

1 **Occupational and Professional Licensing Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor:

LONG TITLE**General Description:**

This bill modifies Title 58, Occupations and Professions.

Highlighted Provisions:

This bill:

- ▶ removes pronouns;
- ▶ updates language to remove archaic terminology;
- ▶ corrects typographical errors; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:17 **AMENDS:**

18 **58-1-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
19 Session, Chapter 9

20 **58-1-108 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 223

21 **58-1-301.5 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 236

22 **58-1-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 104

23 **58-1-310 (Effective 07/01/26)**, as enacted by Laws of Utah 2019, Chapter 198

24 **58-1-401 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 404

25 **58-1-501 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 138

26 **58-1-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339

27 **58-3a-304 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339

28 **58-4a-105 (Effective 07/01/26)**, as enacted by Laws of Utah 2020, Chapter 107

29 **58-4a-107 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 420

30 **58-5a-306 (Effective 07/01/26)**, as last amended by Laws of Utah 2015, Chapter 230

31 **58-11a-302 (Effective 07/01/26)**, as repealed and reenacted by Laws of Utah 2025,
32 Chapter 491
33 **58-11a-302.5 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Sixth Special
34 Session, Chapter 5
35 **58-11a-302.13 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 491
36 **58-11a-302.21 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 491
37 **58-13-5 (Effective 07/01/26) (Repealed 07/01/26)**, as last amended by Laws of Utah
38 2023, Chapter 328
39 **58-15-101 (Effective 07/01/26) (Repealed 07/01/35)**, as renumbered and amended by
40 Laws of Utah 2022, Chapter 415
41 **58-16a-305 (Effective 07/01/26)**, as last amended by Laws of Utah 2012, Chapter 256
42 **58-16a-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 25
43 **58-16a-801 (Effective 07/01/26)**, as last amended by Laws of Utah 2012, Chapter 256
44 **58-17b-201 (Effective 07/01/26)**, as last amended by Laws of Utah 2010, Chapter 287
45 **58-17b-306 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443
46 **58-17b-308 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339
47 **58-17b-309 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 328
48 **58-17b-501 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 328
49 **58-17b-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapters 273,
50 317, 321, and 328
51 **58-17b-606 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 328
52 **58-17b-607 (Effective 07/01/26)**, as enacted by Laws of Utah 2004, Chapter 280
53 **58-17b-615 (Effective 07/01/26)**, as enacted by Laws of Utah 2004, Chapter 280
54 **58-22-103 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapter 400
55 **58-24b-201 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 507
56 **58-26a-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 283
57 **58-31b-702 (Effective 07/01/26)**, as last amended by Laws of Utah 2005, Chapter 50
58 **58-37-2 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 396
59 **58-37-10 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapter 278
60 **58-37c-8 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapters 262, 413
61 **58-37c-17 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapter 278
62 **58-37f-301 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 214
63 **58-37f-303 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 340
64 **58-37f-304 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 507

65 **58-37f-402 (Effective 07/01/26)**, as last amended by Laws of Utah 2018, Chapter 318
66 **58-37f-702 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 329
67 **58-37f-703 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 415
68 **58-40a-305 (Effective 07/01/26)**, as enacted by Laws of Utah 2006, Chapter 206
69 **58-49-4 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 249
70 **58-60-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 367
71 **58-60-102.5 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 420
72 **58-60-108 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 404
73 **58-60-117 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339
74 **58-60-207 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 420
75 **58-60-405 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443
76 **58-60-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 420
77 **58-60-506 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 213,
78 443
79 **58-60-508 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 393
80 **58-60-601 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 420
81 **58-61-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 420
82 **58-61-301 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapters 228,
83 420
84 **58-61-307 (Effective 07/01/26)**, as last amended by Laws of Utah 2018, Chapter 415
85 **58-61-401 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 404
86 **58-61-501 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339
87 **58-63-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443
88 **58-64-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443
89 **58-67-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 392
90 **58-68-802 (Effective 07/01/26)**, as enacted by Laws of Utah 1996, Chapter 248
91 **58-69-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 25
92 **58-70a-503 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 392
93 **58-72-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339
94 **58-73-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 240
95 **58-73-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443
96 **58-73-401 (Effective 07/01/26)**, as last amended by Laws of Utah 2011, Chapter 366
97 **58-73-501 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapter 415
98 **58-73-601 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapter 269

99 **58-74-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 198

100 **58-76-603 (Effective 07/01/26)**, as enacted by Laws of Utah 2002, Chapter 218

101 **58-81-103 (Effective 07/01/26)**, as last amended by Laws of Utah 2014, Chapter 49

102 **58-87-202 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2017,
103 Chapter 225

104 **58-87-203 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2017,
105 Chapter 225

106 **58-88-201 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 276

107 **58-88-204 (Effective 07/01/26)**, as enacted by Laws of Utah 2022, Chapter 353

108 REPEALS:

109 **58-49-5 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339

110 **58-49-6 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 249

111 **58-60-511 (Effective 07/01/26)**, as last amended by Laws of Utah 2012, Chapter 179

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

113 Section 1. Section **58-1-102** is amended to read:

114 **58-1-102 (Effective 07/01/26). Definitions.**

115 As used in this title:

116 (1)(a) "Ablative procedure" means the same as that term is defined in Section 58-67-102.

117 (b) "Ablative procedure" does not include laser tattoo removal.

118 (2) "Cosmetic medical procedure":

119 (a) means the same as that term is defined in Section 58-67-102; and

120 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic
121 Medical Practice Act, does not apply to the scope of practice of an individual
122 licensed under this title if the individual's scope of practice includes the authority to
123 operate or perform surgical procedures.

124 (3) "Cryolipolysis" means a nonablative fat reduction procedure that uses cold temperature
125 to reduce fat deposits in certain areas of the body.

126 (4) "Department" means the Department of Commerce.

127 (5) "Director" means the director of the Division of Professional Licensing.

128 (6) "Division" means the Division of Professional Licensing created in Section 58-1-103.

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

130 (8) "Executive director" means the executive director of the Department of Commerce.

131 (9) "License" includes any license, certificate, registration, or permit authorized in

133 accordance with this title.

134 [(9)] (10) "Licensee" includes any holder of a license, certificate, registration, permit,
135 student card, or apprentice card authorized [under] in accordance with this title.

136 [(10)] (11)(a)(i) "Nonablative procedure" means a procedure that is expected or
137 intended to alter living tissue, but not intended or expected to excise, vaporize,
138 disintegrate, or remove living tissue.

139 (ii) Notwithstanding Subsection [(10)(a)(i)] (11)(a)(i), nonablative procedure includes
140 hair removal and cryolipolysis.

141 (b) "Nonablative procedure" does not include:

142 (i) a superficial procedure;
143 (ii) the application of permanent make-up;
144 (iii) laser tattoo removal; or
145 (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that are
146 performed by an individual licensed under this title who is acting within their
147 scope of practice.

148 [(11)] (12) "Pain clinic" means:

149 (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or
150 (b) a clinic in which greater than 50% of the clinic's annual patient population receive
151 treatment primarily for non-terminal chronic pain using Schedule II-III controlled
152 substances.

153 [(12)] (13) "Superficial procedure" means a procedure that is expected or intended to
154 temporarily alter living skin tissue and may excise or remove stratum corneum but have
155 no appreciable risk of damage to any tissue below the stratum corneum.

156 [(13)] (14) "Telemedicine service" means the same as that term is defined in Section
157 26B-4-704.

158 [(14)] (15) "Unlawful conduct" means the same as that term is defined in Subsection
159 58-1-501(1).

160 [(15)] (16) "Unprofessional conduct" means the same as that term is defined in Subsection
161 58-1-501(2).

162 Section 2. Section **58-1-108** is amended to read:

163 **58-1-108 (Effective 07/01/26). Adjudicative proceedings.**

164 (1) The division and [all]boards created [under] in accordance with this title, including the
165 members of a board designated under Subsection 58-1-109(3), shall comply with the
166 procedures and requirements of Title 13, Chapter 1, Department of Commerce, and Title

167 63G, Chapter 4, Administrative Procedures Act, in all of their adjudicative proceedings
168 as defined by Subsection 63G-4-103(1).

169 (2) Before proceeding under Section 63G-4-502, the division shall review the proposed
170 action with a committee of [no less than] at least three licensees appointed by the [
171 ~~chairman~~] chairperson of the licensing board created under this title for the profession of
172 the person against whom the action is proposed.

173 (3) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, a warning or
174 final disposition letter [~~which~~] that does not constitute disciplinary action against the
175 addressee, issued in response to a complaint of unprofessional or unlawful conduct
176 under this title, does not constitute an adjudicative proceeding.

177 Section 3. Section **58-1-301.5** is amended to read:

178 **58-1-301.5 (Effective 07/01/26). Division access to Bureau of Criminal
179 Identification records -- Criminal background check requirement.**

180 (1) As used in this section, "applicant" means an individual applying for licensure or
181 certification, or with respect to a license or certification, applying for renewal,
182 reinstatement, or relicensure or recertification, as required in:
183 (a) Section 58-5a-302;
184 (b) Section 58-16a-302;
185 (c) Section 58-17b-303;
186 (d) Section 58-17b-304;
187 (e) Section 58-17b-305;
188 (f) Section 58-17b-306;
189 (g) Section 58-24b-302;
190 (h) Section 58-31b-302;
191 (i) Section 58-42a-302;
192 (j) Section 58-44a-302;
193 (k) Section 58-47b-302;
194 (l) Section 58-55-302;
195 (m) Section 58-47b-302.2;
196 (n) Section 58-49-4;
197 [n] (o) Section 58-60-205;
198 [o] (p) Section 58-60-305;
199 [p] (q) Section 58-60-405;
200 [q] (r) Section 58-60-506;

201 [~~(t)~~] (s) Section 58-61-304;

202 [~~(s)~~] (t) Section 58-63-302;

203 [~~(t)~~] (u) Section 58-64-302;

204 [~~(u)~~] (v) Section 58-67-302;

205 [~~(v)~~] (w) Section 58-68-302;

206 [~~(w)~~] (x) Section 58-69-302;

207 [~~(x)~~] (y) Section 58-70a-302;

208 [~~(y)~~] (z) Section 58-70b-302;

209 [~~(z)~~] (aa) Section 58-71-302; [~~or~~]

210 [~~(aa)~~] (bb) Section 58-73-302[.] ; or

211 (cc) Section 58-89-104.

212 (2) The division shall have direct access to local files [~~maintained by~~]the Bureau of
213 Criminal Identification maintains under Title 53, Chapter 10, Part 2, Bureau of Criminal
214 Identification, for background screening of an applicant.

215 (3) The division's access to criminal background information under this section:

216 (a) shall meet the requirements of Section 53-10-108; and

217 (b) includes:

218 (i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in
219 abeyance, dismissed charges, and charges without a known disposition; and

220 (ii) criminal background information maintained under Title 53, Chapter 10, Part 2,
221 Bureau of Criminal Identification.

222 (4) The division may not disseminate outside of the division any criminal history record
223 information that the division obtains from the Bureau of Criminal Identification or the
224 Federal Bureau of Investigation under the criminal background check requirements of
225 this section.

226 (5) To fulfill an applicable criminal background check requirement, an applicant shall:

227 (a) submit fingerprints in a form acceptable to the division at the time the applicant files
228 a license application or a registration; and

229 (b) consent to a fingerprint background check [~~e~~conducted by]the Bureau of Criminal
230 Identification and the Federal Bureau of Investigation conduct regarding the
231 application.

232 (6)(a) Upon receiving fingerprints from an applicant in accordance with Subsection (5),
233 the division shall:

234 (i) collect from each applicant submitting fingerprints in accordance with this section:

235 (A) the fee that the Bureau of Criminal Identification is authorized to collect for
236 the services provided under Section 53-10-108; and
237 (B) the fee [charged by] the Federal Bureau of Investigation charges for
238 fingerprint processing for the purpose of obtaining federal criminal history
239 record information;

240 (ii) submit from each applicant the fingerprints and the fees described in Subsection
241 (6)(a)(i) to the Bureau of Criminal Identification; and
242 (iii) obtain and retain in division records a signed waiver [approved by] the Bureau of
243 Criminal Identification approves in accordance with Section 53-10-108 for each
244 applicant.

245 (b) The fees described in Subsection (6)(a)(i) are in addition to other fees [authorized by]
246 this chapter authorizes.

247 (7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal
248 Identification shall:

249 (a) check the fingerprints submitted under Subsection (5)(a) against the applicable state
250 and regional criminal records databases;

251 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal
252 history background check; and

253 (c) provide the results from the state, regional, and nationwide criminal history
254 background checks to the division.

255 (8)(a)(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
256 criminal background check required under this section demonstrates, after the
257 applicant is licensed or registered, that the applicant failed to accurately disclose a
258 criminal history, the division may provide notice to the applicant that the license
259 or registration is immediately and automatically revoked.

260 (ii) If a massage establishment owner has a criminal conviction or pending criminal
261 charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any
262 crime [listed by rule made by the division] the division determines by rule the
263 division makes in collaboration with the board in accordance with Title 63G,
264 Chapter 3, Utah Administrative Rulemaking Act, the division shall deny an
265 application for registration of a massage establishment.

266 (b)(i) An individual whose license has been revoked in accordance with Subsection
267 (8)(a) is entitled to a hearing to challenge the revocation.

268 (ii) A registered massage establishment for which the registration has been revoked

in accordance with Subsection (8)(a) is entitled to a hearing to challenge the revocation.

(c) The division shall conduct the hearing described in this Subsection (8) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Section 4. Section **58-1-302** is amended to read:

58-1-302 (Effective 07/01/26). License by endorsement.

(1) As used in this section:

(a) "License" means an authorization that permits the holder to engage in the practice of a profession regulated under this title.

(b) "Limited supervised training permit" means a temporary authorization to work in a limited professional capacity that would otherwise require licensure under this title.

(2) Subject to Subsections (4) through (7), the division shall issue a license to an applicant who has been licensed in another state, district, or territory of the United States if:

(a) the division determines that the license issued in the other state, district, or territory encompasses a similar scope of practice as the license sought in this state;

(b) the applicant has at least one year of experience practicing under the license issued in the other state, district, or territory; and

(c) the applicant's license is in good standing in the other state, district, or territory where the license was issued.

(3) Subject to the other provisions of this section, the division may issue a license to an applicant who:

(a) has been licensed in another state, district, or territory of the United States, or in a foreign jurisdiction outside of the United States, if:

(i)(A) the division determines that the applicant's education, credentialing examination, experience, and skills demonstrate competency in the profession for which the division is authorizing to work.

(B) the applicant has at least one year of experience practicing under the license

issued in the other state, district, territory, or jurisdiction, or

(ii) the division determines that the licensure requirements of the other state, district, territory, or jurisdiction at the time the license was issued were substantially similar to the current requirements for the license sought in this state; or

(b) has never been licensed in a state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:

(i) the applicant was educated in or obtained relevant experience in a state, district, or

303 territory of the United States, or a jurisdiction outside of the United States; and

304 (ii) the division determines that the education, credentialing examination, and
305 experience was substantially similar to the current education, credentialing
306 examination, and experience requirements for the license sought in this state.

307 (4) The division may refuse to issue a license to an applicant under this section if:

308 (a) the division determines that there is reasonable cause to believe that the applicant is
309 not qualified to receive the license in this state; or
310 (b) the applicant has a previous or pending disciplinary action related to the applicant's
311 license.

312 (5) Before the division issues a license to an applicant under this section, the applicant shall:

313 (a) pay a fee [determined by the department under] the department determines in
314 accordance with Section 63J-1-504; and
315 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
316 standing in the profession for which licensure is sought in this state.

317 (6)(a) For an applicant who is or has been licensed in another jurisdiction, but does not
318 satisfy the requirements of Subsection (2) or (3), the division may evaluate and
319 determine whether:

320 (i) the applicant is eligible for a license under this title because the applicant's
321 education, credentialing examination, or experience obtained in the other
322 jurisdiction is substantially similar to the education, credentialing examination, or
323 experience requirements for the license; or
324 (ii) in light of the applicant's education or experience obtained in the other
325 jurisdiction, the applicant's education or experience would be substantially similar
326 to the education or experience requirements for a license under this title, if the
327 applicant obtains additional education or experience.

