [holds himself out to] represents to the public as a speech-language pathologist by [any means, or by any] a service or function the [person] individual performs, directly or indirectly, or by using the terms "speech-language pathologist," "speech-language therapist," "language disability specialist," or [any] a variation, derivation, synonym, coinage, or [whatever expresses, employs, or implies] expression or implication of these terms, names, or functions; or
- 630           (b) [a person] an individual who performs [any of the functions] a function described in Subsection[-(19)-] (19) or [any related functions] a related function.

632       (19) "Speech-language pathology" means the application of principles, methods, and procedures for [the examination, measurement, prevention, testing, identification, evaluation, diagnosis, treatment, instruction, modification, prescription, restoration, counseling, habilitation, prediction, management, and research related to the development and the disorders or disabilities of human communication, speech, voice, language, cognitive communication, or oral, pharyngeal, or laryngeal sensorimotor competencies, for the purpose of identifying, evaluating, diagnosing, prescribing, preventing, managing, correcting, ameliorating, or modifying those disorders and their

640 effects in individuals or groups of individuals] the measuring, testing, evaluating,  
641 predicting, counseling, treating, instructing, habilitating, or rehabilitating for speech,  
642 voice, language, communication, cognitive-communication, or the ability to swallow.

643 (20) ["Speech-language pathology aide"] "Speech-language pathology assistant" means an  
644 individual who:

645 (a) meets the minimum qualifications [established by the board for speech-language  
646 pathology aides. Those qualifications shall be substantial but less than those  
647 established by this chapter for licensing a speech-language pathologist] the division  
648 makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
649 Rulemaking Act;

650 (b) does not act independently; and

651 (c) works under the personal direction and direct supervision of a licensed  
652 speech-language pathologist who accepts the responsibility for the acts and  
653 performances of that speech-language pathology [aide] assistant while working under  
654 this chapter.

655 (21) "Treatment" means [the services of a speech-language pathologist or audiologist to  
656 examine, diagnose, correct, or ameliorate] the examination, diagnosis, correction, or  
657 amelioration of a speech or hearing [disorders, abnormalities] disorder, abnormality, or  
658 behavior[, or their effects].

659 (22) "Unprofessional conduct" [as defined in] means the same as that term is defined in  
660 Section 58-1-501 and as [may be further defined by rule includes:] the division may  
661 further define by rule the division makes in accordance with Title 63G, Chapter 3, Utah  
662 Administrative Rulemaking Act.

663 [(a) failing to maintain a level of professional practice consistent with all initial and  
664 subsequent requirements by which a license is achieved or maintained under this  
665 chapter;]

666 [(b) utilizing substandard or inappropriate facilities or equipment;]

667 [(e) treating any disorder for which the licensee has not had the necessary training and  
668 experience; or]

669 [(d) failing to comply with the requirements of Section 58-41-17.]

670 Section 10. Section **58-41-102**, which is renumbered from Section 58-41-13 is renumbered  
671 and amended to read:

672 **[58-41-13] 58-41-102 (Effective 05/06/26) (Repealed 07/01/29). Fees.**

673 The department shall set fees [in cooperation with the board and] in accordance with

674 Section 63J-1-504 and shall collect all fees.

675 Section 11. Section **58-41-103**, which is renumbered from Section 58-41-16 is renumbered  
676 and amended to read:

677 **[58-41-16] 58-41-103 (Effective 05/06/26) (Repealed 07/01/29). Privileged  
678 communication.**

679 [ A person licensed under this chapter may not be examined or required to reveal any  
- 680 findings, examinations, or representation made to the licensed person by the licensed person's  
- 681 client, or any advice or treatment given to the client in the course of professional practice,  
- 682 without the consent of the client or the client's representative. ]

683 (1) A licensed individual may not be examined or required to reveal, without the consent of  
684 the client or the client's representative:

685 (a) a finding, an examination, or a representation made to the licensed individual by the  
686 client;

687 (b) advice the licensed individual provides to the client in the course of the practice of  
688 audiology or the practice of speech-language pathology; or

689 (c) treatment the licensed individual provides to the client in the course of the practice of  
690 audiology or the practice of speech-language pathology.

691 (2) [A person employed by a person licensed under this chapter] An individual that a  
692 licensed individual employs may not be examined without the consent of the employer  
693 concerning [any] a fact of which the employee has acquired knowledge in the employee's  
694 professional capacity.

695 Section 12. Section **58-41-201**, which is renumbered from Section 58-41-6 is renumbered  
696 and amended to read:

697 **Part 2. Board**

698 **[58-41-6] 58-41-201 (Effective 05/06/26) (Repealed 07/01/29). Board.**

699 (1) There is created the Speech-language Pathologist and Audiologist Licensing Board,  
700 consisting of four speech-language pathologists or audiologists and one member of the  
701 general public.

702 (a) The nonpublic members of the board shall be licensed to provide and shall be  
703 engaged in providing speech-language pathology or audiology services to the public  
704 as a major interest as follows:

705 (i) one member shall be in private practice as a primary professional interest and  
706 activity or shall be a provider of speech-language pathology or audiology services  
707 at large;

708 (ii) one member shall be from a nonschool clinic setting which provides ongoing  
709 speech-language pathology or audiology services;  
710 (iii) one member shall be a provider of speech-language pathology and audiology  
711 services in the elementary or secondary schools; and  
712 (iv) one member shall be a provider of a speech-language pathology and audiology  
713 college or university training program.

714 (b) At no time may the board consist of more than two members who represent  
715 speech-language pathology or more than two members who represent audiology.

716 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

717 (3) The duties and responsibilities of the board shall be in accordance with Sections  
718 58-1-202 and 58-1-203.

719 Section 13. Section **58-41-301**, which is renumbered from Section 58-41-5 is renumbered  
720 and amended to read:

### 721 **Part 3. Licensure**

#### 722 **[58-41-5] 58-41-301 (Effective 05/06/26) (Repealed 07/01/29). Licensure 723 requirements.**

724 [(f) To obtain and maintain a license as an audiologist beginning July 1, 2010, an applicant  
725 must:]

726 [(a) submit a completed application in the form and content prescribed by the division  
727 and pay a fee to the department in accordance with Section 63J-1-504;]

728 [(b) provide the committee with verification that the applicant is the legal holder of a  
729 clinical doctor's degree or AuD, in audiology, from an accredited university or  
730 college, based on a program of studies primarily in the field of audiology;]

731 [(e) be in compliance with the regulations of conduct and codes of ethics for the  
732 profession of audiology;]

733 [(d) submit to the board certified evidence of having completed at least one academic  
734 year of professional experience, at least 30 hours per week, of direct clinical  
735 experience in treatment and management of patients, supervised and attested to by  
736 one holding an audiologist license under this chapter, the CCC, or their full  
737 equivalent; and]

738 [(e) pass a nationally standardized examination in audiology which is the same as or  
739 equivalent to the examination required for the CCC and with pass-fail criteria  
740 equivalent to current ASHA standards, and the board may require the applicant to  
741 pass an acceptable practical demonstration of clinical skills to an examining

742 committee of licensed audiologists appointed by the board.]

743 (1) An individual may not engage in the practice of audiology or the practice of  
744 speech-language pathology without being a licensed individual.