328 (b) After the division chooses to evaluate an applicant under Subsection (6)(a), the
329 division may issue a limited supervised training permit to the applicant if:

330 (i) the applicant has an employment offer from an employer in the state;
331 (ii) the employer attests to the division that the applicant will work under the [direct
332 supervision] level of supervision the division requires by rule the division makes in
333 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, of an
334 individual who:
335 (A) holds a license in good standing of the same classification as the limited
336 supervised training permit; and

337 (B) has held the license for a minimum period of time [defined by] the division
338 defines by rule the division makes in accordance with Title 63G, Chapter 3,
339 Utah Administrative Rulemaking Act;
340 (iii)(A) the division needs additional time to make a determination under
341 Subsection (6)(a)(i); or
342 (B) the division determines under Subsection (6)(a)(ii) that additional education or
343 experience would make the applicant's education or experience substantially
344 similar to the education or experience requirements for a license under this
345 title, the applicant wishes to pursue the education or experience, and the
346 division [establishes] makes a deadline for the applicant to complete the
347 additional education or experience;
348 (iv) the applicant pays a fee [determined by the department under] the department
349 determines in accordance with Section 63J-1-504;
350 (v) the applicant meets the minimum professional standards to work in a supervised
351 environment that the division, in consultation with the applicable board,
352 establishes for the applicable profession;
353 (vi) the applicant submits to a background check, if required for the license for which
354 the applicant applied; and
355 (vii) the applicant meets with the applicable board, if requested, to evaluate the
356 applicant's qualifications.
357 (c)(i) A limited supervised training permit issued under this Subsection (6) expires:
358 (A) on the deadline that the division [establishes] makes for the applicant to
359 complete the additional education or experience described in Subsection
360 (6)(b)(iii)(B); or
361 (B) upon the division's grant or denial of the applicant's application for licensure
362 by endorsement.
363 (ii) The division may not renew or otherwise extend a limited supervised training
364 permit unless:
365 (A) a circumstance or hardship arose beyond the limited supervised training
366 permit holder's control that prevented the limited supervised training permit
367 holder from completing the licensure process;
368 (B) the limited supervised training permit holder presents satisfactory evidence to
369 the division that the limited supervised training permit holder is making
370 reasonable progress toward obtaining licensure in the state;

371 (C) the division grants the renewal or extension for a period proportionate to the
372 circumstance or hardship; and

373 (D) the limited supervised training permit holder's employer consents in writing to
374 the renewal or extension.

375 (7) The division, in consultation with the applicable licensing board, may make rules in
376 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing
377 the administration and requirements of this section.

378 (8)(a) The provisions of this section control over any conflicting licensure by
379 endorsement provision in another chapter of this title.

380 (b) The division, in consultation with the applicable licensing board and professional
381 educators that help establish and monitor educational requirements for the profession
382 of the applicant under review, shall ensure that the provisions of this section apply
383 uniformly to the administration and enforcement of licensure by endorsement for
384 each license type under this title.

385 (9) The division shall compile and post on the division's website an annual report that
386 includes:

387 (a) the number of licenses and limited supervised training permits issued under this
388 section during the preceding year;

389 (b) each determination in which the division deems specified education, credentialing
390 examination, experience, or skills substantially similar to the education, credentialing
391 examination, experience, or skills required for a license sought under this section; and

392 (c) documentation of each instance in which the applicable board disagreed with the
393 division's determination that an applicant's education, credentialing examination,
394 experience, or skills from another jurisdiction were substantially similar to the
395 education, credentialing examination, experience, or skills required for the license
396 sought under this section.

397 Section 5. Section **58-1-310** is amended to read:

398 **58-1-310 (Effective 07/01/26). Application for division determination regarding
399 criminal conviction.**

400 (1) An individual with a criminal record may apply to the division at any time for a
401 determination of whether the individual's criminal record would disqualify the individual
402 from obtaining a license in an occupation or profession regulated by this title if the
403 individual has completed or were to complete all other licensing requirements for the
404 occupation or profession.

405 (2) To receive a determination, the individual shall submit the application described in this
406 section in a form [prescribed by the division] the division approves and shall include
407 information regarding:
408 (a) the individual's complete criminal conviction history;
409 (b) what occupational or professional license the individual is interested in seeking;
410 (c) what licensing requirements [have been met by the individual] the individual meets;
411 (d) what licensing requirements [have not yet been met by the individual] the individual
412 has not met; and
413 (e) any other information [required by the division as established by division rule made]
414 the division requires by rule the division makes in accordance with Title 63G,
415 Chapter 3, Utah Administrative Rulemaking Act.

416 (3) The division may charge the individual a fee, established in accordance with Section
417 63J-1-504, to submit an application under this section.

418 (4) Within [30] 90 days of the day on which the division receives a completed application
419 from an individual for a determination under this section, based on the statutory
420 authority and administrative rules governing the occupation or profession at the time of
421 the application, the division shall provide a written determination to the individual of
422 whether the individual's criminal record would disqualify the individual from obtaining
423 a license in an occupation or profession [regulated by] this title regulates if the
424 individual were to complete all other licensing requirements.

425 (5) If the individual's criminal record would disqualify the individual from obtaining a
426 license in an occupation or profession [regulated by] this title regulates, the written
427 determination described in Subsection (4) may also include information regarding
428 additional steps the individual could take to qualify for licensure.

429 Section 6. Section **58-1-401** is amended to read:

430 **58-1-401 (Effective 07/01/26). Grounds for denial of license -- Disciplinary
431 proceedings -- Time limitations -- Sanctions.**

432 (1) The division shall refuse to issue a license to an applicant and shall refuse to renew or
433 shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a
434 licensee who does not meet the qualifications for licensure under this title.

435 (2) The division may refuse to issue a license to an applicant and may refuse to renew or
436 may revoke, suspend, restrict, place on probation, issue a public reprimand to, or
437 otherwise act upon the license of a licensee for the following reasons:
438 (a) subject to the provisions of Subsection (7), the applicant or licensee [has engaged]

439 engages in unprofessional conduct, as [defined by]statute or rule under this title
440 defines;

441 (b) the applicant or licensee [has engaged] engages in unlawful conduct as [defined by]
442 statute under this title defines;

443 (c) [the applicant or licensee has been determined to be mentally incompetent by a court
444 of competent jurisdiction] a court with jurisdiction determines that the applicant is
445 mentally incompetent; or

446 (d) subject to Subsections 58-31b-401(7), 58-60-108(2), 58-61-401(2), 58-67-401(2),
447 58-68-401(2), 58-70a-401(2), and Section 58-81-105, the applicant or licensee is
448 unable to practice the occupation or profession with reasonable skill and safety
449 because of [illness, drunkenness, excessive use of drugs, narcotics, chemicals, or
450 other type of material, or as a result of a mental or physical condition] a mental or
451 physical illness or condition, or engagement in any of the behaviors listed in
452 Subsection 58-1-501(2)(a)(v), when the condition demonstrates a threat or potential
453 threat to the public health, safety, or welfare.

454 (3) [A licensee whose license to practice an occupation or profession regulated by this title
455 has been suspended, revoked, placed on probation, or restricted may apply for
456 reinstatement of the license at reasonable intervals and upon compliance with conditions
457 imposed upon the licensee by statute, rule, or terms of the license suspension,
458 revocation, probation, or restriction] A licensee with a license that has been suspended,
459 revoked, placed on probation, or restricted, may apply for reinstatement of the license at
460 reasonable intervals when the licensee complies with the conditions that statute, rule, or
461 the terms of the suspension, revocation, probation, or restriction impose.

462 (4) The division may issue cease and desist orders to:

463 (a) a licensee or applicant who may be disciplined under Subsection (1) or (2);

464 (b) a person [who] that engages in or represents that the person is engaged in an
465 occupation or profession regulated under this title; and

466 (c) a person [who] that otherwise violates this title or a rule adopted under this title.

467 (5) The division may impose an administrative penalty in accordance with Section 58-1-502.

468 (6)(a) The division may not take disciplinary action against a person for unprofessional
469 or unlawful conduct under this title, unless the division enters into a stipulated
470 agreement or initiates an adjudicative proceeding regarding the conduct within four
471 years after the conduct is reported to the division, except under Subsection (6)(b).

472 (b)(i) The division may not take disciplinary action against a person for

473 unprofessional or unlawful conduct more than 10 years after the occurrence of the
474 conduct, unless the proceeding is in response to a civil or criminal judgment or
475 settlement and the proceeding is initiated within one year following the judgment
476 or settlement.

477 (ii) Notwithstanding Subsection (6)(b)(i), the division may refuse to issue a license
478 due to unprofessional or unlawful conduct that occurred more than 10 years before
479 a request or application for licensure is made.

480 (7) When the division is determining whether to refuse to issue a license to an applicant, or
481 to refuse to renew the license of a licensee, based solely on the criminal conviction of an
482 applicant or licensee, the division shall:

- 483 (a) provide individualized consideration to the applicant or licensee;
- 484 (b) determine whether the criminal conviction bears a substantial relationship to the
485 applicant's or licensee's ability to safely or competently practice the occupation or
486 profession; and
- 487 (c) consider the applicant's or licensee's current circumstances, which may include any
488 of the following:
 - 489 (i) the age of the applicant or licensee when the applicant or licensee committed the
490 offense;
 - 491 (ii) the time that has elapsed since the applicant or licensee committed the offense;
 - 492 (iii) whether the applicant or licensee has completed the applicant's or licensee's
493 criminal sentence;
 - 494 (iv) whether the applicant has completed or is actively participating in rehabilitative
495 drug or alcohol treatment;
 - 496 (v) any testimonials or recommendations from other individuals [provided by] that
497 the applicant or licensee, including a progress report from the applicant's or
498 licensee's probation or parole officer, provides;
 - 499 (vi) other evidence of rehabilitation [provided by] the applicant or licensee provides;
 - 500 (vii) the education and training of the applicant or licensee;
 - 501 (viii) the employment history of the applicant or licensee; and
 - 502 (ix) other relevant information [provided by] the applicant or licensee provides.

503 Section 7. Section **58-1-501** is amended to read:

504 **58-1-501 (Effective 07/01/26). Unlawful and unprofessional conduct.**

505 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under
506 this title and includes[:] when the person:

507 (a) [practicing or engaging in, representing oneself to be practicing or engaging in, or
508 attempting] practices or engages in, represents oneself to be practicing or engaging in,
509 or attempts to practice or engage in any profession requiring licensure under this title,
510 except the behavioral health technician under Chapter 60, Part 6, Behavioral Health
511 Coach and Technician Licensing Act, if the person is:
512 (i) not licensed to do so or not exempted from licensure under this title; or
513 (ii) restricted from doing so by a suspended, revoked, restricted, temporary,
514 probationary, or inactive license;

515 (b)(i) [impersonating] impersonates another licensee or practicing a profession under
516 a false or assumed name, except as permitted by law; or
517 (ii) for a licensee who has had a license under this title reinstated following
518 disciplinary action, practicing the same profession using a different name than the
519 name used before the disciplinary action, except as permitted by law and after
520 notice to, and approval by, the division;

521 (c) knowingly [employing] employs any other person to practice or engage in or attempt
522 to practice or engage in any profession licensed under this title if the employee is not
523 licensed to do so under this title;

524 (d) knowingly [permitting] permits the person's authority to practice or engage in any
525 profession licensed under this title to be used by another, except as permitted by law;

526 (e) [obtaining] obtains a passing score on a licensure examination, applying for or
527 obtaining a license, or otherwise dealing with the division or a licensing board
528 through the use of fraud, forgery, or intentional deception, misrepresentation,
529 misstatement, or omission;

530 (f)(i) [issuing, or aiding and abetting] issues, or engages in aiding and abetting in the
531 issuance of, an order or prescription for a drug or device to a person located in this
532 state:
533 (A) without prescriptive authority conferred by a license issued under this title, or
534 by an exemption to licensure under this title; or
535 (B) with prescriptive authority conferred by an exception issued under this title or
536 a multistate practice privilege recognized under this title, if the prescription
537 was issued without first obtaining information, in the usual course of
538 professional practice, that is sufficient to establish a diagnosis, to identify
539 underlying conditions, and to identify contraindications to the proposed
540 treatment; and

541 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call
542 or cross coverage situation, provided that the person ~~who~~ that issues the
543 prescription has prescriptive authority conferred by a license under this title, or is
544 exempt from licensure under this title; or

545 (g) ~~[aiding or abetting]~~ engages in aiding or abetting any other person to violate any
546 statute, rule, or order regulating a profession under this title.

547 (2)(a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is
548 defined as unprofessional conduct under this title or under any rule adopted under
549 this title and includes~~[±]~~ when a licensee or applicant:

550 (i) ~~[violating]~~ violates any statute, rule, or order regulating ~~[an]~~ a profession under
551 this title;

552 (ii) ~~[violating, or aiding or abetting]~~ violates or engages in aiding or abetting any
553 other person to violate, any generally accepted professional or ethical standard
554 applicable to an occupation or profession regulated under this title;

555 (iii) subject to the provisions of Subsection (4), ~~[engaging]~~ engages in conduct that
556 results in conviction, a plea of nolo contendere, or a plea of guilty or nolo
557 contendere that is held in abeyance pending the successful completion of
558 probation with respect to a crime that, when considered with the functions and
559 duties of the profession for which the license was issued or is to be issued, bears a
560 substantial relationship to the licensee's or applicant's ability to safely or
561 competently practice the profession;

562 (iv) ~~[engaging]~~ engages in conduct that results in disciplinary action, including
563 reprimand, censure, diversion, probation, suspension, or revocation, by any other
564 licensing or regulatory authority having jurisdiction over the licensee or applicant
565 in ~~[the same]~~ any profession if the conduct would, in this state, constitute grounds
566 for denial of licensure or disciplinary proceedings under Section 58-1-401;

567 (v) ~~[engaging]~~ engages in conduct, including the use of intoxicants, drugs, narcotics,
568 or similar chemicals, to the extent that the conduct does, or might reasonably be
569 considered to, impair the ability of the licensee or applicant to ~~[safely engage in~~
570 ~~the profession]~~ perform licensed duties with reasonable skill and safety;

571 (vi) ~~[practicing or attempting]~~ practices or attempts to practice a profession regulated
572 under this title despite being physically or mentally unfit to do so;

573 (vii) ~~[practicing or attempting]~~ practices or attempts to practice a or profession
574 regulated under this title through gross incompetence, gross negligence, or a

pattern of incompetency or negligence;

(viii) [practicing or attempting] practices or attempts to practice a profession requiring licensure under this title by any form of action or communication which is false, misleading, deceptive, or fraudulent;

(ix) [practicing or attempting] practices or attempts to practice a profession regulated under this title beyond the scope of the licensee's competency, abilities, or education;

(x) practicing or attempting practices or attempts to practice a profession regulated under this title beyond the scope of the licensee's license;

(xi) acts or attempts to act to prohibit or inhibit the ability of a licensee's customer, patient, or other consumer of the licensee's goods or services from making a complaint to a licensing or regulatory authority, including through the use of a contract provision;

[(xi)] (xii) verbally, physically, mentally, or sexually [abusing or exploiting] abuses or exploits any person through conduct connected with the licensee's practice under this title or otherwise facilitated by the licensee's license;

[(xii)] [(xiii)] [acting] acts as a supervisor without meeting the qualification requirements for that position that are defined by statute or rule;

[(xiii)] (xiv) [issuing, or aiding and abetting] issues, or engages in aiding and abetting in the issuance of, an order or prescription for a drug or device;

(A) without first obtaining information in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify conditions, and to identify contraindications to the proposed treatment; or

(B) with prescriptive authority conferred by an exception issued under this title, or a multi-state practice privilege recognized under this title, if the prescription was issued without first obtaining information, in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify underlying conditions, and to identify contraindications to the proposed treatment:

[(xiv)] (xv) [violating] violates a provision of Section 58-1-501.5;

[~~(xv)~~] (xvi) [violating] violates the terms of an order governing a license; or

[(xvi)] (xvii) [violating] violates Section 58-1-511.

(b) **["Unprofessional conduct"]** Unprofessional conduct does not include:

(i) a health care provider, as defined in Section 78B-3-403 and who is licensed under

609 this title, deviating from medical norms or established practices if the conditions
610 described in Subsection (5) are met; and

611 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the
612 health care provider deviates from medical norms or established practices,
613 including the maladies the health care provider treats, if the health care provider:
614 (A) does not guarantee any results regarding any health care service;
615 (B) fully discloses on the health care provider's website that the health care
616 provider deviates from medical norms or established practices with a
617 conspicuous statement; and
618 (C) includes the health care provider's contact information on the website.

619 (3) Unless otherwise specified by statute or administrative rule, in a civil or administrative
620 proceeding [eommenced by] that the division commences under this title, a person
621 subject to any of the unlawful and unprofessional conduct provisions of this title is
622 strictly liable for each violation.

623 (4) The following are not evidence of engaging in unprofessional conduct under Subsection
624 (2)(a)(iii):

625 (a) an arrest not followed by a conviction; or
626 (b) a conviction for which an individual's incarceration has ended more than five years
627 before the date of the division's consideration, unless:
628 (i) after the incarceration the individual has engaged in additional conduct that results
629 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo
630 contendere that is held in abeyance pending the successful completion of
631 probation; or
632 (ii) the conviction was for:
633 (A) a violent felony as defined in Section 76-3-203.5;
634 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4,
635 Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act;
636 (C) a felony related to criminal fraud or embezzlement, including a felony under
637 Title 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft; or
638 (D) a crime or a pattern of crimes that demonstrates a substantial potential to harm
639 Utah patients or consumers, as [may be determined by] the director may
640 determine in a process [defined by rule made] the division defines by rule the
641 division makes in accordance with Title 63G, Chapter 3, Utah Administrative
642 Rulemaking Act.

643 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from
644 medical norms or established practices if:
645 (a) the health care provider does not deviate outside of the health care provider's scope
646 of practice and possesses the education, training, and experience to competently and
647 safely administer the alternative health care service;
648 (b) the health care provider does not provide an alternative health care service that is
649 otherwise contrary to any state or federal law;
650 (c) the alternative health care service has reasonable potential to be of benefit to the
651 patient to whom the alternative health care service is to be given;
652 (d) the potential benefit of the alternative health care service outweighs the known
653 harms or side effects of the alternative health care service;
654 (e) the alternative health care service is reasonably justified under the totality of the
655 circumstances;
656 (f) after diagnosis but before providing the alternative health care service:
657 (i) the health care provider educates the patient on the health care services that are
658 within the medical norms and established practices;
659 (ii) the health care provider discloses to the patient that the health care provider is
660 recommending an alternative health care service that deviates from medical norms
661 and established practices;
662 (iii) the health care provider discusses the rationale for deviating from medical norms
663 and established practices with the patient;
664 (iv) the health care provider discloses any potential risks associated with deviation
665 from medical norms and established practices; and
666 (v) the patient signs and acknowledges a notice of deviation; and
667 (g) before providing an alternative health care service, the health care provider discloses
668 to the patient that the patient may enter into an agreement describing what would
669 constitute the health care provider's negligence related to deviation.

670 (6) As used in this section, "notice of deviation" means a written notice [provided by] a
671 health care provider provides to a patient that:
672 (a) is specific to the patient;
673 (b) indicates that the health care provider is deviating from medical norms or established
674 practices in the health care provider's recommendation for the patient's treatment;
675 (c) describes how the alternative health care service deviates from medical norms or
676 established practices;

677 (d) describes the potential risks and benefits associated with the alternative health care
678 service;
679 (e) describes the health care provider's reasonably justified rationale regarding the
680 reason for the deviation; and
681 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to
682 receive the alternative health care service which is outside medical norms and
683 established practices.

684 Section 8. Section **58-1-502** is amended to read:

685 **58-1-502 (Effective 07/01/26). Unlawful and unprofessional conduct -- Penalties.**

686 (1)(a) Unless otherwise specified in this title, a person who violates the unlawful
687 conduct provisions defined in this title is guilty of a class A misdemeanor.
688 (b) Unless a specific fine amount is specified elsewhere in this title, the director or the
689 director's designee may assess an administrative fine of up to \$1,000 for each
690 instance of unprofessional or unlawful conduct defined in this title.
691 (2)(a) In addition to any other statutory penalty for a violation related to a specific
692 occupation or profession regulated by this title, if upon inspection or investigation,
693 the division concludes that a person has violated Subsection 58-1-501(1)(a), (1)(c),
694 (1)(g), or ~~(2)(a)(xv)~~ (2)(a)(xvi), or a rule or order issued with respect to those
695 subsections, and that disciplinary action is appropriate, the director or the director's
696 designee from within the division shall promptly:
697 (i) issue a citation to the person according to this section and any pertinent rules;
698 (ii) attempt to negotiate a stipulated settlement; or
699 (iii) notify the person to appear before an adjudicative proceeding conducted under
700 Title 63G, Chapter 4, Administrative Procedures Act.
701 (b)(i) The division may assess a fine under this Subsection (2) against a person who
702 violates Subsection 58-1-501(1)(a), (1)(c), (1)(g), or ~~(2)(a)(xv)~~ (2)(a)(xvi), or a
703 rule or order issued with respect to those subsections, as evidenced by:
704 (A) an uncontested citation;
705 (B) a stipulated settlement; or
706 (C) a finding of a violation in an adjudicative proceeding.
707 (ii) The division may, in addition to or in lieu of a fine under Subsection (2)(b)(i),
708 order the person to cease and desist from violating Subsection 58-1-501(1)(a),
709 (1)(c), (1)(g), or ~~(2)(a)(xv)~~ (2)(a)(xvi), or a rule or order issued with respect to
710 those subsections.

711 (c) Except for a cease and desist order, the division may not assess the licensure
712 sanctions cited in Section 58-1-401 through a citation.

713 (d) A citation shall:

714 (i) be in writing;

715 (ii) describe with particularity the nature of the violation, including a reference to the
716 provision of the chapter, rule, or order alleged to have been violated;

717 (iii) clearly state that the recipient must notify the division in writing within 20
718 calendar days of service of the citation if the recipient wishes to contest the
719 citation at a hearing conducted under Title 63G, Chapter 4, Administrative
720 Procedures Act; and

721 (iv) clearly explain the consequences of failure to timely contest the citation or to
722 make payment of a fine assessed by the citation within the time specified in the
723 citation.

724 (e) The division may issue a notice in lieu of a citation.

725 (f)(i) If within 20 calendar days from the service of the citation, the person to whom
726 the citation was issued fails to request a hearing to contest the citation, the citation
727 becomes the final order of the division and is not subject to further agency review.

728 (ii) The period to contest a citation may be extended by the division for cause.

729 (g) The division may refuse to issue or renew, suspend, revoke, or place on probation the
730 license of a licensee who fails to comply with a citation after [it] the citation becomes
731 final.

732 (h) The failure of an applicant for licensure to comply with a citation after [it] the citation
733 becomes final is a ground for denial of license.

734 (i) Subject to the time limitations described in Subsection 58-1-401(6), the division may
735 not issue a citation under this section after the expiration of one year following the
736 date on which the violation that is the subject of the citation is reported to the
737 division.

738 (j) The director or the director's designee shall assess fines according to the following:

739 (i) for the first offense handled [pursuant to] in accordance with Subsection (2)(a), a
740 fine of up to \$1,000;

741 (ii) for a second offense handled [pursuant to] in accordance with Subsection (2)(a), a
742 fine of up to \$2,000; and

743 (iii) for each subsequent offense handled [pursuant to] in accordance with Subsection
744 (2)(a), a fine of up to \$2,000 for each day of continued offense.

745 (3)(a) An action for a first or second offense that has not yet resulted in a final order of
746 the division may not preclude initiation of a subsequent action for a second or
747 subsequent offense during the pendency of a preceding action.
748 (b) The final order on a subsequent action is considered a second or subsequent offense,
749 respectively, provided the preceding action resulted in a first or second offense,
750 respectively.

751 (4)(a) The director may collect a penalty that is not paid by:
752 (i) referring the matter to a collection agency; or
753 (ii) bringing an action in the district court of the county where the person against
754 whom the penalty is imposed resides or in the county where the office of the
755 director is located.
756 (b) A county attorney or the attorney general of the state shall provide legal assistance
757 and advice to the director in an action to collect a penalty.
758 (c) A court may award reasonable attorney fees and costs to the prevailing party in an
759 action brought by the division to collect a penalty.

760 Section 9. Section **58-3a-304** is amended to read:

761 **58-3a-304 (Effective 07/01/26). Exemptions from licensure.**

762 (1) In addition to the exemptions from licensure in Section 58-1-307, the following may
763 engage in the stated limited acts or practices without being licensed under this chapter:
764 (a) a person offering to render architectural services in this state when not licensed under
765 this chapter if the person:
766 (i) holds a current and valid architect license issued by a licensing authority
767 recognized by rule by the division in collaboration with the board;
768 (ii) discloses in writing to the potential client the fact that the architect:
769 (A) is not licensed in the state;
770 (B) may not provide architectural services in the state until the architect is
771 licensed in the state; and
772 (C) that such condition may cause a delay in the ability of the architect to provide
773 architectural services in the state;
774 (iii) notifies the division in writing of [his-] the person's intent to offer to render
775 architectural services in the state; and
776 (iv) does not provide architectural services or engage in the practice of architecture in
777 this state until licensed to do so;
778 (b) a person preparing a plan and specification for one or two-family dwellings,

including townhouses;

- (c) a person licensed to practice professional engineering under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, performing engineering or incidental architectural acts or practices that do not exceed the scope of the education and training of the person performing architecture;
- (d) unlicensed employees, subordinates, associates, or drafters of a person licensed under this chapter while preparing plans and specifications under the supervision of an architect;
- (e) a person preparing a plan or specification for, or supervising the alteration of or repair to, an existing building affecting an area not exceeding 3,000 square feet when structural elements of a building are not changed, such as foundations, beams, columns, and structural slabs, joists, bearing walls, and trusses; and
- (f) an organization engaged in the practice of architecture, provided that:
 - (i) the organization employs a principal; and
 - (ii) all individuals ~~employed by~~ the organization employs, who are engaged in the practice of architecture, are licensed or exempt from licensure under this chapter.

Section 10. Section **58-4a-105** is amended to read:

58-4a-105 (Effective 07/01/26). Program contract.

- (1) A licensee may enter into a program contract:
 - (a) any time before the conclusion of a hearing under Section 63G-4-206; and
 - (b) if the licensee who enters into the program contract has a substance use disorder or the division has referred the licensee for diagnostic monitoring.
- (2) A licensee may enter into a program contract to replace a diversion agreement the licensee previously entered into with the department.
- (3) [A licensee who does not have a substance use disorder may not enter into a program contract with the division] A licensee may not enter into a program contract with the division unless the licensee has a substance use disorder or the division has referred the licensee for diagnostic monitoring.
- (4) The committees described in Section 58-4a-104 may assist the division in evaluating or verifying documentation showing completion of or compliance with a program contract.

813 (5) [A decision by the program not to permit a licensee to participate in the program is not
814 subject to appeal, agency review, or judicial review] A decision by the program denying
815 a licensee participation in the program is final and not subject to appeal, agency review,
816 or judicial review.

817 Section 11. Section **58-4a-107** is amended to read:

818 **58-4a-107 (Effective 07/01/26). Violation of a program contract -- Adjudicative
819 proceedings -- Penalties.**

820 (1) The division may serve an order to show cause on the licensee if the licensee:

- 821 (a) violates any term or condition of the program contract or diversion agreement;
- 822 (b) makes an intentional, material misrepresentation of fact in the program contract or
823 diversion agreement; or
- 824 (c) violates any rule or law governing the licensee's profession.

825 [(2) The order to show cause described in Subsection (1) shall:]

- 826 [(a) describe the alleged misconduct;]
- 827 [(b) set a time and place for a hearing to determine whether the licensee's program
828 contract should be terminated; and]
- 829 [(c) contain all of the information required by a notice of agency action in Subsection
830 63G-4-201(2).]

831 [(3)] (2) Proceedings to terminate a program contract shall comply with Title 63G, Chapter 4,
832 Administrative Procedures Act[, except the notice of agency action shall be in the form
833 of the order to show cause described in Subsection (2)].

834 [(4)] (3) During a proceeding to terminate a program contract, the licensee, the licensee's
835 legal representative, and the division shall have access to information contained in the
836 division's program file as permitted by law.

837 [(5)] (4) The director shall terminate the program contract and place the licensee on
838 probation in accordance with rules made by the division in accordance with Title 63G,
839 Chapter 3, Utah Administrative Rulemaking Act if, during the administrative
840 proceedings described in Subsection [(3)] (2), the presiding officer finds that the licensee
841 has:

- 842 (a) violated the program contract;
- 843 (b) made an intentional material misrepresentation of fact in the program contract; or
- 844 (c) violated a law or rule governing the licensee's profession.

845 [(6)] (5) If, during the proceedings described in Subsection [(3)] (2), the presiding officer
846 finds that the licensee has engaged in especially egregious misconduct, the director may

847 revoke the licensee's license or take other appropriate disciplinary action.

848 [67] (6) A licensee who is terminated from the program may have disciplinary action taken
849 under Title 58, Chapter 1, Part 4, License Denial, for misconduct committed before,
850 during, or after the licensee's participation in the program.

851 Section 12. Section **58-5a-306** is amended to read:

852 **58-5a-306 (Effective 07/01/26). Exemptions from licensure.**

853 The following [persons] individuals may practice podiatry, subject to stated
854 circumstances and limitations, without being licensed under this chapter:

855 (1) a podiatric physician serving in the armed forces of the United States, the United States
856 Public Health Service, the United States Department of Veterans Affairs, or other
857 federal agencies while engaged in activities regulated under this chapter as a part of [his]
858 the podiatric physician's employment with that federal agency if the [individual]
859 podiatric physician holds a valid license to practice podiatry [issued by] that any other
860 state or jurisdiction [recognized by the division] the division recognizes issues;

861 (2) a student engaged in activities that constitute the practice of podiatry while in training in
862 a recognized school [approved by the division] the division approves to the extent the
863 activities are under the supervision of qualified faculty or staff and the activities are a
864 defined part of the training program;

865 (3) [a person] an individual engaged in an internship, residency, preceptorship,
866 postceptorship, fellowship, apprenticeship, or on-the-job training program [approved by
867 the division] the division approves while under the supervision of qualified persons;

868 (4) [a person] an individual residing in another state and licensed to practice podiatry there,
869 who is called in for a consultation by [a person] an individual licensed in this state and
870 services provided are limited to that consultation or who is invited by a recognized
871 school, association, society, or other body [approved by the division] the division
872 approves to conduct a lecture, clinic, or demonstration of the practice of podiatry so long
873 as that individual does not establish a place of business or regularly engage in the
874 practice of podiatry in the state;

875 (5) a person licensed under the laws of this state to practice or engage in any other
876 occupation or profession while engaged in the lawful, professional, and competent
877 practice of that occupation or profession;

878 (6) [persons who fit or sell] a person that fits or sells corrective shoes, arch supports, or
879 similar devices, to the extent their acts and practices involve only the fitting and selling
880 of these items; or

881 (7) a medical assistant working under the indirect supervision of a licensed podiatric
882 physician, if the medical assistant:
883 (a) engages only in tasks appropriately [delegated by] that the licensed podiatric
884 physician delegates in accordance with the standards and ethics of the practice of
885 podiatry, and consistent with this chapter;
886 (b) does not perform surgical procedures;
887 (c) does not prescribe prescription medications;
888 (d) does not administer anesthesia, except for a local anesthetic; and
889 (e) does not engage in other practices or procedures defined by the division by rule made
890 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
891 in collaboration with the board.

892 Section 13. Section **58-11a-302** is amended to read:

893 **58-11a-302 (Effective 07/01/26). General qualifications for licensure and
894 permitting.**

895 (1) An applicant for a license or permit under this chapter shall:
896 (a)(i) submit an application in a form [prescribed by] the division approves; and
897 (ii) pay a fee [determined by] the division determines in compliance with Section
898 63J-1-504;
899 (b) provide satisfactory documentation of completion of required minimum service
900 counts[, certified by] that the applicant's school certifies, or, if under an
901 apprenticeship, the applicant's supervisor certifies; and[;]
902 (i) compliance with educational requirements of the respective license or permit; or
903 (ii) completion of an approved apprenticeship; and
904 (c) pass an examination, as [required by administrative rule established by the division]
905 the division requires by rule the division makes in accordance with Title 63G,
906 Chapter 3, Utah Administrative Rulemaking Act.

907 (2)(a) The division shall establish administrative rules to determine how many hours for
908 an existing license or permit that an applicant may credit towards the hours required
909 for an additional permit or license.
910 (b) An individual [that] who holds a cosmetology license may count 600 hours as a
911 cosmetologist to satisfy the 1,200 total hours requirement for a master esthetics
912 license.

913 Section 14. Section **58-11a-302.5** is amended to read:

914 **58-11a-302.5 (Effective 07/01/26). Online curriculum for a licensed school.**

915 [A barber school, cosmetology/barber school, electrologist school, esthetics school, hair
916 design school, or nail technology] A school licensed under this chapter may offer up to 50% of
917 the school's total per program curriculum online in accordance with standards [adopted by]
918 that an applicable nationally recognized accrediting organization adopts.

919 Section 15. Section **58-11a-302.13** is amended to read:

920 **58-11a-302.13 (Effective 07/01/26). Practice of cosmetology -- Cosmetology
921 license -- Qualifications.**

922 (1) The practice of cosmetology includes:

- 923 (a) styling, arranging, dressing, curling, waving, cleaning, singeing, bleaching, tinting,
924 coloring, permanent waving, or similarly treating the hair of the head of an individual;
- 925 (b) cutting, clipping, or trimming the hair by using scissors, shears, clippers, or other
926 appliances;
- 927 (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
928 drying;
- 929 (d) removing hair from the face or neck of an individual by using shaving equipment;
- 930 (e) arching eyebrows by tweezing or waxing, tinting eyelashes or eyebrows[or eyelashes]
931 , or perming eyelashes or eyebrows;
- 932 (f) manual hair removal;
- 933 (g) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or
934 masks, and manual extraction, including a comedone extractor;
- 935 (h) limited chemical exfoliation as [defined by administrative rules made by the
936 division] the division defines by rule the division makes in accordance with Title 63G,
937 Chapter 3, Utah Administrative Rulemaking Act;
- 938 (i) cutting, curling, styling, fitting, measuring, or forming caps for wigs and hairpieces
939 on the human head;
- 940 (j) practicing hair weaving or hair fusing or servicing previously medically implanted
941 hair;
- 942 (k) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and
943 feet to knees, or enhancing the appearance of the hands, feet, and nails of an
944 individual by using the cosmetologist's hands, mechanical or electrical preparation,
945 antiseptic, lotion, or cream;
- 946 (l) natural nail manicures and pedicures;
- 947 (m) applying and removing sculptured or artificial nails; and
- 948 (n) using blades, including corn or callus planer or rasp, for smoothing, shaving, or

949 removing dead skin from the feet.

950 (2) An individual may not engage in the practice of cosmetology unless the individual holds
951 a cosmetology license.

952 (3) An applicant for a cosmetology license shall comply with the requirements in Section
953 58-11a-302 and:

954 (a) attend a licensed or recognized school and complete a curriculum that:

955 (i) covers:

956 (A) barbering;

957 (B) haircutting;

958 (C) chemical hair services;

959 (D) manual hair removal;

960 (E) eyelash and eyebrow technology, except for eyelash extensions;

961 (F) basic esthetics; and

962 (G) nail technology; and

963 (ii) has a minimum of 1,250 hours of instruction or the equivalent number of credit
964 hours; or

965 (b) complete an approved cosmetologist apprenticeship.