745 (2) To obtain a license as an audiologist an applicant shall:

746 (a) submit a completed application in a form the division approves;

747 (b) pay a fee to the department in accordance with Section 63J-1-504;

748 (c)(i) submit evidence of a current and unrestricted ASHA Certificate of Clinical  
749 Competence, an ABA Certification, or an equivalent as the division approves by  
750 rule the division makes in accordance with Title 63G, Chapter 3, Utah  
751 Administrative Rulemaking Act; or

752 (ii)(A) submit evidence that the applicant holds a clinical doctorate degree in  
753 audiology from an accredited university or college;

754 (B) comply with the regulations of conduct and the codes of ethics for the  
755 profession of audiology;

756 (C) submit evidence of having completed at least one academic year of  
757 professional experience, consisting of at least 30 hours per week of direct  
758 clinical experience in treatment and management of patients supervised and  
759 attested to by a licensed audiologist or an audiologist certified by a national  
760 organization as the division approves by rule made in accordance with Title  
761 63G, Chapter 3, Utah Administrative Rulemaking Act; and

762 (D) pass a nationally standardized examination in audiology that is the same as, or  
763 equivalent to, the examination required for the CCC, with pass-fail criteria  
764 equivalent to current ASHA standards.

765 [(2) To obtain and maintain a license as an audiologist prior to July 1, 2010, an applicant  
766 shall:]

767 [(a) comply with Subsections (1)(a), (c), (d), and (e); and]

768 [(b) provide the committee with verification that the applicant has received at least a  
769 master's degree in the area of audiology from an accredited university or college,  
770 based on a program of studies primarily in the field of audiology, and holds the CCC  
771 or its full equivalent.]

772 (3)(a) An individual who, [prior to July 1, 2010] before May 6, 2026, is licensed as an  
773 audiologist under this chapter[ is, on or after July 1, 2010], is considered to hold a  
774 current license under this chapter as an audiologist and is subject to this chapter.

775 (b) Beginning on May 6, 2026, an individual who holds a credential issued by the State

776 Board of Education on or after July 1, 2020, and before May 6, 2026, and performs  
777 the functions of a speech-language pathologist or audiologist, shall apply to the  
778 division for licensure as a speech-language pathologist or audiologist and renew the  
779 credential in accordance with Section 58-41-303.

780 (4)(a)(i) An audiology assistant shall meet the minimum qualifications the division  
781 makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
782 Rulemaking Act.

783 (ii) The division shall make the minimum qualifications substantial but less than  
784 those established by this chapter for licensure as an audiologist.

785 (b) An audiology assistant shall work under the personal direction and direct supervision  
786 of a licensed audiologist who accepts the responsibility for the acts and performances  
787 of the audiology assistant.

788 (c) An audiology assistant shall work within the audiology assistant scope of practice, as  
789 the division defines by rule the division makes in accordance with Title 63G, Chapter  
790 3, Utah Administrative Rulemaking Act.

791 [4)] (5) To obtain [and maintain] a license as a speech-language pathologist[;] an applicant [  
792 must] shall:

793 [a) comply with Subsection (1)(a);]

794 (a) submit a completed application in a form the division approves;

795 (b) pay a fee to the department in accordance with Section 63J-1-504; and

796 [b)] (c)(i) submit evidence of a current and unrestricted ASHA Certificate of Clinical  
797 Competence or an equivalent as the division approves by rule the division makes  
798 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or  
799 (ii)(A) provide the [ecommittee] division with verification that the applicant has

800 received at least a master's degree in speech-language pathology from an  
801 accredited university or college, based on a program of studies primarily in the  
802 field of speech-language pathology;

803 [e)] (B) [be in compliance] comply with the regulations of conduct and code of  
804 ethics for the profession of speech-language pathology;

805 [d)] (C) [comply with Subsection (1)(b), except that the supervision and  
806 attestation requirement shall be from a licensed speech-language pathologist  
807 rather than a licensed audiologist; and] submit to the division certified evidence  
808 of having completed at least one academic year of professional experience,  
809 consisting of at least 30 hours per week of direct clinical experience in

treatment and management of patients supervised and attested to by a licensed speech-language pathologist, or a speech-language pathologist certified by the CCC, or an equivalent organization as the division approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
and

(D) pass a nationally standardized examination in speech-language pathology that is the same as, or equivalent to, the examination required for the CCC, with pass-fail criteria equivalent to current ASHA standards.

[e) pass a nationally standardized examination in speech-language pathology which is the same as or equivalent to the examination required for the CCC and with pass-fail criteria equivalent to current ASHA standards, and the board may require the applicant to pass an acceptable practical demonstration of clinical skills to an examining committee of licensed speech-language pathologists appointed by the board.]

(6) To perform an invasive procedure, a speech-language pathologist shall comply with the standards the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 14. Section **58-41-302**, which is renumbered from Section 58-41-8 is renumbered and amended to read:

[58-41-8] **58-41-302** (Effective 05/06/26) (Repealed 07/01/29). Issuance of license.

[Upon the recommendation of the board the division shall issue licenses in accordance with Section 58-1-301.] After the division reviews and approves the application, the division shall issue a license in accordance with Section 58-1-301.

Section 15. Section **58-41-303**, which is renumbered from Section 58-41-12 is renumbered and amended to read:

**[58-41-12] 58-41-303 (Effective 05/06/26) (Repealed 07/01/29). Term of license -- Expiration -- Renewal.**

(1)(a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) [A renewal period may be extended or shortened.] The division may extend or shorten the renewal period by as much as one year to maintain established renewal dates for the established renewal period.

(c) The division shall make rules in accordance with Title 63G, Chapter 3, Utah

844       Administrative Rulemaking Act, to determine the first renewal period of an  
845       individual described in Subsection 58-41-301(3)(b).

846       (2) [At the time of renewal the licensee shall show satisfactory evidence of completion of  
847       scheduled graduate level professional training, related clinically to the profession of  
848       speech-language pathology or audiology, as may be established by the division by rule,  
849       in cooperation with the board.] At the time of renewal the licensee shall show  
850       satisfactory evidence of:

851       (a) completing 20 hours of continuing education that the division approves by rule made  
852       in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
853       within the preceding two-year renewal cycle, consistent with standards for  
854       maintaining professional competency in audiology or speech-language pathology; or  
855       (b) possessing an active certification in good standing from a nationally recognized  
856       professional organization that requires continuing education equivalent to or  
857       exceeding 20 hours per two-year cycle.

858       (3) Each license automatically expires on the expiration date shown on the [license unless  
859       renewed by the licensee in accordance with Section 58-1-308] license.

860       Section 16. Section **58-41-304**, which is renumbered from Section 58-41-5.5 is renumbered  
861 and amended to read:

862       **[58-41-5.5] 58-41-304 (Effective 05/06/26) (Repealed 07/01/29). Temporary**  
863       **licenses.**

864       [(1)(a) The division may issue a temporary license to an applicant for an audiology  
865       license who:]

866       [(i) has obtained a master's or doctorate degree in audiology prior to July 1, 2010, or  
867       a clinical doctorate degree in audiology or AuD, after June 30, 2010; and]  
868       [(ii) is practicing audiology in a year of clinical fellowship.]

869       [(b) The temporary license is valid for up to 12 months.]

870       [(2)(a) The division may issue a temporary license to an applicant for a  
871       speech-language pathology license who:]

872       [(i) has completed all requirements for licensure as a speech-language pathologist  
873       under this chapter, except for Subsection 58-41-5(4)(d); and]  
874       [(ii) is practicing speech-language pathology in a year of clinical fellowship.]

875       [(b) The temporary license is valid for up to 12 months.]

876       (1) The division may issue a temporary audiology license to an applicant who:

877       (a) obtains a master's or doctorate degree in audiology before July 1, 2010, or obtains a

878                   clinical doctorate degree in audiology after June 30, 2010; and  
879                   (b) is practicing audiology for a year of clinical fellowship that the division approves.  
880                   (2) The division may issue a temporary speech-language pathology license to an applicant  
881                   who:  
882                   (a) completes all requirements for licensure as a speech-language pathologist, except for  
883                   Subsection 58-41-301(5)(c)(ii)(A); and  
884                   (b) is practicing speech-language pathology for a year of clinical fellowship.  
885                   (3) A temporary license is valid for up to 12 months from the day after the day on which the  
886                   division issues the temporary license.