966 (4) If the applicant graduates from a recognized school with less than 1,250 hours of
967 instruction, the applicant may count hours practiced as a cosmetologist in a jurisdiction
968 other than Utah to satisfy the 1,250 total hours requirement.

969 (5) An individual with a cosmetology license may be known as a cosmetologist or a barber.

970 (6) An individual with a cosmetology license may apply credit hours to another license or
971 permit under this chapter, as allowed in Subsection 58-11a-302(2).

972 Section 16. Section **58-11a-302.21** is amended to read:

973 **58-11a-302.21 (Effective 07/01/26). Licensed instructor -- Qualifications.**

974 (1) An applicant for licensure as an instructor shall:

975 (a) submit an application in a form [prescribed by] the division approves;

976 (b) subject to Subsection (4), pay a fee [determined by the division under] the division
977 determines in accordance with Section 63J-1-504;

978 (c) provide satisfactory documentation that the applicant is currently licensed or
979 permitted in the discipline that the applicant is seeking to instruct;

980 (d) provide satisfactory documentation that the applicant has completed six months of
981 work experience in the discipline the applicant intends to instruct and:

982 (i) an instructor training program [for the discipline for which the applicant is

983 licensed, by a licensed or recognized school for a minimum of 35% of the
984 minimum hours for the license or permit the applicant intends to instruct] of 75
985 clock hours; or

986 (ii) an on-the-job [instructor training for the discipline for which the applicant is
987 licensed, by a licensed or recognized school for a minimum of 35% of the
988 minimum hours for the license or permit the applicant intends to instruct] training
989 program of 75 clock hours; and

990 (e) meet the examination requirement [established by administrative rules made by the
991 division] the division requires by rule the division makes in accordance with Title
992 63G, Chapter 3, Utah Administrative Rulemaking Act.

993 (2) An applicant for an instructor license or permit under this chapter whose education in
994 the discipline for which a license or permit is sought was completed at a foreign school
995 may satisfy the educational requirement for licensure by demonstrating, to the
996 satisfaction of the division, the educational equivalency of the foreign school education
997 with a licensed school under this chapter.

998 (3)(a) An individual may not instruct a discipline unless the individual has an instructor
999 license that allows instruction of that discipline.

1000 (b) The division shall make rules establishing which disciplines each type of instructor
1001 license may instruct.

1002 (4) The division may not charge a fee to an individual applying for licensure as an
1003 instructor under this chapter if the individual is a licensed instructor in any other
1004 discipline under this chapter.

1005 (5) The division may offer any [required examination under this section, which is prepared
1006 by] examination this section requires that a national testing organization[, in languages
1007 in addition to English] prepares.

1008 (6) For purposes of a national accrediting agency [recognized by] that the United States
1009 Department of Education recognizes, on-the-job instructor training described in this
1010 section is not considered a program.

1011 Section 17. Section **58-13-5** is amended to read:

1012 **58-13-5 (Effective 07/01/26) (Repealed 07/01/26). Information relating to**
1013 **adequacy and quality of medical care -- Immunity from liability.**

1014 (1) As used in this section, "health care provider" has the same meaning as defined in
1015 Section 78B-3-403.

1016 (2)(a) The division, and the boards within the division that act regarding the health care

1017 providers defined in this section, shall adopt rules to establish procedures to obtain
1018 information concerning the quality and adequacy of health care rendered to patients
1019 by those health care providers.

1020 (b) It is the duty of [an individual] a health care provider licensed under Title 58,
1021 Occupations and Professions, [as a health care provider] to furnish information
1022 known to [him] the health care provider with respect to health care rendered to
1023 patients by any health care provider licensed under Title 58, Occupations and
1024 Professions, as the division or a board may request during the course of the
1025 performance of its duties.

1026 (3) A health care facility as defined in Section 26B-2-201 which employs, grants privileges
1027 to, or otherwise permits a licensed health care provider to engage in licensed practice
1028 within the health care facility, and any professional society of licensed health care
1029 providers, shall report any of the following events in writing to the division within 60
1030 days after the event occurs regarding the licensed health care provider:

1031 (a) terminating employment of an employee for cause related to the employee's practice
1032 as a licensed health care provider;

1033 (b) terminating or restricting privileges for cause to engage in any act or practice related
1034 to practice as a licensed health care provider;

1035 (c) terminating, suspending, or restricting membership or privileges associated with
1036 membership in a professional association for acts of unprofessional, unlawful,
1037 incompetent, or negligent conduct related to practice as a licensed health care
1038 provider;

1039 (d) subjecting a licensed health care provider to disciplinary action for a period of more
1040 than 30 days;

1041 (e) a finding that a licensed health care provider has violated professional standards or
1042 ethics;

1043 (f) a finding of incompetence in practice as a licensed health care provider;

1044 (g) a finding of acts [of moral turpitude by] which, when considered with the functions
1045 and duties of the profession, bear a substantial relationship to the individual's ability
1046 to safely or competently perform the duties expected of a licensed health care
1047 provider; or

1048 (h) a finding that a licensed health care provider is engaged in abuse of alcohol or drugs.

1049 (4) This section does not prohibit any action by a health care facility, or professional
1050 society comprised primarily of licensed health care providers to suspend, restrict, or

1051 revoke the employment, privileges, or membership of a health care provider.

1052 (5) The data and information obtained in accordance with this section is classified as a
1053 "protected" record under Title 63G, Chapter 2, Government Records Access and
1054 Management Act.

1055 (6)(a) Any person or organization furnishing information in accordance with this section
1056 in response to the request of the division or a board, or voluntarily, is immune from
1057 liability with respect to information provided in good faith and without malice, which
1058 good faith and lack of malice is presumed to exist absent clear and convincing
1059 evidence to the contrary.

1060 (b) The members of the board are immune from liability for any decisions made or
1061 actions taken in response to information [aequired by] the board acquires if those
1062 decisions or actions are made in good faith and without malice, which good faith and
1063 lack of malice is presumed to exist absent clear and convincing evidence to the
1064 contrary.

1065 (7) An individual who is a member of a hospital administration, board, committee,
1066 department, medical staff, or professional organization of health care providers, and any
1067 hospital, other health care entity, or professional organization conducting or sponsoring
1068 the review, is immune from liability arising from participation in a review of a health
1069 care provider's professional ethics, medical competence, [moral turpitude] or a behavior
1070 which, when considered with the functions and duties of the profession, bears a
1071 substantial relationship to the individual's ability to safely or competently perform the
1072 duties expected of a health care provider including any mental or physical illness or
1073 condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v),
1074 or substance abuse.

1075 (8) This section does not exempt a person licensed under Title 58, Occupations and
1076 Professions, from complying with any reporting requirements established under state or
1077 federal law.

1078 Section 18. Section **58-15-101** is amended to read:

1079 **58-15-101 (Effective 07/01/26) (Repealed 07/01/35). Definitions.**

1080 [In addition to the definitions in Section 58-1-102, as] As used in this chapter:

1081 (1) "Administrator" means a [person who] person that is charged with the general
1082 administration of a health facility, regardless of whether:
1083 (a) the person has an ownership interest in the facility; or
1084 (b) the person's functions and duties are shared with one or more persons.

1085 (2) "Board" means the Health Facility Administrators Licensing Board created in Section
1086 58-15-201.

1087 (3) "Health facility" means a skilled nursing facility, an intermediate care facility, or an
1088 intermediate care facility for individuals with an intellectual disability.

1089 (4) "Intermediate care facility" means an institution that provides, on a regular basis, health
1090 care and services to individuals who do not require the degree of care and treatment a
1091 hospital or skilled nursing facility provides, but who require health care and services in
1092 addition to room and board.

1093 (5) "Intermediate care facility for people with an intellectual disability" means an institution
1094 that provides, on a regular basis, health-related care and service to individuals with
1095 intellectual disabilities as defined in Section 68-3-12.5 or individuals with related
1096 conditions, who do not require the degree of care and treatment a hospital or skilled
1097 nursing facility provides, but who require health-related care and services above the
1098 need for room and board.

1099 (6) "Skilled nursing facility" means an institution primarily providing inpatients with
1100 skilled nursing care and related services on a continuing basis for patients who require
1101 mental, medical, or nursing care, or service for the rehabilitation of an injured
1102 individual, a sick individual, or an individual with a disability.

1103 (7) "Unprofessional conduct" as defined in Section 58-1-501 and as ~~[may be further defined
1104 by rule] the division may define by rule the division makes in accordance with Title 63G,
1105 Chapter 3, Utah Administrative Rulemaking Act~~, includes:

1106 (a) intentionally filing a false report or record, intentionally failing to file a report or
1107 record ~~[required by]~~ that state or federal law requires, or willfully impeding or
1108 obstructing the filing of a required report. These reports or records only include
1109 those which are signed in the capacity of a licensed health facility administrator; and

1110 (b) ~~[a]ctioning in a manner inconsistent with the health and safety of the patients of the
1111 health facility in which he is the administrator] the administrator acting in a manner
1112 inconsistent with the health and safety of a patient of the health facility that employs
1113 the administrator.~~

1114 Section 19. Section **58-16a-305** is amended to read:

1115 **58-16a-305 (Effective 07/01/26). License -- Exemptions.**

1116 In addition to the exemptions from licensure in Section 58-1-307, the following persons
1117 may engage in acts included in the definition of the practice of optometry subject to the stated
1118 circumstances and limitations without being licensed under this chapter:

1119 (1) a person [who] that sells contact lenses on prescription [~~provided by a person~~] a person
1120 provides that is authorized under state law to practice either optometry or medicine and
1121 surgery if the person complies with Section 58-16a-801;

1122 (2) a person [who] that sells eyeglasses or spectacles as articles of merchandise or who
1123 fabricates them from a prescription if the person complies with Subsection 58-16a-801(2),
1124 and if the person:
1125 (a) does so in the ordinary course of trade from a permanently located and established
1126 place of business;
1127 (b) does not traffic or attempt to traffic upon assumed skill in testing the eye and
1128 adapting lenses according to the test;
1129 (c) does not duplicate, replace, or accept for replacement any ophthalmic lens, except in
1130 the case of an emergency;
1131 (d) does not use in the testing of the eyes any lenses or instruments other than the lenses
1132 actually sold; and
1133 (e) does not give or offer eyeglasses or spectacles as premiums as defined in Section
1134 13-26-2; and

1135 (3) a person [who] that fits contact lenses [~~under the following conditions~~] that:
1136 (a) [he-]has a current certification from both the American Board of Opticianry and the
1137 National Contact Lens Examiners;
1138 (b) [he-]does not give or offer contact lenses as premiums;
1139 (c) [he-]does not perform a refraction, over-refraction, or attempt to traffic upon assumed
1140 skill in testing the eye;
1141 (d) [he-]operates in the ordinary course of trade from a permanently located and
1142 established place of business;
1143 (e) [he-]performs the work involved in fitting contact lenses himself and does not
1144 delegate the contact lens fitting to any other individual who is not qualified under this
1145 Subsection (3);
1146 (f) [he-]does not use in the testing of the eye any lenses or instruments other than the
1147 lenses [he actually will sell] that will actually be sold;
1148 (g) [he-]provides services only to a patient who:
1149 (i) presents an unexpired contact lens prescription; or
1150 (ii) has had an eye examination within the prior six months [~~by~~] that an optometrist or
1151 ophthalmologist meeting the requirements under Section 58-16a-306 performs;
1152 and

1153 (h) [he-]maintains a copy of the patient's contact lens prescription for not less than seven
1154 years[;] .
1155 [(i) he enters into a written agreement with an optometrist or an ophthalmologist before
1156 July 1, 2000, to fit contact lenses prescribed by that optometrist or ophthalmologist;]
1157 [(j) he fits contact lenses for at least two years under the direct supervision of the
1158 optometrist or ophthalmologist identified in Subsection (3)(i) before July 1, 2000, as
1159 documented in the written agreement; and]
1160 [(k) the optometrist or ophthalmologist described in Subsection (3)(i):]
1161 [(i) ensures that the final contact lens is accurate;]
1162 [(ii) presents a written copy of the prescription to the person fitting the contact lens;
1163 and]
1164 [(iii) ensures that a copy of the prescription is provided to the patient, except as
1165 provided in Section 58-16a-306.]

1166 Section 20. Section **58-16a-502** is amended to read:

1167 **58-16a-502 (Effective 07/01/26). Unprofessional conduct.**

1168 "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

- 1169 (1) using or employing the services of an optometric assistant to assist a licensee in any
1170 manner not in accordance with:
 - 1171 (a) the generally recognized practices and standards of ethics of the profession; or
 - 1172 (b) applicable state law or division rule;
- 1173 (2) failure to refer a patient to an appropriate licensed practitioner when:
 - 1174 (a) the patient's condition does not respond to treatment; or
 - 1175 (b) the treatment is not within the scope of competence or licensure of the licensee;
- 1176 (3) providing confidential information regarding a patient to any third party who does not
1177 have a legal and professional ground for obtaining the information;
- 1178 (4) knowingly prescribing, selling, giving away, or administering any prescription drug
1179 unless:
 - 1180 (a) for a legitimate medical purpose;
 - 1181 (b) upon a proper diagnosis indicating the use of the drug in the amount prescribed or
1182 provided; and
 - 1183 (c) in compliance with Section 58-17b-309;
- 1184 (5) giving or receiving directly or indirectly any fee, commission, rebate, or other
1185 compensation for professional services not actually and personally rendered, except as
1186 part of a legal relationship within a lawful professional partnership, corporation, or

1187 association;

1188 (6) failure to transfer pertinent and necessary information from a patient's medical records
1189 to another optometrist or physician when [so requested by] the patient or [his] the
1190 patient's representative, as designated in writing, requests;

1191 (7) failure to provide a contact lens prescription to a [person who] person that sells contact
1192 lenses in accordance with Section 58-16a-306; or

1193 (8) falsely making an entry in, or altering, a medical record with the intent to conceal:
1194 (a) a wrongful or negligent act or omission of an individual licensed under this chapter
1195 or an individual under the direction or control of an individual licensed under this
1196 chapter; or
1197 (b) conduct described in Subsections (1) through (7) or Subsection 58-1-501(1).

1198 Section 21. Section **58-16a-801** is amended to read:

1199 **58-16a-801 (Effective 07/01/26). Contact lens and ophthalmic lens seller or
1200 provider.**

1201 (1) A person may sell or provide contact lenses if the person:

1202 (a) does so in the ordinary course of trade from a permanently located and established
1203 place of business;

1204 (b) does not perform refractions, over-refractions, or attempts to traffic upon assumed
1205 skill in testing the eye;

1206 (c) provides all contact lenses consistent with and in accordance with a valid contact lens
1207 prescription;

1208 (d) does not fit contact lenses;

1209 (e) provides a contact lens to a patient after:

1210 (i) receiving an unexpired verbal or written prescription; or

1211 (ii) sending a contact lens prescription verification to the prescribing optometrist or
1212 physician, regardless of whether the prescribing optometrist or physician responds
1213 to or confirms the verification, provided that:

1214 (A) the person has all of the information necessary to fill the prescription;

1215 (B) the prescribing optometrist or physician has not informed the person that the
1216 prescription has expired or is otherwise inaccurate prior to the person shipping
1217 or hand-delivering the contact lens to the patient;

1218 (C) the person confirms a valid, unexpired contact lens prescription for the patient
1219 if the person is aware that the patient provided inaccurate prescription
1220 information in [his] that patient's last order; and

1221 (D) the person informs the patient that the prescription has expired or that there is
1222 a medical problem associated with the prescription if the [information is
1223 communicated by the prescribing optometrist or physician] prescribing
1224 optometrist or physician communicates the information to the person within 72
1225 hours of the contact lens prescription verification being sent; and
1226 (f) maintains patient information, including the method and date of any prescription
1227 verification, for no less than seven years.

1228 (2)(a) A person may engage in the activities described in Subsection (2)(b), without a
1229 license under this title, if the person:
1230 (i) provides the ophthalmic lenses consistent with and in accordance with a
1231 prescription from a licensed physician or optometrist that is unexpired as provided
1232 in Subsection 58-16a-102(8)(b);
1233 (ii) dispenses the ophthalmic lenses within or from the state;
1234 (iii) does so in the ordinary course of trade from a permanently located and
1235 established place of business;
1236 (iv) does not perform refractions, over-refractions, or attempt to traffic upon assumed
1237 skill in licensed physician or optometrist testing of the eye; and
1238 (v) complies with impact tolerance standards based on ANSI Z80.1-2010, American
1239 National Standard for Ophthalmics - Prescription Lenses.

1240 (b) In accordance with Subsection (2)(a), a person may:
1241 (i) sell, reproduce, or dispense ophthalmic lenses;
1242 (ii) fit or adjust ophthalmic lenses or frames;
1243 (iii) assist with the selection of frames for ophthalmic lenses;
1244 (iv) measure pupillary distance and interpret pupillary distance measurements; or
1245 (v) measure or interpret the reading segment height in bifocal, tri-focal, progressive,
1246 or multi-focal lenses.

1247 (3) Nothing in this section may be construed as requiring a person to be licensed or certified
1248 in any way under this or any another chapter of this title to sell contact lenses in
1249 accordance with Subsection (1), or to sell ophthalmic lenses in accordance with
1250 Subsection (2).

1251 Section 22. Section **58-17b-201** is amended to read:

1252 **58-17b-201 (Effective 07/01/26). Board -- Membership -- Qualifications -- Terms.**

1253 (1) There is created the Utah State Board of Pharmacy consisting of five pharmacists, one
1254 pharmacy technician, and one member of the general public.

1255 (a) The public member of the board shall be a Utah resident who:

1256 (i) is [21 years of age or older] at least 21 years old;

1257 (ii) has never been licensed to engage in the practice of pharmacy;

1258 (iii) has never been the spouse of a person licensed to engage in the practice of

1259 pharmacy;

1260 (iv) has never held any material financial interest in pharmacy practice; and

1261 (v) has never engaged in any activity directly related to the practice of pharmacy.

1262 (b) The licensed pharmacist and licensed pharmacy technician members of the board

1263 shall:

1264 (i) have been Utah residents continuously for at least three years;

1265 (ii) have at least five years experience in the practice of pharmacy in good standing

1266 with the division in Utah after licensure; and

1267 (iii) maintain licensure in good standing to engage in the practice of pharmacy or

1268 practice as a pharmacy technician in Utah for the duration of the appointment.

1269 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

1270 (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202

1271 and 58-1-203, and as required under Section 58-37f-202 regarding the controlled

1272 substance database. In addition, the board shall designate an appropriate member on a

1273 permanent or rotating basis to:

1274 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional

1275 conduct of a licensee; and

1276 (b) advise the division in its investigation of these complaints.

1277 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its

1278 investigation may be disqualified from participating with the board when the board

1279 serves as a presiding officer in an adjudicative proceeding concerning the complaint.

1280 (5) A board member may be removed in accordance with Subsection 58-1-201(2)(e) or

1281 upon one of the following grounds:

1282 (a) refusal or inability for any reason of a board member to perform [his] the board

1283 member's duties as a member of the Board in an efficient, responsible, and

1284 professional manner;

1285 (b) misuse of appointment to obtain personal, pecuniary, or material gain or advantage

1286 for [himself] the board member or another through such appointment; or

1287 (c) violation of the laws governing the practice of pharmacy or Chapter 37, Utah

1288 Controlled Substances Act.

1289 Section 23. Section **58-17b-306** is amended to read:

1290 **58-17b-306 (Effective 07/01/26). Qualifications for licensure as a pharmacy.**

1291 (1) Each applicant for licensure under this section, except for those applying for a class D
1292 license, shall:

1293 (a) submit a written application in the form the division approves;

1294 (b) pay a fee ~~[as determined by the department under]~~ the department determines in
1295 accordance with Section 63J-1-504;

1296 (c) satisfy the division that the applicant, and each owner, officer, or manager of the
1297 applicant, has not engaged in any act, practice, or omission, which when considered
1298 with the duties and responsibilities of a licensee under this section indicates there is
1299 cause to believe that issuing a license to the applicant is inconsistent with the interest
1300 of the public's health, safety, or welfare;

1301 (d) demonstrate the licensee's operations will be in accordance with all federal, state, and
1302 local laws relating to the type of activity ~~[engaged in by the licensee]~~ that the licensee
1303 engages in, including regulations of the Federal Drug Enforcement Administration
1304 and Food and Drug Administration;

1305 (e) maintain operating standards ~~[established by]~~ the division determines by rule made in
1306 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
1307 Administrative Rulemaking Act;

1308 (f)(i) ~~[for each pharmacy license, ensure that the pharmacist-in-charge, as defined by~~
1309 ~~the division consents to, and completes, a criminal background check, described in~~
1310 Section 58-1-301.5] for each pharmacy license, ensure that the
1311 pharmacist-in-charge, or the pharmacy manager if the pharmacy is not required to
1312 have a pharmacist-in-charge, consents to and completes a criminal background
1313 check as described in Section 58-1-301.5;

1314 (ii) ~~[meets]~~ meet any other standard related to the criminal background check
1315 described in Subsection (1)(f)(i), that the division ~~[establishes]~~ makes by rule in
1316 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1317 (iii) ~~[discloses]~~ disclose any criminal history the division requests on a form the
1318 division approves; and

1319 (g) acknowledge the division's authority to inspect the licensee's business premises [
1320 ~~pursuant to]~~ in accordance with Section 58-17b-103.

1321 (2) Each applicant applying for a class D license shall:

1322 (a) submit a written application in the form the division approves;

1323 (b) pay a fee as [determined by the department under] the department determines in
1324 accordance with Section 63J-1-504;

1325 (c) present to the division verification of licensure in the state where physically located
1326 and verification that such license is in good standing;

1327 (d) satisfy the division that the applicant and each of the applicant's pharmacy managers
1328 has not engaged in any act, practice, or omission, which when considered with the
1329 duties and responsibilities of a licensee under this section, indicates there is cause to
1330 believe that issuing a license to the applicant is inconsistent with the interest of the
1331 public's health, safety, or welfare;

1332 (e) for each pharmacy manager:

1333 (i) consent to, and complete, a criminal background check, described in Section
1334 58-1-301.5;

1335 (ii) meet any other standard related to the criminal background check described in
1336 Subsection (2)(e)(i), that the division [establishes] makes by rule in accordance
1337 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1338 (iii) disclose any criminal history the division requests on a form the division
1339 approves;

1340 (f) as the division requires by rule the division makes in accordance with Title 63G,
1341 Chapter 3, Utah Administrative Rulemaking Act, provide a statement of the scope of
1342 pharmacy services that will be provided and a detailed description of the protocol[as
1343 described by rule by], which pharmacy care will be provided, including any
1344 collaborative practice arrangements with other health care practitioners;

1345 (g) sign an affidavit attesting that any healthcare practitioners employed by the applicant
1346 and physically located in Utah have the appropriate license issued by the division and
1347 in good standing;

1348 (h) sign an affidavit attesting that the applicant will abide by the pharmacy laws and
1349 regulations of the jurisdiction in which the pharmacy is located; and

1350 (i) if an applicant engages in compounding, submit the most recent inspection report:
1351 (i) conducted within two years before the application for licensure; and
1352 (ii)(A) conducted as part of the National Association of Boards of Pharmacy
1353 Verified Pharmacy Program; or
1354 (B) performed by the state licensing agency of the state in which the applicant is a
1355 resident and in accordance with the National Association of Boards of
1356 Pharmacy multistate inspection blueprint program.

1357 (3)(a) Each license issued under this section shall be associated with a single, specific
1358 address.
1359 (b) By rule made in collaboration with the board and in accordance with Title 63G,
1360 Chapter 3, Utah Administrative Rulemaking Act, the division shall allow a licensee
1361 to update, by request to the division, the address associated with the licensee under
1362 Subsection (3)(a), to a new address if the licensee requests the change of address at
1363 least 90 days before the day on which the licensee begins operating at the new
1364 address.

1365 Section 24. Section **58-17b-308** is amended to read:

1366 **58-17b-308 (Effective 07/01/26). Term of license -- Expiration -- Renewal.**

1367 (1)(a) Except as provided in Subsection (2), [each license issued under this chapter shall
1368 be issued in accordance with a two-year renewal cycle established by rule] the
1369 division shall issue a license for a term of two years as the division establishes by
1370 rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
1371 Rulemaking Act.

1372 (b) [A renewal period may be extended or shortened by as much as one year to
1373 maintain established renewal cycles or to change an established renewal cycle] The
1374 division may extend or shorten a license term by up to one year to stagger renewals
1375 as the division determines by rule in accordance with Title 63G, Chapter 3, Utah
1376 Administrative Rulemaking Act.

1377 (c) [Each license automatically expires on the expiration date shown on the license
1378 unless renewed by the licensee in accordance with Section 58-1-308] A license
1379 expires on the expiration date shown on the license.

1380 (2) The duration of a pharmacy intern license may be no longer than:

1381 (a) [one year] two years for a license issued under Subsection 58-17b-304(6)(b); or
1382 (b) five years for a license issued under Subsection 58-17b-304(6)(a).

1383 (3) A pharmacy intern license issued under this chapter may not be renewed, but [may be
1384 extended by] the division may extend the pharmacy intern license in collaboration with
1385 the board.

1386 (4) As a prerequisite for renewal of a class D pharmacy license of a pharmacy that engages
1387 in compounding, a licensee shall submit the most recent inspection report:

1388 (a) conducted within two years before the application for renewal; and
1389 (b)(i) conducted as part of the National Association of Boards of Pharmacy Verified
1390 Pharmacy Program; or

- (ii) performed by the state licensing agency of the state in which the applicant is a resident and in accordance with the National Association of Boards of Pharmacy multistate inspection blueprint program.

Section 25. Section **58-17b-309** is amended to read:

58-17b-309 (Effective 07/01/26). Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the acts or practices described in this section without being licensed under this chapter:

- (1) a person selling or providing contact lenses in accordance with Section 58-16a-801;
- (2) an animal shelter that:
 - (a) under the indirect supervision of a veterinarian, stores, handles, or administers a drug used for [euthanising] euthanizing an animal; and
 - (b) under the indirect supervision of a veterinarian who is under contract with the animal shelter, stores, handles, or administers a rabies vaccine;
- (3) an overdose outreach provider, as defined in Section 26B-4-501, that obtains, stores, or furnishes an opiate antagonist in accordance with Title 26B, Chapter 4, Part 5, Treatment Access; and
- (4) a dispensing practitioner, as defined in Section 58-88-201, dispensing a drug under Chapter 88, Part 2, Dispensing Practice.

Section 26. Section **58-17b-501** is amended to read:

58-17b-501 (Effective 07/01/26). Unlawful conduct.

"Unlawful conduct" includes:

- (1) knowingly preventing or refusing to permit an authorized agent of the division to conduct an inspection [pursuant to] in accordance with Section 58-17b-103;
- (2) failing to deliver the license, permit, or certificate to the division upon demand, if [it] the license, permit, or certificate has been revoked, suspended, or refused;
- (3)(a) using the title "pharmacist," "druggist," "pharmacy intern," "pharmacy technician," or a term having similar meaning, except by [a person] an individual who is licensed as a pharmacist, pharmacy intern, or pharmacy technician; or
(b) conducting or transacting business under a name that contains, as part of that name, the words "drugstore," "pharmacy," "drugs," "medicine store," "medicines," "drug shop," "apothecary," "prescriptions," or a term having a similar meaning, or in any manner advertising, otherwise describing, or referring to the place of the conducted business or profession, unless the place is a pharmacy issued a license by the

1425 division, except an establishment selling nonprescription drugs and supplies may
1426 display signs bearing the words "packaged drugs," "drug sundries," or
1427 "nonprescription drugs," and is not considered to be a pharmacy or drugstore by
1428 reason of the display;

1429 (4) buying, selling, causing to be sold, or offering for sale, a drug or device that bears, or
1430 the package bears or originally did bear, the inscription "sample," "not for resale," "for
1431 investigational or experimental use only," or other similar words, except when a cost is
1432 incurred in the bona fide acquisition of an investigational or experimental drug;

1433 (5) using to a person's own advantages or revealing to anyone other than the division,
1434 board, and its authorized representatives, or to the courts, when relevant to a judicial or
1435 administrative proceeding under this chapter, information acquired under authority of
1436 this chapter or concerning a method of process that is a trade secret;

1437 (6) procuring or attempting to procure a drug or to have someone else procure or attempt to
1438 procure a drug:
1439 (a) by fraud, deceit, misrepresentation, or subterfuge;
1440 (b) by forgery or alteration of a prescription or a written order;
1441 (c) by concealment of a material fact;
1442 (d) by use of a false statement in a prescription, chart, order, or report; or
1443 (e) by theft;

1444 (7) filling, refilling, or advertising the filling or refilling of prescriptions for a consumer or
1445 patient residing in this state if the person is not licensed:
1446 (a) under this chapter; or
1447 (b) in the state from which [he] the individual is dispensing;

1448 (8) requiring an employed pharmacist, pharmacy intern, pharmacy technician, or authorized
1449 supportive personnel to engage in conduct in violation of this chapter;

1450 (9) being in possession of a prescription drug for an unlawful purpose;

1451 (10) dispensing a prescription drug to a [person who] person that does not have a
1452 prescription from a practitioner, except as permitted under Title 26B, Chapter 4, Part 5,
1453 Treatment Access;

1454 (11) dispensing a prescription drug to a [person who] person that the person dispensing the
1455 drug knows or should know is attempting to obtain drugs by fraud or misrepresentation;

1456 (12) selling, dispensing, distributing, or otherwise trafficking in prescription drugs when
1457 not licensed to do so or when not exempted from licensure; and

1458 (13) a person using a prescription drug or controlled substance that was not lawfully

1459 prescribed for the person by a practitioner.

1460 Section 27. Section **58-17b-502** is amended to read:

1461 **58-17b-502 (Effective 07/01/26). Unprofessional conduct.**

1462 (1) "Unprofessional conduct" includes:

- 1463 (a) willfully deceiving or attempting to deceive the division, the board, or their agents as
1464 to any relevant matter regarding compliance under this chapter;
- 1465 (b) except as provided in Subsection (2):
 - 1466 (i) paying or offering rebates to practitioners or any other health care providers, or
1467 receiving or soliciting rebates from practitioners or any other health care provider;
1468 or
 - 1469 (ii) paying, offering, receiving, or soliciting compensation in the form of a
1470 commission, bonus, rebate, kickback, or split fee arrangement with practitioners
1471 or any other health care provider, for the purpose of obtaining referrals;
- 1472 (c) misbranding or adulteration of any drug or device or the sale, distribution, or
1473 dispensing of any outdated, misbranded, or adulterated drug or device;
- 1474 (d) engaging in the sale or purchase of drugs or devices that are samples or packages
1475 bearing the inscription "sample" or "not for resale" or similar words or phrases;
- 1476 (e) except as provided in Section 58-17b-503, accepting back and redistributing any
1477 unused drug, or a part of [it] the unused drug, after [it] the unused drug has left the
1478 premises of a pharmacy;
- 1479 (f) an act in violation of this chapter [ecommitted by] that a person commits for any form
1480 of compensation if the act is incidental to the person's professional activities,
1481 including the activities of a pharmacist, pharmacy intern, or pharmacy technician;
- 1482 (g) violating:
 - 1483 (i) the federal Controlled Substances Act, Title II, P.L. 91-513;
 - 1484 (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or
 - 1485 (iii) rules or regulations adopted under either act;
- 1486 (h) requiring or permitting pharmacy interns or technicians to engage in activities
1487 outside the scope of practice for their respective license classifications, as defined in
1488 this chapter and division rules made in collaboration with the board, or beyond their
1489 scope of training and ability;
- 1490 (i) administering:
 - 1491 (i) without appropriate training, as [defined by rule] the division defines by rule the
1492 division makes in accordance with Title 63G, Chapter 3, Utah Administrative

Rulemaking Act;

- (ii) without a physician's order, when [one is required by law] the law requires a physician's order; [and] or
- (iii) in conflict with a practitioner's written guidelines or written protocol for administering;
- (j) disclosing confidential patient information in violation of the provisions of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended, or other applicable law;
- (k) engaging in the practice of pharmacy without a licensed pharmacist designated as the pharmacist-in-charge;
- (l) failing to report to the division any adverse action [taken by] that another licensing jurisdiction, government agency, law enforcement agency, or court takes for conduct that in substance would be considered unprofessional conduct under this section;
- (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage form which is [regularly and] commonly available from a manufacturer in quantities and strengths [prescribed by] a practitioner prescribes;
- (n) failing to act in accordance with Title 26B, Chapter 4, Part 5, Treatment Access, when dispensing a self-administered hormonal contraceptive under a standing order;
- (o) violating the requirements of Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
- (p) falsely making an entry in, or altering, a medical record with the intent to conceal:
 - (i) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
 - (ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1).

Subsection (1)(b) does not apply to:

- (a) giving or receiving a price discount based on purchase volume;
- (b) passing along a pharmaceutical manufacturer's rebate; or
- (c) providing compensation for services to a veterinarian.

"Unprofessional conduct" does not include:

in accordance with

Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis when registered as a pharmacy medical provider, as that term is defined in Section 26B-4-201.

1527 providing pharmacy medical provider services in a medical cannabis pharmacy; or
1528 (b) if a pharmacist reasonably believes that a prescription drug will have adverse or
1529 harmful effects on an individual and warns the individual of the potential effects,
1530 filling a prescription prescribed by a health care provider who:
1531 (i) is operating within the health care provider's scope of practice; and
1532 (ii) is deviating from a medical norm or established practice in accordance with
1533 Subsection 58-1-501(2)(b)(i).

1534 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
1535 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
1536 define unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

1537 Section 28. Section **58-17b-606** is amended to read:

1538 **58-17b-606 (Effective 07/01/26). Restrictive drug formulary prohibited.**

1539 (1) As used in this section:

1540 (a) "Generic form" means a prescription drug that is available in generic form and has an
1541 A rating in the United States Pharmacopeia and Drug Index.
1542 (b) "Legend drug" has the same meaning as prescription drug.
1543 (c) "Restrictive drug formulary" means a list of legend drugs, other than drugs for
1544 cosmetic purposes, that ~~are prohibited by~~ the Department of Health and Human
1545 Services prohibits from dispensation, but are approved by the Federal Food and Drug
1546 Administration.

1547 (2) A practitioner may prescribe legend drugs in accordance with this chapter that, in ~~his~~
1548 the practitioner's professional judgment and within the lawful scope of ~~his~~ the
1549 practitioner's practice, ~~he~~ and that the practitioner considers appropriate for the
1550 diagnosis and treatment of ~~his~~ the practitioner's patient.