887                   Section 17. Section **58-41-305**, which is renumbered from Section 58-41-4 is renumbered  
888 and amended to read:

889                   **[58-41-4] 58-41-305 (Effective 05/06/26) (Repealed 07/01/29). Exemptions from**  
890 **chapter.**

891                   (1) [In addition to the exemptions from licensure in Section 58-1-307, the] The following [  
892                   persons may engage in the practice of] individuals may engage in the practice of  
893                   speech-language pathology [and] or the practice of audiology subject to the stated  
894                   circumstances and limitations without being [licensed under this chapter] a licensed  
895                   individual:

896                   (a) a qualified [person] individual licensed in this state under [any] law existing in this  
897                   state [prior to] before May 13, 1975, engaging in the profession for which the [person]  
898                   individual is licensed;

899                   (b) [a medical doctor, physician, physician assistant, or surgeon licensed in this state,  
900                   engaging in his or her specialty in the practice of medicine] a physician or a  
901                   physician's assistant;

902                   (c) [a hearing aid] except as provided in Subsection (2), a hearing instrument dealer or  
903                   salesperson selling, fitting, adjusting, and repairing [hearing aids] a hearing instrument,  
904                   and conducting hearing tests solely for that purpose[. However, a hearing aid dealer  
905                   may not conduct audiology testing on persons younger than 18 years old except  
906                   under the direct supervision of an audiologist licensed under this chapter;] ;

907                   (d) a person who has obtained a valid and current credential issued by the State Board of  
908                   Education while specifically performing the functions of a speech-language  
909                   pathologist or audiologist solely within the confines of, under the direction and  
910                   jurisdiction of, and in the academic interest of the school employing the person;

911                   (e) [a person employed as a speech-language pathologist or audiologist by federal

912 government agencies or subdivisions or, prior to July 1, 1989, by state or local  
913 government agencies or subdivisions, while specifically performing speech-language  
914 pathology or audiology services solely within the confines of, under the direction and  
915 jurisdiction of, and in the specific interest of the agency or subdivision;] an individual  
916 that a federal government agency or subdivision or, before July 1, 1989, a state or  
917 local government agency or subdivision, employs as a speech-language pathologist or  
918 audiologist while performing a speech-language pathology or audiology service  
919 within the confines of, under the direction and jurisdiction of, and in the specific  
920 interest of the agency or subdivision;

921 (f) [a person] an individual identified in Subsections (1)(d) and (e) may offer lectures for [  
922 a fee, or monetary or other] compensation[,] without being [licensed] a licensed  
923 individual;

924 (g) [a person employed by] an individual an accredited college or university employs as  
925 a speech-language pathologist or audiologist performing [the services or functions  
926 described in] a service or function this chapter describes if the [services or functions  
927 are] individual provides the service or function:

928 (i) [performed] solely as an assigned teaching function of the [person's] individual's  
929 employment;

930 (ii) solely in academic interest and pursuit as a function of the [person's] individual's  
931 employment;

932 (iii) in no way for the [person's] individual's own interest; and

933 (iv) [provided] for no [fee, monetary or otherwise,] compensation other than the [  
934 person's agreed] individual's institutional salary;

935 (h) [a person] an individual pursuing a course of study leading to a degree in  
936 speech-language pathology or audiology while enrolled in an accredited college or  
937 university, provided:

938 (i) those activities constitute an assigned, directed, and supervised part of the [  
939 person's curricular] individual's study, and in no other interest;

940 (ii) that [all] examinations, tests, histories, charts, progress notes, reports,  
941 correspondence, documents, and records the [person] individual produces [be  
942 identified clearly] are clearly identified as having been conducted and prepared by  
943 a student in training;

944 (iii) that the [person] individual is obviously identified and designated by appropriate  
945 title clearly indicating the [person's] individual's training status; and

946 (iv) that the [person] individual does not hold out directly or indirectly to the public or  
947 otherwise represent that the [person] individual is qualified to practice  
948 independently;

949 (i) [a person] an individual trained in elementary audiology and qualified to perform  
950 basic audiometric tests while employed by and under the direct supervision of a  
951 licensed medical doctor to perform solely for the licensed medical doctor, the  
952 elementary conventional audiometric tests of air conduction screening, air conduction  
953 threshold testing, and tympanometry;

954 (j) [a person] an individual performing the functions of a speech-language pathologist or  
955 audiologist for the sole purpose of obtaining required professional experience under  
956 the provisions of this chapter and only during the period the [person] individual is  
957 obtaining the required professional experience, if the [person:] individual meets the  
958 training requirements;  
959 [(i) meets all training requirements; and]  
960 [(ii) is professionally responsible to and under the supervision of a speech-language  
961 pathologist or audiologist who holds the CCC or a state license in  
962 speech-language pathology or audiology;]  
963 (k) [a corporation, partnership, trust, association, group practice, or similar organization]  
964 a person engaging in speech-language pathology or audiology services without  
965 certification or license, if acting only through [employees] an employee who is a  
966 licensed individual or consisting only of [persons who are licensed under this chapter]  
967 licensed individuals;  
968 (l) [a person] an individual who is not a resident of this state performing a  
969 speech-language pathology or audiology [servicees] service in this state if:  
970 (i) the [servicees are performed] individual performs the service for no more than one  
971 month in any calendar year in [association] connection with a licensed  
972 speech-language pathologist or a licensed audiologist[licensed under this chapter];  
973 and  
974 (ii) the [person] individual meets the qualifications and examination requirements for  
975 application for licensure described in Section [58-41-5] 58-41-301;  
976 (m) [a person] an individual certified under Title 53E, Public Education System -- State  
977 Administration, as a teacher of the deaf, [from providing the services or performing  
978 the functions the person] providing a service or performing a function that the  
979 individual is certified to perform;[and]

980 (n) [a person] an individual who is:

981 (i) trained in newborn hearing screening as [described in rules made by ]the  
982 Department of Health and Human Services describes in rules made in accordance  
983 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and  
984 (ii) working under the indirect supervision of a licensed audiologist responsible for a  
985 newborn hearing screening program [established by ]the Department of Health  
986 and Human Services makes under Section 26B-4-319[.] ; and  
987 (o) an individual who is exempt under Section 58-1-307.

988 (2)(a)(i) A hearing instrument specialist may not fit or test an individual's hearing aid,  
989 or test the individual's hearing if the individual is less than 18 years old unless the  
990 hearing instrument specialist receives a written statement that the individual's  
991 hearing loss has received a medical evaluation and that the individual may be  
992 considered a candidate for a hearing aid.

993 (ii) A hearing instrument specialist may not fit or test an individual's hearing aid, or  
994 test the individual's hearing if the individual is less than six years old.

995 (b) The medical evaluation in Subsection (2)(a)(i) shall have taken place no more than  
996 six months before the day on which the hearing instrument specialist fits or tests the  
997 hearing aid or the hearing of the individual.

998 (c) The written statement in Subsection (2)(a)(i) shall be signed by:

999 (i) a physician or surgeon licensed under Title 58, Chapter 67, Utah Medical Practice  
1000 Act;  
1001 (ii) an osteopathic physician licensed under Title 58, Chapter 68, Utah Osteopathic  
1002 Medical Practice Act;  
1003 (iii) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
1004 Assistant Act; or  
1005 (iv) an audiologist licensed under this chapter.

1006 (3) No individual is exempt from this chapter if the individual performs or provides a  
1007 service as a speech-language pathologist or an audiologist:

1008 (a) for compensation that the recipient of the service pays; or  
1009 (b) for compensation that is outside the scope of the individual's employment position as  
1010 a speech-language pathologist or an audiologist in a branch or subdivision of local,  
1011 state, or federal government, or as otherwise identified in this section.

1012 (4) The State Board of Education may not issue a credential to a person performing the  
1013 functions of a speech-language pathologist or audiologist on or after May 6, 2026.

1014 [¶(2) No person is exempt from the requirements of this chapter who performs or provides  
1015 any services as a speech-language pathologist or audiologist for which a fee, salary,  
1016 bonus, gratuity, or compensation of any kind paid by the recipient of the service; or who  
1017 engages any part of his professional work for a fee practicing in conjunction with, by  
1018 permission of, or apart from his position of employment as speech-language pathologist  
1019 or audiologist in any branch or subdivision of local, state, or federal government or as  
1020 otherwise identified in this section.]

1021 Section 18. Section **58-41-306**, which is renumbered from Section 58-41-17 is renumbered  
1022 and amended to read:

1023 **[58-41-17] 58-41-306 (Effective 05/06/26) (Repealed 07/01/29). Requirements for  
1024 selling a hearing instrument.**

1025 [(1) As used in this section:]

1026 [(a) "Hearing aid" means a wearable instrument or device designed or offered for the  
1027 purpose of aiding or compensating for human hearing loss, including its parts,  
1028 attachments, or accessories.]

1029 [(b) "Hearing aid" does not include a device that is surgically implanted in the cochlea or  
1030 under the skin near the ear.]

1031 [(2)] (1) [A person licensed under this chapter who] A person that offers to sell a hearing [aid]  
1032 instrument to a consumer shall inform the consumer about [hearing aids] hearing  
1033 instruments that work with assistive listening systems that are compliant with the ADA  
1034 Standards for Accessible Design adopted by the United States Department of Justice in  
1035 accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.

1036 [(3)] (2) [A person licensed under this chapter who] A person that sells a [hearing aid]  
1037 hearing instrument to a consumer shall provide a written receipt or written contract to  
1038 the consumer that provides the consumer with a 30-day right to cancel the purchase and  
1039 to obtain a refund if the consumer returns [the hearing aid] a hearing instrument to the  
1040 seller in the same condition as when purchased, excluding ordinary wear and tear.

1041 [(4)] (3) The written receipt or contract shall notify the consumer of the 30-day right to  
1042 cancel in at least 12-point font.

1043 [(5)] (4) The 30-day right to cancel period shall commence from the [date] later of the day  
1044 after the day on which:

1045 (a) the [hearing aid] hearing instrument is originally delivered to the consumer[ or] ;  
1046 (b) [the date the written receipt] the written receipt is dated; or  
1047 (c) the contract is delivered to the consumer[ whichever is later].

1048 (5) The 30-day right to cancel period is paused while the hearing instrument dealer  
1049 possesses or controls the hearing instrument after the hearing instrument's original  
1050 delivery.

1051 [(6) The 30-day period shall be tolled for any period during which the hearing aid seller,  
1052 dealer, or fitter has possession or control of the hearing aid after its original delivery.]  
1053 [(7)] (6) Upon exercise of the 30-day right to cancel a [hearing aid] hearing instrument  
1054 purchase, the seller of the [hearing aid is entitled to] hearing instrument may collect from  
1055 the purchaser a cancellation fee equal to the actual cost [that will be incurred by the  
1056 seller in order to return the hearing aid] the seller incurs returning the hearing instrument  
1057 to the manufacturer, [provided that] if the written receipt or contract states the exact  
1058 amount that [will be retained by] the seller will retain as a cancellation fee.

1059 Section 19. Section **58-41-307**, which is renumbered from Section 58-41-14 is renumbered  
1060 and amended to read:

1061 **[58-41-14] 58-41-307 (Effective 05/06/26) (Repealed 07/01/29). Single license for**  
1062 **speech-language pathologist and audiologist -- Single fee.**

1063 (1) An applicant who qualifies to be licensed as both a speech-language pathologist  
1064 and audiologist shall receive a single license reflecting licensure in both classifications.  
1065 (2) [A fee may only be assessed for a single license] The division may assess a fee only for  
1066 a single license.

1067 Section 20. Section **58-41-401**, which is renumbered from Section 58-41-9 is renumbered  
1068 and amended to read:

1069 **Part 4. License Denial and Discipline**

1070 **[58-41-9] 58-41-401 (Effective 05/06/26) (Repealed 07/01/29). Grounds for denial**  
1071 **of license -- Resumption of practice.**

1072 [(1) Grounds for refusal to issue a license to an applicant, for refusal to renew the license of  
1073 a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to  
1074 issue a public or private reprimand to a licensee, and to issue cease and desist orders  
1075 shall be in accordance with Section 58-1-401.]

1076 [(2)] (1) The division may:

1077 (a) refuse to issue a license to an applicant;  
1078 (b) refuse to renew a license;  
1079 (c) revoke, suspend, or restrict a license;  
1080 (d) place a licensed individual on probation;  
1081 (e) issue a public or private reprimand to a licensed individual; or

1082 (f) issue a cease and desist order.

1083 (2) [After one year from the date of revocation of a license, application may be made to the  
1084 board for relicensing.] A licensed individual who has a license revoked may submit an  
1085 application for licensure to the division after one year from the day after the day on  
1086 which the division revoked the licensed individual's license.

1087 (3) The division shall perform an act listed in Subsection (1) in accordance with Section  
1088 58-1-401.

1089 Section 21. Section **58-41-501** is enacted to read:

1090 **Part 5. Unlawful and Unprofessional Conduct - Penalties**

1091 **58-41-501 (Effective 05/06/26). Unprofessional conduct.**

1092 A licensed individual engages in unprofessional conduct if the individual:

1093 (1) fails to make an appropriate referral to a qualified health care provider with respect to a  
1094 condition the licensed individual detects in a patient if the condition is generally  
1095 recognized in the profession as one the licensed individual should refer;

1096 (2) designates a hearing instrument for a patient whose hearing will not be sufficiently  
1097 improved to justify prescribing and selling the hearing instrument;

1098 (3) makes false, misleading, deceptive, fraudulent, or exaggerated claims with respect to the  
1099 practice of audiology or the practice of speech-language pathology;

1100 (4) fails to exercise caution in providing a patient a prognosis to ensure the patient is not led  
1101 to expect results that the individual cannot accurately predict;

1102 (5) fails to provide appropriate follow-up care and consultation with respect to a patient to  
1103 whom the individual prescribed and sold a hearing instrument after being informed by  
1104 the patient that the hearing instrument does not produce the results represented by the  
1105 licensed individual;

1106 (6) fails to disclose in writing to the patient the charge for all services and hearing  
1107 instruments prescribed and sold to a patient before providing the services or hearing  
1108 instrument;

1109 (7) fails to refund fees paid by a patient for a hearing instrument and all accessories, upon a  
1110 determination by the division that the patient has not obtained the recovery of hearing  
1111 the licensed individual represented in writing before sale of the hearing instrument;

1112 (8) pays a professional individual consideration for referral of a patient;

1113 (9) fails, when acting as a supervising speech-language pathologist or a supervising  
1114 audiologist, to provide supervision and training;

1115 (10) fails to describe in any advertisement, presentation, purchase, or trial agreement, the

1116 circuitry of a hearing instrument as being either "digital" or "analog" or other acceptable  
1117 terms as the division determines by rule the division makes in accordance with Title  
1118 63G, Chapter 3, Utah Administrative Rulemaking Act;

1119 (11) fails to follow the guidelines or policies of the United States Federal Trade  
1120 Commission in any advertisement;