1551 (3) Except as provided in Subsection (4), the Department of Health and Human Services
1552 may not maintain a restrictive drug formulary that restricts a physician's ability to treat a
1553 patient with a legend drug that ~~has been approved and designated as safe and effective~~
1554 ~~by~~ the Federal Food and Drug Administration approves and designates as safe and
1555 effective, except for drugs for cosmetic purposes.

1556 (4) When a multisource legend drug is available in the generic form, the Department of
1557 Health and Human Services may only reimburse for the generic form of the drug unless
1558 the treating physician demonstrates to the Department of Health and Human Services a
1559 medical necessity for dispensing the nongeneric, brand-name legend drug.

1560 (5) The Department of Health and Human Services pharmacists may override the generic

1561 mandate provisions of Subsection (4) if a financial benefit will accrue to the state.

1562 (6) This section does not affect the state's ability to exercise the exclusion options available
1563 under the Federal Omnibus Budget Reconciliation Act of 1990.

1564 Section 29. Section **58-17b-607** is amended to read:

1565 **58-17b-607 (Effective 07/01/26). Drug substitution is not the practice of medicine**

1566 **-- Other causes of action not denied.**

1567 (1) The substitution of any drug by a licensed pharmacist or pharmacy intern under this
1568 chapter does not constitute the practice of medicine.

1569 (2) This chapter may not be construed to deny any individual a cause of action against a
1570 pharmacist, pharmacy intern, or [his] the pharmacist's or pharmacy intern's employer for
1571 violations of this chapter, including failure to observe accepted standards of care of the
1572 pharmaceutical profession.

1573 Section 30. Section **58-17b-615** is amended to read:

1574 **58-17b-615 (Effective 07/01/26). Sale of prescription drugs not in normal course
1575 of business.**

1576 (1) As used in this section, "seller" means a person selling prescription drugs or devices
1577 owned or lawfully controlled by [him] the person, or a party arranging for the sale of
1578 prescription drugs or devices owned by or lawfully controlled by another person,
1579 including salvage companies that acquire prescription drugs and devices from, or act as
1580 an agent or representative for freight haulers and forwarders.

1581 (2) Any sale of prescription drugs in bankruptcy, at public auction, at freight liquidation
1582 sales, or any other sale of prescription drugs other than in the normal course of business
1583 or practice shall comply with the following:

1584 (a) a seller of prescription drugs shall be licensed by the division as a prescription drug
1585 distributor or wholesaler with a regular license, or a temporary license for that sale
1586 only, before engaging in the sale of any prescription drugs; and

1587 (b) a person licensed as a pharmacy under this chapter may not acquire by purchase or
1588 other means prescription drugs or devices outside the normal course of business
1589 within the meaning of this section unless:

1590 (i) the prescription drugs or devices are accompanied by a certificate signed by a
1591 licensed pharmacist employed or retained by the seller, as required in Subsection
1592 (3), attesting that the prescription drugs or devices have not been adversely
1593 affected by circumstances relating to their transportation, storage, or distribution;
1594 and

1595 (ii) the licensee acquiring the prescription drugs or devices employs a qualified
1596 pharmacist who is responsible for determining that all prescription drugs being
1597 acquired do not pose any threat to the public welfare if introduced into commerce
1598 than would be presented by the acquisition of those prescription drugs and devices
1599 in the normal course of business through established channels of prescription drug
1600 distribution.

1601 (3) A seller of prescription drugs outside the normal course of business shall retain the
1602 services of a qualified pharmacist licensed to practice in the state to serve as either an
1603 employee or independent consultant to determine if the:

- 1604 (a) prescription drugs and devices to be offered for sale have been transported, stored,
1605 and distributed in accordance with applicable federal, state, and local laws; and
- 1606 (b) condition of the prescription drugs and devices to be offered for sale has been
1607 adversely affected by the circumstances of transportation, storage, or distribution.

1608 (4) The written notice provided to the division prior to the sale of any prescription drugs or
1609 devices under this section shall contain written verification of the pharmacist retained by
1610 the seller, stating the drugs or devices offered for sale have not been adversely affected
1611 by the circumstances of transportation, storage, or distribution.

1612 (5) A pharmacist employed by a seller under Subsection (3) or a pharmacy, distributor, or
1613 wholesaler for whom that pharmacist may be employed or in which [he] that pharmacist
1614 may have an interest, may not purchase any prescription drugs or devices from the seller
1615 for which that pharmacist has provided verification regarding the drugs or devices.

1616 Section 31. Section **58-22-103** is amended to read:

1617 **58-22-103 (Effective 07/01/26). Education and enforcement fund.**

1618 (1) There is created an expendable special revenue fund known as the "Professional
1619 Engineer, Professional Structural Engineer, and Professional Land Surveyor Education
1620 and Enforcement Fund."

1621 (2) The fund consists of money from:

1622 (a) a surcharge fee placed on initial, renewal, and reinstatement licensure fees under this
1623 chapter in accordance with the following:

1624 (i) [the surcharge fee shall be established by] the department shall determine the
1625 surcharge in accordance with Section 63J-1-504; and

1626 (ii) the surcharge fee shall not exceed 50% of the respective initial, renewal, or
1627 reinstatement licensure fee; and

1628 (b) administrative penalties collected [pursuant to] in accordance with this chapter.

1629 (3) The fund shall earn interest and all interest earned on fund money shall be deposited
1630 into the fund.

1631 (4) The director may, with concurrence of the board, make distributions from the fund for
1632 the following purposes:

1633 (a) education and training of licensees under this chapter;

1634 (b) education and training of the public or other interested persons in matters concerning
1635 engineering, structural engineering, and land surveying laws and practices; and

1636 (c) enforcement of this chapter by:

1637 (i) investigating unprofessional or unlawful conduct; and

1638 (ii) providing legal representation to the division when the division takes legal action
1639 against a person engaging in unprofessional or unlawful conduct.

1640 (5) If the balance in the fund exceeds [\$100,000] \$200,000 at the close of any fiscal year,
1641 the excess shall be transferred to the General Fund.

1642 (6) The division shall report annually to the appropriate appropriations subcommittee of the
1643 Legislature concerning the fund.

1644 Section 32. Section **58-24b-201** is amended to read:

1645 **58-24b-201 (Effective 07/01/26). Physical and Occupational Therapy Licensing
1646 Board -- Creation -- Membership -- Duties.**

1647 (1) There is created the ~~Physical Therapies Licensing Board~~ Physical and Occupational
1648 Therapy Licensing Board, consisting of:

1649 (a) three licensed physical therapists;

1650 (b) one physical therapist assistant;

1651 (c) two licensed occupational therapists;

1652 (d) one occupational therapy assistant; and

1653 (e) one member of the general public.

1654 (2) Members of the board shall be appointed and serve in accordance with Section 58-1-201.

1655 (3) The duties and responsibilities of the board are described in Subsection (4) and Sections
1656 58-1-201 through 58-1-203 with respect to this chapter or Chapter 42a, Occupational
1657 Therapy Practice Act.

1658 (4) The board shall designate a member of the board, on a permanent or rotating basis, to:

1659 (a) assist the division in reviewing complaints concerning the conduct of an individual
1660 licensed under this chapter or Chapter 42a, Occupational Therapy Practice Act; and

1661 (b) advise the division during the division's investigation of the complaints described in
1662 Subsection (4)(a).

1663 (5) A board member who has reviewed a complaint or been involved in an investigation
1664 under Subsection (4) is disqualified from participating in an adjudicative proceeding
1665 relating to the complaint or investigation.

1666 Section 33. Section **58-26a-302** is amended to read:

1667 **58-26a-302 (Effective 07/01/26). Qualifications for licensure and registration --**

1668 **Licensure by endorsement.**

1669 (1) Each applicant for licensure under this chapter as a certified public accountant shall:

1670 (a) submit an application in a form the division approves by rule;

1671 (b) pay a fee [determined by] the department [under] determines in accordance with
1672 Section 63J-1-504;

1673 (c) submit a certified transcript of credits from an accredited institution acceptable to the
1674 board showing:

1675 (i) successful completion of:

1676 (A) [a bachelor's degree, master's degree,] a bachelor's degree or a master's degree
1677 in accounting at a college or university approved by the board; or

1678 (B) [the equivalent with] at least a bachelor's degree with a concentration [of] in
1679 accounting and business as the division defines by rule the division makes in
1680 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, at
1681 a college or university [approved by] the board approves; and

1682 (ii) compliance with any other education requirements [established by rule by] the
1683 division makes by rule made in collaboration with the board in accordance with
1684 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1685 (d) submit evidence of accounting experience in a form the division approves by rule
1686 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1687 of at least:

1688 (i) one year of accounting experience for an individual with a master's degree[or the
1689 equivalent with a concentration of accounting and business]; or

1690 (ii) two years of accounting experience for an individual with a bachelor's degree[or
1691 the equivalent with a concentration of accounting and business];

1692 (e) submit evidence of having successfully completed the qualifying examinations in
1693 accordance with Section 58-26a-306; and

1694 (f) submit to an interview [by the board, if requested,] as the board may request for the
1695 purpose of examining the applicant's competence and qualifications for licensure.

1696 (2)(a) The division may issue a license under this chapter to an individual who holds a

1697 license as a certified public accountant issued by another state if the applicant for
1698 licensure by endorsement:

- 1699 (i) submits an application in a form the division approves by rule;
- 1700 (ii) pays a fee [determined by] the department [under] determines in accordance with
1701 Section 63J-1-504;
- 1702 (iii) submits to an interview [by the board, if requested,] as the board may request for
1703 the purpose of examining the applicant's competence and qualifications for
1704 licensure; and
- 1705 (iv)(A)(I) shows evidence of having passed the qualifying examinations; and
1706 (II)(Aa) meets the requirements for licensure that were applicable in this
1707 state at the time of the issuance of the applicant's license by the state
1708 from which the original licensure by satisfactorily passing the AICPA
1709 Uniform CPA Examination was issued; or
1710 (Bb) had four years of professional experience after passing the AICPA
1711 Uniform CPA Examination upon which the original license was based,
1712 within the 10 years immediately preceding the application for licensure
1713 by endorsement; or

1714 (B) shows evidence that the applicant's education, examination record, and
1715 experience are substantially equivalent to the requirements of Subsection (1),
1716 as [provided by rule] the division requires by rule made in accordance with
1717 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1718 (b) This Subsection (2) applies only to an individual seeking to obtain a license issued
1719 by this state and does not apply to an individual practicing as a certified public
1720 accountant in the state under Subsection 58-26a-305(1).

1721 (3)(a) Each applicant for registration as a [Certified Public Accountant] certified public
1722 accountant firm shall:

- 1723 (i) submit an application in a form the division approves by rule;
- 1724 (ii) pay a fee [determined by] the department [under] determines in accordance with
1725 Section 63J-1-504;
- 1726 (iii) have, notwithstanding any other provision of law, a simple majority of the
1727 ownership of the [Certified Public Accountant] certified public accountant firm, in
1728 terms of financial interests and voting rights of all partners, officers, shareholders,
1729 members, or managers, held by individuals who are certified public accountants,
1730 licensed under this chapter or another state of the United States of America, and

1731 the partners, officers, shareholders, members, or managers, whose principal place
1732 of business is in this state, and who perform professional services in this state hold
1733 a valid license issued under Subsection 58-26a-301(2) or the corresponding
1734 provisions of prior law; and

1735 (iv) meet any other requirements [established by rule by] the division makes in
1736 collaboration with the board, and in accordance with Title 63G, Chapter 3, Utah
1737 Administrative Rulemaking Act.

1738 (b) Each separate location of a qualified business entity within the state seeking
1739 registration as a [Certified Public Accountant] certified public accountant firm shall
1740 register separately.

1741 (c) A [Certified Public Accountant] certified public accountant firm may include owners
1742 who are not licensed under this chapter as outlined in Subsection (3)(a)(iii), provided
1743 that:

1744 (i) the firm designates a licensee of this state who is responsible for the proper
1745 registration of the [Certified Public Accountant] certified public accountant firm
1746 and identifies that individual to the division; and
1747 (ii) all nonlicensed owners are active individual participants in the [CPA] certified
1748 public accounting firm.

1749 Section 34. Section **58-31b-702** is amended to read:

1750 **58-31b-702 (Effective 07/01/26). Reporting of disciplinary action -- Immunity
1751 from liability.**

1752 (1) A licensed health care facility or organization or a professional society of nurses in the
1753 state that takes disciplinary action against [a person] an individual licensed under this
1754 chapter relating to any of the following, shall report the action in writing to the division
1755 within 30 days after the action is taken:

1756 (a) that [person's] individual's professional acts or omissions as a licensed nurse;
1757 (b) that [person's] individual's nursing competence or ability to practice nursing safely; or
1758 (c) that [person's] individual's use of alcohol or drugs in an unlawful manner or to the
1759 extent the [person] individual is impaired in [his] the ability to practice nursing safely.

1760 (2) Any person or organization furnishing information in accordance with this section is
1761 immune from liability to the extent that the information is furnished in good faith and
1762 without malice.

1763 Section 35. Section **58-37-2** is amended to read:

1764 **58-37-2 (Effective 07/01/26). Definitions.**

1765 (1) As used in this chapter:

1766 (a) "Administer" means the direct application of a controlled substance, whether by
1767 injection, inhalation, ingestion, or any other means, to the body of a patient or
1768 research subject by:
1769 (i) a practitioner or, in the practitioner's presence, by the practitioner's authorized
1770 agent; or
1771 (ii) the patient or research subject at the direction and in the presence of the
1772 practitioner.
1773 (b) "Agent" means an authorized [person who] person that acts on behalf of or at the
1774 direction of a manufacturer, distributor, or practitioner but does not include a motor
1775 carrier, public warehouseman, or employee of any of them.
1776 (c) "Consumption" means ingesting or having any measurable amount of a controlled
1777 substance in a person's body, but this Subsection (1)(c) does not include the
1778 metabolite of a controlled substance.
1779 (d) "Continuing criminal enterprise" means any individual, sole proprietorship,
1780 partnership, corporation, business trust, association, or other legal entity, and any
1781 union or groups of individuals associated in fact although not a legal entity, and
1782 includes illicit as well as licit entities created or maintained for the purpose of
1783 engaging in conduct which constitutes the commission of episodes of activity made
1784 unlawful by this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b,
1785 Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance
1786 Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, which episodes are not
1787 isolated, but have the same or similar purposes, results, participants, victims, methods
1788 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
1789 together, the episodes shall demonstrate continuing unlawful conduct and be related
1790 either to each other or to the enterprise.
1791 (e) "Control" means to add, remove, or change the placement of a drug, substance, or
1792 immediate precursor under Section 58-37-3.
1793 (f)(i) "Controlled substance" means a drug or substance:
1794 (A) included in Schedules I, II, III, IV, or V of Section 58-37-4;
1795 (B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances
1796 Act, Title II, P.L. 91-513;
1797 (C) that is a controlled substance analog; or
1798 (D) listed in Section 58-37-4.2.

1799 (ii) "Controlled substance" does not include:

1800 (A) distilled spirits, wine, or malt beverages, as those terms are defined in Title

1801 32B, Alcoholic Beverage Control Act;

1802 (B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,

1803 or prevention of disease in human or other animals, which contains ephedrine,

1804 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is

1805 lawfully purchased, sold, transferred, or furnished as an over-the-counter

1806 medication without prescription; or

1807 (C) dietary supplements, vitamins, minerals, herbs, or other similar substances

1808 including concentrates or extracts, which:

1809 (I) are not otherwise regulated by law; and

1810 (II) may contain naturally occurring amounts of chemical or substances listed

1811 in this chapter, or in rules adopted ~~[pursuant to]~~ in accordance with Title

1812 63G, Chapter 3, Utah Administrative Rulemaking Act.

1813 (g)(i) "Controlled substance analog" means:

1814 (A) a substance the chemical structure of which is substantially similar to the

1815 chemical structure of a controlled substance listed in Schedules I and II of

1816 Section 58-37-4, a substance listed in Section 58-37-4.2, or in Schedules I and

1817 II of the federal Controlled Substances Act, Title II, P.L. 91-513;

1818 (B) a substance that has a stimulant, depressant, or hallucinogenic effect on the

1819 central nervous system substantially similar to the stimulant, depressant, or

1820 hallucinogenic effect on the central nervous system of controlled substances

1821 listed in Schedules I and II of Section 58-37-4, substances listed in Section

1822 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled

1823 Substances Act, Title II, P.L. 91-513; or

1824 (C) A substance that, with respect to a particular individual, is represented or

1825 intended to have a stimulant, depressant, or hallucinogenic effect on the central

1826 nervous system substantially similar to the stimulant, depressant, or

1827 hallucinogenic effect on the central nervous system of controlled substances

1828 listed in Schedules I and II of Section 58-37-4, substances listed in Section

1829 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled

1830 Substances Act, Title II, P.L. 91-513.

1831 (ii) "Controlled substance analog" does not include:

1832 (A) a controlled substance currently scheduled in Schedules I through V of

Section 58-37-4;

- (B) a substance for which there is an approved new drug application;
- (C) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the Food, Drug, and Cosmetic Act, 21 U.S.C. 355, to the extent the conduct with respect to the substance is permitted by the exemption;
- (D) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance;
- (E) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease in [man] humans or other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold, transferred, or furnished as an over-the-counter medication without prescription; or
- (F) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which are not otherwise regulated by law, which may contain naturally occurring amounts of chemical or substances listed in this chapter, or in rules adopted [pursuant to] in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(h)(i) "Conviction" means a determination of guilt by verdict, whether jury or bench, or plea, whether guilty or no contest, for any offense proscribed by:

- (A) this chapter;
- (B) Chapter 37a, Utah Drug Paraphernalia Act;
- (C) Chapter 37b, Imitation Controlled Substances Act;
- (D) Chapter 37c, Utah Controlled Substance Precursor Act; or
- (E) Chapter 37d, Clandestine Drug Lab Act; or

(ii) for any offense under the laws of the United States and any other state which, if committed in this state, would be an offense under:

- (A) this chapter;
- (B) Chapter 37a, Utah Drug Paraphernalia Act;
- (C) Chapter 37b, Imitation Controlled Substances Act;
- (D) Chapter 37c, Utah Controlled Substance Precursor Act; or
- (E) Chapter 37d, Clandestine Drug Lab Act.