1121 (12) fails to adhere to the rules and regulations prescribed by the United States Food and  
1122 Drug Administration as pertaining to a hearing instrument;

1123 (13) fails to keep the equipment used in the practice of speech-language pathology and  
1124 audiology properly calibrated and in good working condition;

1125 (14) fails to comply with Section 58-41-306;

1126 (15) fails to provide as part of each transaction between a licensed individual and a patient  
1127 related to testing for hearing loss and selling of a hearing instrument, written  
1128 documentation that includes:

1129 (a) identification of services and products provided to a patient and the charges for each  
1130 service or product; and

1131 (b) a statement whether any hearing instrument provided to a patient is "new," "used," or  
1132 "reconditioned" and the terms and conditions of any warranty or guarantee that  
1133 applies to each instrument;

1134 (16) before providing services or products to a patient, fails to:

1135 (a) advise the patient about the expected results of the services and products; or

1136 (b) obtain written informed consent from the patient regarding offered services,  
1137 products, and the expected results of the services and products in a form the division  
1138 approves;

1139 (17) fails to obtain the patient's informed consent and agreement to purchase the hearing  
1140 instrument before designating an appropriate hearing instrument;

1141 (18) if a hearing instrument does not substantially enhance the patient's hearing consistent  
1142 with the representations of the licensed individual at the time informed consent was  
1143 given before the sale and fitting of the hearing instrument, fails to provide:

1144 (a) necessary intervention to produce satisfactory hearing recovery results consistent  
1145 with representations made; or

1146 (b) for the refund of fees the patient paid for the hearing instrument to the licensed  
1147 individual within a reasonable time after finding that the hearing instrument does not  
1148 substantially enhance the patient's hearing;

1149 (19) fails to maintain a level of professional practice consistent with all initial and

1150       subsequent requirements by which licensure is achieved or maintained under this  
1151       chapter;

1152       (20) utilizes substandard or inappropriate facilities or equipment; or  
1153       (21) treats a disorder for which the licensed individual has not had the necessary training  
1154       and experience.

1155       Section 22. Section **58-41-502**, which is renumbered from Section 58-41-15 is renumbered  
1156 and amended to read:

1157       **[58-41-15] 58-41-502 (Effective 05/06/26) (Repealed 07/01/29). Violation of**  
1158       **chapter -- Penalties.**

1159       [A person who violates any provision of this chapter is, upon conviction, guilty of a  
- 1160       class A misdemeanor. Whenever any person other than a licensed speech-language  
- 1161       pathologist or audiologist has engaged in any practice that constitutes an offense under this  
- 1162       chapter, a court of appropriate jurisdiction may issue an injunction or other appropriate order  
- 1163       restraining that conduct.]

1164       (1) An individual who violates a provision of this chapter is guilty of a class A  
1165       misdemeanor.  
1166       (2) If an individual other than a licensed individual engages in conduct that violates this  
1167       chapter, a court with jurisdiction may issue an injunction or other appropriate order to  
1168       restrain the conduct.

1169       Section 23. Section **58-46a-102** is amended to read:

1170       **58-46a-102 (Effective 05/06/26) (Repealed 07/01/33). Definitions.**

1171       [In addition to the definitions in Section 58-1-102, as] As used in this chapter:

1172       (1) "Direct supervision" means [that] supervision where the supervising audiologist or  
1173       supervising hearing instrument specialist is present in the same facility as is the [person]  
1174       individual being supervised and is available for immediate in person consultation.  
1175       [(2) "Hearing instrument" or "hearing aid" means any device designed or offered to be worn  
1176       on or by an individual to enhance human hearing, including the device's specialized  
1177       parts, attachments, or accessories.]  
1178       (2)(a) "Hearing instrument" means a wearable device offered to compensate for human  
1179       hearing loss, including the device's parts, attachments, or accessories.  
1180       (b) "Hearing instrument" includes an acoustic-air conduction amplification device that  
1181       the United States Food and Drug Administration regulates as hearing aids.  
1182       (c) "Hearing instrument" does not include a device that is surgically implanted in the  
1183       cochlea or under the skin near the ear.

1184 (3) "Hearing instrument intern" means [a person licensed] an individual licensed under this  
1185 chapter who is obtaining education and experience in the practice of a hearing  
1186 instrument specialist under the supervision of a supervising hearing instrument specialist  
1187 or supervising audiologist.

1188 (4) "Hearing instrument specialist" means an individual who:  
1189 (a) establishes a place of business to practice as a hearing instrument specialist;  
1190 (b) tests the hearing of a human patient over five years old for the sole purpose of  
1191 determining whether the use of a hearing instrument will improve hearing loss  
1192 sufficiently to justify prescribing and selling the hearing instrument and whether that  
1193 hearing instrument will be in the best interest of the patient;  
1194 (c) provides the patient a written statement of prognosis regarding the need for or  
1195 usefulness of a hearing instrument for the patient's condition;  
1196 (d) prescribes an appropriate hearing instrument;  
1197 (e) makes impressions or ear molds for the fitting of a hearing instrument;  
1198 (f) sells and professionally places the hearing instrument on a patient;  
1199 (g) evaluates the hearing loss overcome by the installation of the hearing instrument and  
1200 evaluates the hearing recovery against the representations the hearing instrument  
1201 specialist made to the patient;  
1202 (h) intervenes to produce satisfactory hearing recovery results from a hearing  
1203 instrument; or  
1204 (i) instructs the patient on the use and care of the hearing instrument.

1205 [(4)] (5) "Indirect supervision" means [that] supervision where the supervising hearing  
1206 instrument specialist or supervising audiologist is not required to be present in the same  
1207 facility as [is the person] the individual being supervised, but is available for voice to  
1208 voice contact by telephone, radio, or other means at the initiation of the [person being]  
1209 supervised individual.

1210 [(5) "Practice of a hearing instrument specialist" means:]  
1211 [(a) establishing a place of business to practice as a hearing instrument specialist;  
1212 [(b) testing the hearing of a human patient over the age of 17 for the sole purpose of  
1213 determining whether a hearing loss will be sufficiently improved by the use of a  
1214 hearing instrument to justify prescribing and selling the hearing instrument and  
1215 whether that hearing instrument will be in the best interest of the patient;  
1216 [(c) providing the patient a written statement of prognosis regarding the need for or  
1217 usefulness of a hearing instrument for the patient's condition;  
1218 ]

1218 [ (d) prescribing an appropriate hearing instrument; ]  
1219 [ (e) making impressions or earmolds for the fitting of a hearing instrument; ]  
1220 [ (f) sale and professional placement of the hearing instrument on a patient; ]  
1221 [ (g) evaluating the hearing loss overcome by the installation of the hearing instrument  
1222 and evaluating the hearing recovery against the representations made to the patient by  
1223 the hearing instrument specialist; ]  
1224 [ (h) necessary intervention to produce satisfactory hearing recovery results from a  
1225 hearing instrument; or ]  
1226 [ (i) instructing the patient on the use and care of the hearing instrument.]

1227 (6)(a) "Licensed individual" means an individual who is:

1228 (i) licensed under this chapter; or  
1229 (ii) licensed under this chapter before May 6, 2026, if the license is not expired,  
1230 suspended, or revoked.

1231 (b) "Licensed individual" means the same as a licensed individual for purposes of  
1232 credentialing, paneling, insurance, reimbursement, portability, and compacts.

1233 (7) "Supervising audiologist" means an audiologist who:

1234 (a) holds a license and maintains good standing with the division;  
1235 (b) practices full-time as an audiologist and has done so for at least two years; and  
1236 (c) submits a request to the division on a form the division approves and receives  
1237 approval from the division to supervise a hearing instrument intern.

1238 [(6)] (8) "Supervising hearing instrument specialist" means a hearing instrument specialist  
1239 who:

1240 [(a) is licensed by and in good standing with the division;]  
1241 [(b) has practiced full-time as a hearing instrument specialist for not less than two years;  
1242 and]  
1243 [(c) is approved as a supervisor by the division.]  
1244 (a) holds a license issued in accordance with this chapter and maintains good standing  
1245 with the division;  
1246 (b) practices full-time as a hearing instrument specialist and has done so for at least two  
1247 years; and  
1248 (c) submits a request to the division on a form the division approves and receives  
1249 approval from the division to supervise a hearing instrument intern.

1250 [(7)] (9) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.

1251 [(8)] (10) "Unprofessional conduct" means the same as that term is defined in Sections

1252 58-1-501 and 58-46a-501.

1253 Section 24. Section **58-46a-302** is amended to read:

1254 **58-46a-302 (Effective 05/06/26) (Repealed 07/01/33). Qualifications for licensure.**

1255 (1) Each applicant for licensure as a hearing instrument specialist shall:

1256 (a) ~~submit to the division an application in a form prescribed by the division~~ submit an  
1257 application to the division on a form the division approves;

1258 (b) ~~pay a fee as determined by the division pursuant to Seetion 63J-1-504~~ pay a fee to  
1259 the division as determined under Section 63J-1-504;

1260 (c) pass an appropriate entry-level examination the division approves by rule in  
1261 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1262 (d) complete at least six months of training with a supervising hearing instrument  
1263 specialist or supervising audiologist;

1264 ~~(e) have qualified for and currently hold board certification by the National Board for~~  
1265 ~~Certification - Hearing Instrument Sciences, or an equivalent certification approved~~  
1266 ~~by the division;~~]

1267 [(d)] (e) ~~[have passed]~~ pass the [Utah Law and Rules Examination for Hearing  
1268 Instrument Specialists] Utah Hearing Instrument Specialists Law and Rule  
1269 Examination; and

1270 [(e)] (f) ~~if the applicant holds a hearing instrument intern license, surrender the hearing~~  
1271 ~~instrument intern license at the time of licensure as a hearing instrument specialist~~.

1272 (2) Each applicant for licensure as a hearing instrument intern shall:

1273 (a) ~~submit to the division an application in a form prescribed by the division~~ submit an  
1274 application to the division on a form the division approves;

1275 (b) ~~pay a fee as determined by the division pursuant to Seetion 63J-1-504;~~ pay a fee to  
1276 the division as determined under Section 63J-1-504;

1277 (c) ~~[have passed]~~ pass the Utah Law and Rules Examination for Hearing Instrument  
1278 Specialists; and

1279 (d) present evidence acceptable to the division that the applicant, when licensed, will  
1280 practice as a hearing instrument intern~~[only]~~ under the supervision of a supervising  
1281 hearing instrument specialistor supervising audiologist in accordance with~~[:]~~ Section  
1282 58-46a-302.5.

1283 [(i) Section 58-46a-302.5; and]

1284 [(ii) ~~the supervision requirements for obtaining board certification by the National~~  
1285 ~~Board for Certification - Hearing Instrument Sciences, or an equivalent~~

1286 certification approved by the division.]

1287 Section 25. Section **58-46a-302.5** is amended to read:

1288 **58-46a-302.5 (Effective 05/06/26) (Repealed 07/01/33). Supervision requirements**

1289 **-- Hearing instrument interns.**

1290 (1) Except as provided in Subsection (2), a hearing instrument intern may[~~only~~] practice as  
1291 a hearing instrument intern only under the direct supervision of a [~~licensed~~] supervising  
1292 hearing instrument specialist or supervising audiologist.

1293 (2) A hearing instrument intern may practice under the indirect supervision of a [~~licensed~~]  
1294 supervising hearing instrument specialist if the hearing instrument [~~specialist~~] intern:

1295 (a) receives a passing score on a practical examination demonstrating acceptable skills in  
1296 the area of hearing testing [~~as approved by the division~~] the division requires by rule  
1297 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
1298 and

1299 (b) completes [~~the National Institute for Hearing instrument studies~~] an education and  
1300 examination program[;] or an equivalent college level program [~~as approved by~~] that  
1301 the [~~division~~] division approves by rule made in accordance with Title 63G, Chapter  
1302 3, Utah Administrative Rulemaking Act.

1303 Section 26. Section **58-46a-303** is amended to read:

1304 **58-46a-303 (Effective 05/06/26) (Repealed 07/01/33). Term of license --**

1305 **Expiration -- Renewal of specialist and intern licenses.**

1306 (1)(a)(i) [~~The division shall issue a license for a hearing instrument specialist in~~  
1307 ~~accordance with a two-year renewal cycle established by rule made in accordance~~  
1308 ~~with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~] Each license  
1309 issued under this chapter shall be issued in accordance with a two-year renewal  
1310 cycle established by rule the division makes in accordance with Title 63G,  
1311 Chapter 3, Utah Administrative Rulemaking Act.

1312 (ii) The division may extend or shorten the renewal period by as much as one year to  
1313 maintain established renewal cycles or to change an established renewal cycle.

1314 [(ii) ~~The division may by rule made in accordance with Title 63G, Chapter 3, Utah~~  
1315 ~~Administrative Rulemaking Act, extend or shorten a renewal period by as much as~~  
1316 ~~one year to stagger the renewal cycles the division administers.~~]

1317 [(b) ~~At the time of renewal, the licensed hearing instrument specialist shall demonstrate~~  
1318 ~~satisfactory evidence of each of the following:~~]

1319 [(i) ~~current certification by the National Board for Certification Hearing Instrument~~

1320 Sciences, or other acceptable certification approved by the division by rule made  
1321 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;]  
1322 [(ii) calibration of all appropriate technical instruments used in practice; and]  
1323 [(iii) completion of continuing professional education required in Section 58-46a-304.]  
1324 [(e)] (b) As a condition for renewal or reinstatement of licensure, the applicant shall  
1325 attest that the applicant will:  
1326 (i) maintain competence and safe practices; and  
1327 (ii) provide evidence as the division determines by rule in accordance with Title 63G,  
1328 Chapter 3, Utah Administrative Rulemaking Act, documenting competence at the  
1329 division's request.  
1330 (c) A hearing instrument specialist license automatically expires on the expiration date  
1331 shown on the [license unless renewed by the licensee in accordance with Section  
1332 58-1-308 or surrendered in accordance with Section 58-1-306] license.

1333 (2)(a) The division shall issue a license for a hearing instrument intern for a term of  
1334 three years.

1335 (b) The division may renew a license for a hearing instrument intern for a term of three  
1336 years for good cause shown, as determined by rule made in accordance with Title  
1337 63G, Chapter 3, Utah Administrative Rulemaking Act.

1338 Section 27. Section **58-46a-305** is amended to read:

1339 **58-46a-305 (Effective 05/06/26) (Repealed 07/01/33). Exemptions from licensure.**

1340 In addition to the exemptions [from licensure] in Section 58-1-307, the following [  
- 1341 persons] individuals may engage in [acts and practices] an act or practice included within the  
1342 definition of [practitioner as a] hearing instrument specialist or hearing instrument intern[, subject  
- 1343 to their professional licensure authorization and restrictions,] without being licensed under this  
1344 chapter:

- 1345 (1) an audiologist licensed under the provisions of Chapter 41, Speech-Language Pathology  
1346 and Audiology Licensing Act;
- 1347 (2) a physician and surgeon licensed under the provisions of Chapter 67, Utah Medical  
1348 Practice Act, or osteopathic physician licensed under the provisions of Chapter 68, Utah  
1349 Osteopathic Medical Practice Act; and
- 1350 (3) a physician assistant licensed under the provisions of Chapter 70a, Utah Physician  
1351 Assistant Act.