(i) "Counterfeit substance" means:

(i) any controlled substance or container or labeling of any controlled substance that:

1867 (A) without authorization bears the trademark, trade name, or other identifying
1868 mark, imprint, number, device, or any likeness of them, of a manufacturer,
1869 distributor, or dispenser other than the person [or persons who] that in fact
1870 manufactured, distributed, or dispensed the substance which falsely purports to
1871 be a controlled substance distributed by any other manufacturer, distributor, or
1872 dispenser; and

1873 (B) a reasonable person would believe to be a controlled substance distributed by
1874 an authorized manufacturer, distributor, or dispenser based on the appearance
1875 of the substance as described under Subsection (1)(i)(i)(A) or the appearance of
1876 the container of that controlled substance; or

1877 (ii) any substance other than under Subsection (1)(i)(i) that:

1878 (A) is falsely represented to be any legally or illegally manufactured controlled
1879 substance; and

1880 (B) a reasonable person would believe to be a legal or illegal controlled substance.

1881 (j) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a
1882 controlled substance or a listed chemical, whether or not an agency relationship exists.

1883 (k) "Department" means the Department of Commerce.

1884 (l) "Depressant or stimulant substance" means:

1885 (i) a drug which contains any quantity of barbituric acid or any of the salts of
1886 barbituric acid;

1887 (ii) a drug which contains any quantity of:

1888 (A) amphetamine or any of its optical isomers;

1889 (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or

1890 (C) any substance which the Secretary of Health and Human Services or the
1891 Attorney General of the United States after investigation has found and by
1892 regulation designated habit-forming because of its stimulant effect on the
1893 central nervous system;

1894 (iii) lysergic acid diethylamide; or

1895 (iv) any drug which contains any quantity of a substance which the Secretary of
1896 Health and Human Services or the Attorney General of the United States after
1897 investigation has found to have, and by regulation designated as having, a
1898 potential for abuse because of its depressant or stimulant effect on the central
1899 nervous system or its hallucinogenic effect.

1900 (m) "Dispense" means the delivery of a controlled substance by a pharmacist to an

1901 ultimate user [pursuant to] in accordance with the lawful order or prescription of a
1902 practitioner, and includes distributing to, leaving with, giving away, or disposing of
1903 that substance as well as the packaging, labeling, or compounding necessary to
1904 prepare the substance for delivery.

1905 (n) "Dispenser" means a pharmacist who dispenses a controlled substance.
1906 (o) "Distribute" means to deliver other than by administering or dispensing a controlled
1907 substance or a listed chemical.
1908 (p) "Distributor" means a [person who] person that distributes controlled substances.
1909 (q) "Division" means the Division of Professional Licensing created in Section 58-1-103.
1910 (r)(i) "Drug" means:

1911 (A) a substance recognized in the official United States Pharmacopoeia, Official
1912 Homeopathic Pharmacopoeia of the United States, or Official National
1913 Formulary, or any supplement to any of them, intended for use in the
1914 diagnosis, cure, mitigation, treatment, or prevention of disease in humans or
1915 animals;
1916 (B) a substance that is required by any applicable federal or state law or rule to be
1917 dispensed by prescription only or is restricted to administration by practitioners
1918 only;
1919 (C) a substance other than food intended to affect the structure or any function of
1920 the body of humans or other animals; and
1921 (D) substances intended for use as a component of any substance specified in
1922 Subsections (1)(r)(i)(A), (B), and (C).

1923 (ii) "Drug" does not include dietary supplements.
1924 (iii) "Drug" includes a food intended for human consumption that intentionally
1925 contains a vaccine or vaccine material as provided in Section 4-5-107.

1926 (s) "Drug dependent person" means any individual who unlawfully and habitually uses
1927 any controlled substance to endanger the public morals, health, safety, or welfare, or
1928 who is so dependent upon the use of controlled substances as to have lost the power
1929 of self-control with reference to the individual's dependency.

1930 (t)(i) "Food" means:
1931 (A) any nutrient or substance of plant, mineral, or animal origin other than a drug
1932 as specified in this chapter, and normally ingested by human beings; and
1933 (B) foods for special dietary uses as exist by reason of a physical, physiological,
1934 pathological, or other condition including the conditions of disease,

convalescence, pregnancy, lactation, allergy, hypersensitivity to food, underweight, and overweight; uses for supplying a particular dietary need which exist by reason of age including the ages of infancy and childbirth, and also uses for supplementing and for fortifying the ordinary or unusual diet with any vitamin, mineral, or other dietary property for use of a food.

(ii) Any particular use of a food is a special dietary use regardless of the nutritional purposes.

(u) "Immediate precursor" means a substance which the Attorney General of the United States has found to be, and by regulation designated as being, the principal compound used or produced primarily for use in the manufacture of a controlled substance, or which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(v) "Indian" means a member of an Indian tribe.

(w) "Indian religion" means a religion:

(i) the origin and interpretation of which is from within a traditional Indian culture or community; and

(ii) that is practiced by Indians

- (x) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Alaska Native village, which is legally recognized as eligible for and is consistent with the special programs, services, and entitlements provided by the United States to Indians because of their status as Indians.

(y) "Manufacture" means the production, preparation, propagation, compounding, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis.

(z) "Manufacturer" includes any [person who] person that packages, repackages, or labels any container of any controlled substance, except pharmacists who dispense or compound prescription orders for delivery to the ultimate consumer.

(aa)(i) "Marijuana" means all species of the genus cannabis and all parts of the genus, whether growing or not, including:

(A) seeds;

(B) resin extracted from any part of the plant, including the resin extracted from

the mature stalks;

- (C) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, seeds, or resin;
- (D) any synthetic equivalents of the substances contained in the plant cannabis sativa or any other species of the genus cannabis which are chemically indistinguishable and pharmacologically active; and
- (E) any component part or cannabinoid extracted or isolated from the plant, including extracted or isolated tetrahydrocannabinols.

(ii) "Marijuana" does not include:

- (A) the mature stalks of the plant;
- (B) fiber produced from the stalks;
- (C) oil or cake made from the seeds of the plant;
- (D) except as provided in Subsection (1)(aa)(i), any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil or cake;
- (E) the sterilized seed of the plant which is incapable of germination;
- (F) any compound, mixture, or preparation approved by the federal Food and Drug Administration under the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq. that is not listed in a schedule of controlled substances in Section 58-37-4 or in the federal Controlled Substances Act, Title II, P.L. 91-513; or
- (G) transportable industrial hemp concentrate as that term is defined in Section 4-41-102.

(bb) "Money" means officially issued coin and currency of the United States or any foreign country.

(cc) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(i) opium, coca leaves, and opiates;

(ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(iii) opium poppy and poppy straw; or

(iv) a substance, and any compound, manufacture, salt, derivative, or preparation of the substance, which is chemically identical with any of the substances referred to

in Subsection (1)(cc)(i), (ii), or (iii), except narcotic drug does not include decocainized coca leaves or extracts of coca leaves which do not contain cocaine or ecgonine.

(dd) "Negotiable instrument" means documents, containing an unconditional promise to pay a sum of money, which are legally transferable to another party by endorsement or delivery.

(ee) "Opiate" means any drug or other substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability.

(ff) "Opium poppy" means the plant of the species *papaver somniferum* L., except the seeds of the plant.

(gg) "Person" means any corporation, association, partnership, trust, other institution or entity or one or more individuals.

(hh) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ii) "Possession" or "use" means the joint or individual ownership, control, occupancy,

holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption, as distinguished from distribution, of controlled substances and includes individual, joint, or group possession or use of controlled substances. For a person to be a possessor or user of a controlled substance, it is not required that the person be shown to have individually possessed, used, or controlled the substance, but it is sufficient if it is shown that the person jointly participated with one or more persons in the use, possession, or control of any substances with knowledge that the activity was occurring, or the controlled substance is found in a place or under circumstances indicating that the person had the ability and the intent to exercise dominion and control over the controlled substance.

(jj) "Practitioner" means a physician, dentist, naturopathic physician, veterinarian, pharmacist, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in this state.

(kk) "Prescribe" means to issue a prescription:

(i) orally or in writing; or

(ii) by telephone, facsimile transmission, computer, or other electronic means of communication as defined by division rule.

2037 (ll) "Prescription" means an order issued:

2038 (i) by a licensed practitioner, in the course of that practitioner's professional practice
2039 or by collaborative pharmacy practice agreement; and

2040 (ii) for a controlled substance or other prescription drug or device for use by a patient
2041 or an animal.

2042 (mm) "Production" means the manufacture, planting, cultivation, growing, or harvesting
2043 of a controlled substance.

2044 (nn) "Securities" means any stocks, bonds, notes, or other evidences of debt or of
2045 property.

2046 (oo) "State" means the state of Utah.

2047 (pp) "Ultimate user" means ~~[any person who]~~ a person that lawfully possesses a
2048 controlled substance for the person's own use, for the use of a member of the person's
2049 household, or for administration to an animal owned by the person or a member of
2050 the person's household.

2051 (2) If a term used in this chapter is not defined, the definition and terms of Title 76, Utah
2052 Criminal Code, shall apply.

2053 Section 36. Section **58-37-10** is amended to read:

2054 **58-37-10 (Effective 07/01/26). Search warrants -- Administrative inspection
2055 warrants -- Inspections and seizures of property without warrant.**

2056 (1) Search warrants relating to offenses involving controlled substances may be authorized [
2057 ~~pursuant~~] in accordance with to the Utah Rules of Criminal Procedure.

2058 (2) Issuance and execution of administrative inspection warrants shall be as follows:

2059 (a)(i) ~~[Any]~~ any judge or magistrate of this state ~~[within his]~~ with jurisdiction upon
2060 proper oath or affirmation showing probable cause, may issue ~~[warrants]~~ a warrant
2061 for the purpose of conducting an ~~administrative~~ [inspections] inspection authorized
2062 by this act or regulations thereunder and seizures of property appropriate to such [
2063 ~~inspections-~~] an inspection; and

2064 (ii) [Probable-] probable cause for purposes of this act exists upon showing a valid
2065 public interest in the effective enforcement of the act or rules promulgated
2066 thereunder sufficient to justify administrative inspection of the area, premises,
2067 building, or conveyance in the circumstances specified in the application for the
2068 warrant[-] ;

2069 (b)(i) ~~[A-]~~ a warrant shall issue only upon an affidavit of an officer or employee duly
2070 designated and having knowledge of the facts alleged sworn to before a judge or

2071 magistrate which establish the grounds for issuing the warrant[.] ;
2072 (ii) [If] if the judge or magistrate is satisfied that grounds for the application exist or
2073 that there is probable cause to believe [they] that grounds for the application exist, [
2074 he] the judge or magistrate shall issue a warrant identifying the area, premises,
2075 building, or conveyance to be inspected, the purpose of the inspection, and if
2076 appropriate, the type of property to be inspected[, if any.] ; and
2077 (iii) [The-] the warrant shall:
2078 [(i) (A) state the grounds for [its] the warrant's issuance and the name of each [
2079 person] individual whose affidavit has been taken to support [it] the warrant;
2080 [(ii) (B) be directed to a person authorized by Section 58-37-9 of this act to
2081 execute [it] the warrant;
2082 [(iii) (C) command the person to whom [it] the warrant is directed to inspect the
2083 area, premises, building, or conveyance identified for the purpose specified and
2084 if appropriate, direct the seizure of the property [specified] the warrant specifies;
2085 [(iv) (D) identify the item or types of property to be seized, if any; and
2086 [(v) (E) direct that [it] the warrant be served during normal business hours and
2087 designate the judge or magistrate to whom [it] the warrant shall be returned[.] ;
2088 (c)(i) [A] a warrant issued [pursuant to] in accordance with this section [must] shall
2089 be executed and returned within 10 days after [its] the warrant's date unless, upon a
2090 showing of a need for additional time, the court instructs otherwise in the warrant[.] ;
2091 (ii) [If] if property is seized [pursuant to] in accordance with a warrant, the person
2092 executing the warrant shall give to the person from whom or from whose premises
2093 the property was taken a copy of the warrant and a receipt for the property taken
2094 or leave the copy of the warrant and a receipt for the property taken at the place [
2095 where] from which the property was taken[.] ;
2096 (iii) [Return] return of the warrant shall be made promptly and be accompanied by a
2097 written inventory of any property taken[.] ;
2098 (iv) [The] the inventory shall be made in the presence of the [person] individual
2099 executing the warrant and of the [person] individual from whose possession or
2100 premises the property was taken, if [they are] that individual is present, or in the
2101 presence of at least one credible [person] individual other than the [person]
2102 executing the warrant[.] ; and
2103 (v) [A] a copy of the inventory shall be delivered to the [person] individual from
2104 whom or from whose premises the property was taken and to the applicant for the

2105 warrant[.] :

2106 (d) [The] the judge or magistrate who [issued] issues the warrant under this section shall
2107 attach a copy of the return and all other papers to the warrant and file [them] the
2108 papers and warrant with the court.

2109 (3) The department is authorized to make administrative inspections of controlled premises
2110 in accordance with the following provisions:

2111 (a) For purposes of this section only, "controlled premises" means:

2112 (i) [Places] places where persons licensed or exempted from licensing requirements
2113 under this act are required to keep records.

2114 (ii) [Places] places including factories, warehouses, establishments, and conveyances
2115 where persons licensed or exempted from licensing requirements are permitted to
2116 possess, manufacture, compound, process, sell, deliver, or otherwise dispose of
2117 any controlled substance.

2118 (b) When authorized by an administrative inspection warrant a law enforcement officer
2119 or employee designated in Section 58-37-9, upon presenting the warrant and
2120 appropriate credentials to the owner, operator, or agent in charge, has the right to
2121 enter controlled premises for the purpose of conducting an administrative inspection.

2122 (c) When authorized by an administrative inspection warrant, a law enforcement officer
2123 or employee designated in Section 58-37-9 has the right:

2124 (i) [To] to inspect and copy records required by this chapter.

2125 (ii) [To] to inspect within reasonable limits and a reasonable manner, the controlled
2126 premises and all pertinent equipment, finished and unfinished material, containers,
2127 and labeling found, and except as provided in Subsection (3)(e), all other things
2128 including records, files, papers, processes, controls, and facilities subject to
2129 regulation and control by this chapter or by rules promulgated by the department.

2130 (iii) [To] to inventory and take stock of any controlled substance and obtain samples
2131 of any substance.

2132 (d) This section shall not be construed to prevent the inspection of books and records
2133 without a warrant [pursuant to] in accordance with an administrative subpoena issued
2134 by a court or the department nor shall [it] this section be construed to prevent entries
2135 and administrative inspections including seizures of property without a warrant:

2136 (i) with the consent of the owner, operator, or agent in charge of the controlled
2137 premises;

2138 (ii) in situations presenting imminent danger to health or safety;

2139 (iii) in situations involving inspection of conveyances where there is reasonable cause
2140 to believe that the mobility of the conveyance makes [it] obtaining a warrant
2141 impracticable[to obtain a warrant];
2142 (iv) in any other exceptional or emergency circumstance where time or opportunity to
2143 apply for a warrant is lacking; and
2144 (v) in all other situations where a warrant is not constitutionally required.

2145 (e) No inspection authorized by this section shall extend to financial data, sales data,
2146 other than shipment data, or pricing data unless the owner, operator, or agent in
2147 charge of the controlled premises consents in writing.

2148 Section 37. Section **58-37c-8** is amended to read:

58-37c-8 (Effective 07/01/26). License -- Exceptions from licensure or regulation.

2150 (1) A person engaged in a regulated transaction under this chapter shall hold a controlled
2151 substance precursor license issued under Section 58-37c-7, unless excepted from
2152 licensure under this chapter.

2153 (2) The division shall:

2154 (a) establish the form of application for a license, the requirements for licensure, and
2155 fees for initial licensure and renewal; and
2156 (b) identify required information to be contained in the application as a condition of
2157 licensure.

2158 (3) A practitioner who holds a Utah Controlled Substance License and a Controlled
2159 Substance Registration issued by the Drug Enforcement Administration of the [U.S.]
2160 United States [Government] government is excepted from licensure under this chapter.

2161 (4) The purchase, sale, transfer, furnishing, or receipt of a drug intended for lawful use in
2162 the diagnosis, cure, mitigation, treatment, or prevention of disease in [man] humans or
2163 other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or
2164 phenylpropanolamine, if the drug is lawfully purchased, sold, transferred, or furnished
2165 as an over-the-counter medication without prescription [pursuant to] in accordance with
2166 the federal Food, Drug and Cosmetic Act, 21 USC, Sec. 301 et seq., or regulations
2167 adopted under that act, are excepted from licensure, reporting, and recordkeeping under
2168 this chapter, except that products containing ephedrine, pseudoephedrine, or
2169 phenylpropanolamine are subject to Section 58-37c-20.5.