1352 Section 28. Section **58-46a-401** is amended to read:

1353 **58-46a-401 (Effective 05/06/26) (Repealed 07/01/33). Grounds for denial of**

1354 **license -- Disciplinary proceedings.**

1355 [Grounds for refusing to issue a license to an applicant, for refusing to renew the license  
- 1356 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a  
- 1357 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and  
- 1358 desist order shall be in accordance with Section 58-1-401.]

1359 (1) The division may:

- 1360 (a) refuse to issue a license to an applicant;
- 1361 (b) refuse to renew a license;
- 1362 (c) revoke, suspend, or restrict a license;
- 1363 (d) place a licensed individual on probation;
- 1364 (e) issue a public or private reprimand to a licensed individual; or
- 1365 (f) issue a cease and desist order.

1366 (2) The division shall perform an act listed in Subsection (1) in accordance with Section  
1367 58-1-401.

1368 Section 29. Section **58-46a-501** is amended to read:

1369 **58-46a-501 (Effective 05/06/26) (Repealed 07/01/33). Unprofessional conduct.**

1370 "Unprofessional conduct" includes:

- 1371 (1) testing the hearing of a patient for any purpose other than to determine whether a  
1372 hearing loss will be improved by [the use of] using a hearing instrument;
- 1373 (2) failing to make an appropriate referral to a qualified health care provider with respect to  
1374 a condition [detected] a licensed individual detects in a patient [examined by a licensee  
1375 under this chapter] if the condition is generally recognized in the profession as one [that  
1376 should be referred] the licensed individual should refer;
- 1377 (3) designating a hearing instrument for a patient whose hearing will not be sufficiently  
1378 improved to justify prescribing and selling [of] the hearing instrument;
- 1379 (4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to  
1380 practice under this chapter and specifically with respect to the benefits of a hearing  
1381 instrument or the degree to which a hearing instrument will benefit a patient;
- 1382 (5) failing to exercise caution in providing a patient a prognosis to assure the patient is not  
1383 led to expect results that cannot be accurately predicted;
- 1384 (6) failing to provide appropriate follow-up care and consultation with respect to a patient  
1385 to whom a hearing instrument has been prescribed and sold upon being informed by the  
1386 patient that the hearing instrument does not produce the results [represented by the  
1387 licensee] the licensed individual represented;

1388 (7) failing to disclose in writing to the patient the charge for all services and hearing  
1389 instruments prescribed and sold to a patient [prior to] before providing the services or  
1390 hearing instrument;

1391 (8) failing to refund fees paid by a patient for a hearing instrument and all accessories, upon  
1392 a determination by the division that the patient has not obtained the recovery of hearing [  
1393 represented by the licensee] the licensed individual represented in writing [prior to  
1394 designation and] before the sale of the hearing instrument;

1395 (9) paying [any] a professional [person] individual any consideration of any kind for referral  
1396 of a patient;

1397 (10) failing, when acting as a supervising hearing instrument specialist or supervising  
1398 audiologist, to provide supervision and training in hearing instrument sciences in  
1399 accordance with Section 58-46a-302.5;

1400 (11) engaging in the practice as a hearing instrument intern when not under the supervision  
1401 of a supervising hearing instrument specialist or supervising audiologist in accordance  
1402 with Section 58-46a-302.5;

1403 (12) failing to describe [the circuitry] in any advertisement, presentation, purchase, or trial  
1404 agreement, the circuitry of a hearing instrument as being either "digital" or "analog"[:] or  
1405 other acceptable terms [as determined by the division] the division determines;

1406 (13) failing to follow the guidelines or policies of the United States Federal Trade  
1407 Commission in any advertisement;

1408 (14) failing to adhere to the rules and regulations prescribed by the United States Food and  
1409 Drug Administration as [they] the rules and regulations pertain to the hearing instrument  
1410 specialist;

1411 (15) failing to maintain all equipment used in the practice of a hearing instrument specialist  
1412 properly calibrated and in good working condition; [and]

1413 (16) failing to comply with any of the requirements set forth in Section 58-46a-502 or  
1414 58-46a-503[:] ;

1415 (17) fitting or testing an individual's hearing aid, or testing an individual's hearing if the  
1416 individual is less than 18 years old unless the hearing instrument specialist receives a  
1417 written statement that the individual's hearing loss has received a medical evaluation and  
1418 that the individual may be considered a candidate for a hearing aid; and

1419 (18) fitting or testing an individual's hearing aid, or testing an individual's hearing if the  
1420 individual is less than six years old.

1421 Section 30. Section **58-46a-502** is amended to read:

1422       **58-46a-502 (Effective 05/06/26) (Repealed 07/01/33). Additional requirements**  
1423       **for practicing as a hearing instrument specialist.**

1424       [A person] An individual engaging in the practice of a hearing instrument specialist shall:

- 1425       (1) have a regular place or places of business from which the [person] individual conducts  
1426           business as a hearing instrument specialist and the place or places of business shall be  
1427           represented to a patient and others with whom business is conducted by the street  
1428           address at which the place of business is located;
- 1429       (2) include in all advertising or other representation the street address at which the business  
1430           is located and the telephone number of the business at that street address;
- 1431       (3) provide as part of each transaction between a [licensee] licensed individual and a patient  
1432           related to testing for hearing loss and selling of a hearing instrument written  
1433           documentation provided to the patient that includes:
  - 1434           (a) identification of [all services and products] a service or a product provided to the  
1435              patient by the hearing instrument specialist and the charges for each service or  
1436              product;
  - 1437           (b) a statement whether [any] a hearing instrument provided to a patient is "new," "used,"  
1438              or "reconditioned" and the terms and conditions of any warranty or guarantee that  
1439              applies to each instrument; and
  - 1440           (c) the identity and license number of each hearing instrument specialist or hearing  
1441              instrument intern who provided services or products to the patient;
- 1442       (4) before providing services or products to a patient:
  - 1443           (a) advise the patient regarding services and products offered to the patient, including  
1444              the expected results of the services and products;
  - 1445           (b) inform each patient who is being offered a hearing instrument about hearing  
1446              instruments that work with assistive listening systems that are compliant with the  
1447              ADA Standards for Accessible Design adopted by the United States Department of  
1448              Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101  
1449              et seq.; and
  - 1450           (c) obtain written informed consent from the patient regarding offered services,  
1451              products, and the expected results of the services and products in a form [approved  
1452              by the division] the division approves;
- 1453       [(5) refer all individuals under the age of 18 who seek testing of hearing to a physician or  
1454              surgeon, osteopathic physician, physician assistant, or audiologist, licensed under the  
1455              provisions of this title, and shall dispense a hearing aid] [to that individual only on

1456       prescription of a physician or surgeon, osteopathic physician, physician assistant, or  
1457       audiologist;]

1458       [(6) (5) obtain the patient's informed consent and agreement to purchase the hearing  
1459       instrument based on that informed consent either by the hearing instrument specialist or  
1460       the hearing instrument intern, before designating an appropriate hearing instrument; and  
1461       [(7) (6) if a hearing instrument does not substantially enhance the patient's hearing  
1462       consistent with the representations of the hearing instrument specialist at the time  
1463       informed consent was given [prior to] before the sale and fitting of the hearing  
1464       instrument, provide:

- 1465       (a) necessary intervention to produce satisfactory hearing recovery results consistent  
1466       with representations made; or
- 1467       (b) for the refund of fees paid by the patient for the hearing instrument to the hearing  
1468       instrument specialist within a reasonable time after finding that the hearing  
1469       instrument does not substantially enhance the patient's hearing.

1470       Section 31. Section **58-46a-503** is amended to read:

1471       **58-46a-503 (Effective 05/06/26) (Repealed 07/01/33). Testing period for a hearing  
1472       instrument.**

1473       (1)(a) [Any person licensed under this chapter who sells a hearing aid] A person that sells  
1474       a hearing instrument to a consumer shall provide a written receipt or a written  
1475       contract to the consumer.

1476       (b) The written receipt or the written contract shall provide the consumer with a 30-day  
1477       right to cancel the purchase if [the consumer finds that the hearing aid] the hearing  
1478       instrument does not function adequately for the consumer~~[and to]~~.

1479       (c) [obtain] A person that sells a hearing instrument shall provide a refund to the  
1480       consumer if the consumer returns the [hearing aid] hearing instrument to the [seller]  
1481       person in the same condition as when purchased, excluding ordinary wear and tear [  
1482       excluded, as when purchased] within the 30-day right to cancel described in  
1483       Subsection (1)(b).

1484       (d) The written receipt or the written contract shall notify the consumer of the 30-day  
1485       right to cancel in at least [10] 12 point [type] font.

1486       (e) The 30-day right to cancel period shall commence from [either] the later of the day on  
1487       which:

1488       (i) [the date the hearing aid] the hearing instrument is originally delivered to the  
1489       consumer~~[or]~~ ;

(ii) [the date] the written receipt is dated; or

(iii) the contract is delivered to the consumer[,-whichever is later].

(f) [The 30-day period shall be tolled for any period during which the hearing aid seller, dealer, or fitter has possession or control of the hearing aid after its original delivery]

The 30-day period is paused while the hearing instrument specialist possesses or controls the hearing instrument after the hearing instrument's original delivery.

(2)(a) Upon exercise of the right to cancel a [hearing aid] hearing instrument purchase, the [seller of the hearing aid is entitled to a] hearing instrument specialist may collect from the purchaser a cancellation fee [not to exceed] of up to 15% of all fees charged to the consumer, including testing, fitting, counseling, and the purchase price of the [hearing aid] hearing instrument.

(b) [The exact amount of the cancellation fee shall be stated in the] The written receipt or the written contract provided to the consumer shall state the exact amount of the cancellation fee.

Section 32. Section **63I-1-258** is amended to read:

63I-1-258 (Effective 05/06/26). Repeal dates: Title 58.

(1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.

(2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2035.

(3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.

(4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.

(5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is

repealed July 1, 2032.

(6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.

(7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, [2029] 2036.

(8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, [2033] 2036.

(9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.

(10) Subsection 58-47b-102(8), defining massage assistant, is repealed July 1, 2029.

(11) Subsection 58-47b-102(9), defining massage assistant-in-training, is repealed July 1, 2029.

(12) Subsection 58-47b-302(1), regarding applicant for a massage assistant-in-training, is repealed July 1, 2029.

1524 (13) Subsection 58-47b-302(2), regarding applicant for a massage assistant, is repealed July  
1525 1, 2029.

1526 (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training  
1527 license, is repealed July 1, 2029.

1528 (15) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing  
1529 Advisory Board, is repealed July 1, 2027.

1530 (16) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.  
1531 Section 33. Section **63I-2-258** is amended to read:

**63I-2-258 (Effective 05/06/26). Repeal dates: Title 58.**

1533 [Reserved.]

1534 (1) Section 58-41-201, regarding the board, is repealed July 1, 2028.

1535 (2) Subsection 58-41-305(1)(d), regarding the State Board of Education issuing a person a  
1536 credential, is repealed July 1, 2031.

1537 Section 34. Section **76-3-203.2** is amended to read:

**76-3-203.2 (Effective 05/06/26). Definitions -- Use of dangerous weapon in  
offenses committed on or about school premises -- Enhanced penalties.**

1540 (1)(a) As used in this section "on or about school premises" means:

1541 (i)(A) in a public or private elementary or secondary school; or

1542 (B) on the grounds of any of those schools;

1543 (ii)(A) in a public or private institution of higher education; or

1544 (B) on the grounds of a public or private institution of higher education;

1545 (iii) within 1,000 feet of any school, institution, or grounds included in Subsections

1546 (1)(a)(i) and (ii); and

1547 (iv) in or on the grounds of a preschool or child care facility.

1548 (b) As used in this section:

1549 (i) "Dangerous weapon" [has the same definition as] means the same as that term is  
1550 defined in Section 76-1-101.5.

1551 (ii) "Educator" means a person who is:

1552 (A) employed by a public school district; and

1553 (B) required to hold a certificate issued by the State Board of Education or, for an  
1554 audiologist or a speech language pathologist, an individual who an LEA  
1555 employs and holds a credential from the Division of Professional Licensing in  
1556 accordance with Title 58, Chapter 41, Speech-Language Pathology and  
1557 Audiology Certification Act, in order to perform duties of employment.

- (iii) "Within the course of employment" means that an educator is providing services or engaging in conduct required by the educator's employer to perform the duties of employment.
- (2) A person who, on or about school premises, commits an offense and uses or threatens to use a dangerous weapon, as defined in Section 76-1-101.5, in the commission of the offense is subject to an enhanced degree of offense as provided in Subsection (4).
- (3)(a) A person who commits an offense against an educator when the educator is acting within the course of employment is subject to an enhanced degree of offense as provided in Subsection (4).
  - (b) As used in Subsection (3)(a), "offense" means:
    - (i) an offense under Chapter 5, Offenses Against the Individual; and
    - (ii) an offense under Chapter 6, Part 3, Robbery.
- (4) If the trier of fact finds beyond a reasonable doubt that the defendant, while on or about school premises, commits an offense and in the commission of the offense uses or threatens to use a dangerous weapon, or that the defendant committed an offense against an educator when the educator was acting within the course of the educator's employment, the enhanced penalty for a:
  - (a) class B misdemeanor is a class A misdemeanor;
  - (b) class A misdemeanor is a third degree felony;
  - (c) third degree felony is a second degree felony; or
  - (d) second degree felony is a first degree felony.
- (5) The enhanced penalty for a first degree felony offense of a convicted person:
  - (a) is imprisonment for a term of not less than five years and which may be for life, and imposition or execution of the sentence may not be suspended unless the court finds that the interests of justice would be best served and states the specific circumstances justifying the disposition on the record; and
  - (b) is subject also to the dangerous weapon enhancement provided in Section 76-3-203.8, except for an offense committed under Subsection (3) that does not involve a firearm.
- (6) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the defendant is subject to the enhanced degree of offense or penalty under Subsection (4) or (5).
- (7) In cases where an offense is enhanced under Subsection (4), or under Subsection (5)(a) for an offense committed under Subsection (2) that does not involve a firearm, the convicted person is not subject to the dangerous weapon enhancement in Section

1592 76-3-203.8.

1593 (8) The sentencing enhancement described in this section does not apply if:

1594 (a) the offense for which the person is being sentenced is:

1595 (i) a grievous sexual offense;

1596 (ii) child kidnapping under Section 76-5-301.1;

1597 (iii) aggravated kidnapping under Section 76-5-302; or

1598 (iv) forcible sexual abuse under Section 76-5-404; and

1599 (b) applying the sentencing enhancement provided for in this section would result in a

1600 lower maximum penalty than the penalty provided for under the section that

1601 describes the offense for which the person is being sentenced.

1602 **Section 35. Repealer.**

1603 This bill repeals:

1604 **Section 58-41-1, Title of chapter.**

1605 **Section 58-41-3, Scope of licenses -- Practicing without license prohibited.**

1606 **Section 58-46a-101, Title.**

1607 **Section 58-46a-304, Continuing professional education.**

1608 **Section 36. Effective Date.**

1609 This bill takes effect on May 6, 2026.