2170 (5) The purchase, sale, transfer, receipt, or manufacture of dietary supplements, vitamins,
2171 minerals, herbs, or other similar substances, including concentrates or extracts, which
2172 are not otherwise prohibited by law, and which may contain naturally occurring amounts

2173 of chemicals or substances listed in this chapter, or in rules adopted [pursuant to] in
2174 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, are exempt
2175 from licensure under this chapter.

2176 (6) A purchaser of two ounces or less of crystal iodine in a single transaction is not required
2177 to be licensed as a regulated purchaser if the transaction complies with Section 58-37c-18.
2178 (7) The purchase, sale, transfer, receipt, or manufacture of a product that contains a
2179 precursor chemical listed in Subsection 58-37c-3(1)(ff) or (gg) and that is not intended
2180 for human consumption is exempt from licensure or regulation and is not subject to
2181 criminal penalties under this chapter.

2182 Section 38. Section **58-37c-17** is amended to read:

2183 **58-37c-17 (Effective 07/01/26). Inspection authority.**

2184 For the purpose of inspecting, copying, and auditing records and reports required under
2185 this chapter and rules adopted pursuant thereto, and for the purpose of inspecting and auditing
2186 inventories of listed controlled substance precursors, the director, or [his] the director's
2187 authorized agent, and law enforcement personnel of any federal, state, or local law
2188 enforcement agency is authorized to enter the premises of regulated distributors and regulated
2189 purchasers during normal business hours to conduct administrative inspections.

2190 Section 39. Section **58-37f-301** is amended to read:

2191 **58-37f-301 (Effective 07/01/26). Access to database.**

2192 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2193 Administrative Rulemaking Act, to:
2194 (a) effectively enforce the limitations on access to the database as described in this part;
2195 and
2196 (b) establish standards and procedures to ensure accurate identification of individuals
2197 requesting information or receiving information without request from the database.
2198 (2) The division shall make information in the database and information obtained from
2199 other state or federal prescription monitoring programs by means of the database
2200 available only to the following individuals, in accordance with the requirements of this
2201 chapter and division rules:
2202 (a)(i) personnel of the division specifically assigned to conduct investigations related
2203 to controlled substance laws under the jurisdiction of the division; and
2204 (ii) the following law enforcement officers, but the division may only provide
2205 nonidentifying information, limited to gender, year of birth, and postal ZIP code,
2206 regarding individuals for whom a controlled substance has been prescribed or to

2207 whom a controlled substance has been dispensed:

2208 (A) a law enforcement agency officer who is engaged in a joint investigation with

2209 the division; and

2210 (B) a law enforcement agency officer to whom the division has referred a

2211 suspected criminal violation of controlled substance laws;

2212 (b) authorized division personnel engaged in analysis of controlled substance

2213 prescription information as a part of the assigned duties and responsibilities of their

2214 employment;

2215 (c) a board member if:

2216 (i) the board member is assigned to monitor a licensee on probation; and

2217 (ii) the board member is limited to obtaining information from the database regarding

2218 the specific licensee on probation;

2219 (d) a person the division authorizes to obtain that information on behalf of the Utah

2220 Professionals Health Program established in Subsection 58-4a-103(1) if:

2221 (i) the person the division authorizes is limited to obtaining information from the

2222 database regarding the [person whose] individual whose conduct is the subject of

2223 the division's consideration; and

2224 (ii) the conduct that is the subject of the division's consideration includes a violation

2225 or a potential violation of Chapter 37, Utah Controlled Substances Act, or another

2226 relevant violation or potential violation under this title;

2227 (e) in accordance with a written agreement entered into with the department, employees

2228 of the Department of Health and Human Services:

2229 (i) whom the director of the Department of Health and Human Services assigns to

2230 conduct scientific studies regarding the use or abuse of controlled substances, if

2231 the identity of the individuals and pharmacies in the database are confidential and

2232 are not disclosed in any manner to any individual who is not directly involved in

2233 the scientific studies;

2234 (ii) when the information is requested by the Department of Health and Human

2235 Services in relation to a person or provider whom the Department of Health and

2236 Human Services suspects may be improperly obtaining or providing a controlled

2237 substance; or

2238 (iii) in the medical examiner's office;

2239 (f) in accordance with a written agreement entered into with the department, a designee

2240 of the director of the Department of Health and Human Services, who is not an

2241 employee of the Department of Health and Human Services, whom the director of the
2242 Department of Health and Human Services assigns to conduct scientific studies
2243 regarding the use or abuse of controlled substances [pursuant to] in accordance with
2244 an application process established in rule by the Department of Health and Human
2245 Services, if:

2246 (i) the designee provides explicit information to the Department of Health and
2247 Human Services regarding the purpose of the scientific studies;

2248 (ii) the scientific studies to be conducted by the designee:
2249 (A) fit within the responsibilities of the Department of Health and Human
2250 Services for health and welfare;
2251 (B) are reviewed and approved by an Institutional Review Board that is approved
2252 for human subject research by the United States Department of Health and
2253 Human Services;
2254 (C) are not conducted for profit or commercial gain; and
2255 (D) are conducted in a research facility, as defined by division rule, that is
2256 associated with a university or college accredited by one or more regional or
2257 national accrediting agencies recognized by the United States Department of
2258 Education;

2259 (iii) the designee protects the information as a business associate of the Department
2260 of Health and Human Services; and
2261 (iv) the identity of the prescribers, patients, and pharmacies in the database are
2262 de-identified, confidential, and not disclosed in any manner to the designee or to
2263 any individual who is not directly involved in the scientific studies;

2264 (g) in accordance with a written agreement entered into with the department and the
2265 Department of Health and Human Services, authorized employees of a managed care
2266 organization, as defined in 42 C.F.R. Sec. 438, if:
2267 (i) the managed care organization contracts with the Department of Health and
2268 Human Services under the provisions of Section 26B-3-202 and the contract
2269 includes provisions that:
2270 (A) require a managed care organization employee who will have access to
2271 information from the database to submit to a criminal background check; and
2272 (B) limit the authorized employee of the managed care organization to requesting
2273 either the division or the Department of Health and Human Services to conduct
2274 a search of the database regarding a specific Medicaid enrollee and to report

2275 the results of the search to the authorized employee; and

2276 (ii) the information is requested by an authorized employee of the managed care
2277 organization in relation to [a person who] an individual who is enrolled in the
2278 Medicaid program with the managed care organization, and the managed care
2279 organization suspects the [person] individual may be improperly obtaining or
2280 providing a controlled substance;

2281 (h) a licensed practitioner having authority to prescribe controlled substances, to the
2282 extent the information:

2283 (i)(A) relates specifically to a current or prospective patient of the practitioner; and
2284 (B) is provided to or sought by the practitioner for the purpose of:

2285 (I) prescribing or considering prescribing any controlled substance to the
2286 current or prospective patient;

2287 (II) diagnosing the current or prospective patient;

2288 (III) providing medical treatment or medical advice to the current or
2289 prospective patient; or

2290 (IV) determining whether the current or prospective patient:

2291 (Aa) is attempting to fraudulently obtain a controlled substance from the
2292 practitioner; or

2293 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a
2294 controlled substance from the practitioner;

2295 (ii)(A) relates specifically to a former patient of the practitioner; and

2296 (B) is provided to or sought by the practitioner for the purpose of determining
2297 whether the former patient has fraudulently obtained, or has attempted to
2298 fraudulently obtain, a controlled substance from the practitioner;

2299 (iii) relates specifically to an individual who has access to the practitioner's Drug
2300 Enforcement Administration identification number, and the practitioner suspects
2301 that the individual may have used the practitioner's Drug Enforcement
2302 Administration identification number to fraudulently acquire or prescribe a
2303 controlled substance;

2304 (iv) relates to the practitioner's own prescribing practices, except when specifically
2305 prohibited by the division by administrative rule;

2306 (v) relates to the use of the controlled substance database by an employee of the
2307 practitioner, described in Subsection (2)(i); or

2308 (vi) relates to any use of the practitioner's Drug Enforcement Administration

identification number to obtain, attempt to obtain, prescribe, or attempt to prescribe, a controlled substance;

- (i) in accordance with Subsection (3)(a), an employee of a practitioner described in Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:
 - (i) the employee is designated by the practitioner as an individual authorized to access the information on behalf of the practitioner;
 - (ii) the practitioner provides written notice to the division of the identity of the employee; and
 - (iii) the division~~[:] grants the employee access to the database;~~
 - ~~[(A) grants the employee access to the database; and]~~
 - ~~[(B) provides the employee with a password that is unique to that employee to access the database in order to permit the division to comply with the requirements of Subsection 58-37f-203(7) with respect to the employee;]~~
- (j) an employee of the same business that employs a licensed practitioner under Subsection (2)(h) if:
 - (i) the employee is designated by the practitioner as an individual authorized to access the information on behalf of the practitioner;
 - (ii) the practitioner and the employing business provide written notice to the division of the identity of the designated employee; and
 - (iii) the division:
 - (A) grants the employee access to the database; and
 - (B) provides the employee with a password that is unique to that employee to access the database in order to permit the division to comply with the requirements of Subsection 58-37f-203(7) with respect to the employee;
- (k) a licensed pharmacist having authority to dispense a controlled substance, or a licensed pharmacy intern or pharmacy technician working under the general supervision of a licensed pharmacist, to the extent the information is provided or sought for the purpose of:
 - (i) dispensing or considering dispensing any controlled substance;
 - (ii) determining whether a person:
 - (A) is attempting to fraudulently obtain a controlled substance from the pharmacy, practitioner, or health care facility; or
 - (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled substance from the pharmacy, practitioner, or health care facility;

2343 (iii) reporting to the controlled substance database; or
2344 (iv) verifying the accuracy of the data submitted to the controlled substance database
2345 on behalf of a pharmacy where the licensed pharmacist, pharmacy intern, or
2346 pharmacy technician is employed;

2347 (l) [pursuant to] in accordance with a valid search warrant, federal, state, and local law
2348 enforcement officers and state and local prosecutors who are engaged in an
2349 investigation related to:
2350 (i) one or more controlled substances; and
2351 (ii) a specific [person who] person that is a subject of the investigation;

2352 (m) subject to Subsection (7), a probation or parole officer, employed by the Division of
2353 Adult Probation and Parole created in Section 64-14-202 or by a political
2354 subdivision, to gain access to database information necessary for the officer's
2355 supervision of a specific probationer or parolee who is under the officer's direct
2356 supervision;

2357 (n) employees of the Office of Internal Audit within the Department of Health and
2358 Human Services who are engaged in their specified duty of ensuring Medicaid
2359 program integrity under Section 26B-3-104;

2360 (o) a mental health therapist, if:
2361 (i) the information relates to a patient who is:
2362 (A) enrolled in a licensed substance abuse treatment program; and
2363 (B) receiving treatment from, or under the direction of, the mental health therapist
2364 as part of the patient's participation in the licensed substance abuse treatment
2365 program described in Subsection (2)(o)(i)(A);
2366 (ii) the information is sought for the purpose of determining whether the patient is
2367 using a controlled substance while the patient is enrolled in the licensed substance
2368 abuse treatment program described in Subsection (2)(o)(i)(A); and
2369 (iii) the licensed substance abuse treatment program described in Subsection
2370 (2)(o)(i)(A) is associated with a practitioner who:
2371 (A) is a physician, a physician assistant, an advance practice registered nurse, or a
2372 pharmacist; and
2373 (B) is available to consult with the mental health therapist regarding the
2374 information obtained by the mental health therapist, under this Subsection
2375 (2)(o), from the database;

2376 (p) an individual who is the recipient of a controlled substance prescription entered into

2377 the database, upon providing evidence satisfactory to the division that the individual
2378 requesting the information is in fact the individual about whom the data entry was
2379 made;

2380 (q) an individual under Subsection (2)(p) for the purpose of obtaining a list of the
2381 persons and entities that have requested or received any information from the
2382 database regarding the individual, except if the individual's record is subject to a
2383 pending or current investigation as authorized under this Subsection (2);
2384 (r) the inspector general, or a designee of the inspector general, of the Office of
2385 Inspector General of Medicaid Services, for the purpose of fulfilling the duties
2386 described in Title 63A, Chapter 13, Part 2, Office and Powers;
2387 (s) the following licensed physicians for the purpose of reviewing and offering an
2388 opinion on an individual's request for workers' compensation benefits under Title
2389 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah
2390 Occupational Disease Act:
2391 (i) a member of the medical panel described in Section 34A-2-601;
2392 (ii) a physician employed as medical director for a licensed workers' compensation
2393 insurer or an approved self-insured employer; or
2394 (iii) a physician offering a second opinion regarding treatment;
2395 (t) members of Utah's Opioid Fatality Review Committee, for the purpose of reviewing a
2396 specific fatality due to opioid use and recommending policies to reduce the frequency
2397 of opioid use fatalities;
2398 (u) a licensed pharmacist who is authorized by a managed care organization as defined
2399 in Section 31A-1-301 to access the information on behalf of the managed care
2400 organization, if:
2401 (i) the managed care organization believes that an enrollee of the managed care
2402 organization has obtained or provided a controlled substance in violation of a
2403 medication management program contract between the enrollee and the managed
2404 care organization; and
2405 (ii) the managed care organization included a description of the medication
2406 management program in the enrollee's outline of coverage described in Subsection
2407 31A-22-605(7); and
2408 (v) the Utah Medicaid Fraud Control Unit of the attorney general's office for the purpose
2409 of investigating active cases, in exercising the unit's authority to investigate and
2410 prosecute Medicaid fraud, abuse, neglect, or exploitation under 42 U.S.C. Sec.

2411 1396b(q).

2412 (3)(a) A practitioner described in Subsection (2)(h) may designate one or more
2413 employees to access information from the database under Subsection (2)(i), (2)(j), or
2414 (4)(c).

2415 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2416 Administrative Rulemaking Act, to:

2417 (i) establish background check procedures to determine whether an employee
2418 designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the
2419 database;

2420 (ii) establish the information to be provided by an emergency department employee
2421 under Subsection (4); and

2422 (iii) facilitate providing controlled substance prescription information to a third party
2423 under Subsection (5).

2424 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or
2425 (4)(c) access to the database, unless the division determines, based on a background
2426 check, that the employee poses a security risk to the information contained in the
2427 database.

2428 (4)(a) An individual who is employed in the emergency department of a hospital may
2429 exercise access to the database under this Subsection (4) on behalf of a licensed
2430 practitioner if the individual is designated under Subsection (4)(c) and the licensed
2431 practitioner:

2432 (i) is employed or privileged to work in the emergency department;

2433 (ii) is treating an emergency department patient for an emergency medical condition;
2434 and

2435 (iii) requests that an individual employed in the emergency department and
2436 designated under Subsection (4)(c) obtain information regarding the patient from
2437 the database as needed in the course of treatment.

2438 (b) The emergency department employee obtaining information from the database shall,
2439 when gaining access to the database, provide to the database the name and any
2440 additional identifiers regarding the requesting practitioner as required by division
2441 administrative rule established under Subsection (3)(b).

2442 (c) An individual employed in the emergency department under this Subsection (4) may
2443 obtain information from the database as provided in Subsection (4)(a) if:

2444 (i) the employee is designated by the hospital as an individual authorized to access

2445 the information on behalf of the emergency department practitioner;

2446 (ii) the hospital operating the emergency department [provide] provides written notice
2447 to the division of the identity of the designated employee; and

2448 (iii) the division:

2449 (A) grants the employee access to the database; and

2450 (B) provides the employee with a password that is unique to that employee to
2451 access the database.

2452 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a
2453 practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to
2454 pay for the costs incurred by the division to conduct the background check and make
2455 the determination described in Subsection (3)(b).

2456 (5)(a)(i) An individual may request that the division provide the information under
2457 Subsection (5)(b) to a third party who is designated by the individual each time a
2458 controlled substance prescription for the individual is dispensed.

2459 (ii) The division shall upon receipt of the request under this Subsection (5)(a) advise
2460 the individual in writing that the individual may direct the division to discontinue
2461 providing the information to a third party and that notice of the individual's
2462 direction to discontinue will be provided to the third party.

2463 (b) The information the division shall provide under Subsection (5)(a) is:

2464 (i) the fact a controlled substance has been dispensed to the individual, but without
2465 identifying the controlled substance; and
2466 (ii) the date the controlled substance was dispensed.

2467 (c)(i) An individual who has made a request under Subsection (5)(a) may direct that
2468 the division discontinue providing information to the third party.

2469 (ii) The division shall:

2470 (A) notify the third party that the individual has directed the division to no longer
2471 provide information to the third party; and
2472 (B) discontinue providing information to the third party.

2473 (6)(a) An individual who is granted access to the database based on the fact that the
2474 individual is a licensed practitioner or a mental health therapist shall be denied access
2475 to the database when the individual is no longer licensed.

2476 (b) An individual who is granted access to the database based on the fact that the
2477 individual is a designated employee of a licensed practitioner shall be denied access
2478 to the database when the practitioner is no longer licensed.

2479 (7) A probation or parole officer is not required to obtain a search warrant to access the
2480 database in accordance with Subsection (2)(m).

2481 (8) The division shall review and adjust the database programming which automatically
2482 logs off an individual who is granted access to the database under Subsections (2)(h),
2483 (2)(i), (2)(j), and (4)(c) to maximize the following objectives:
2484 (a) to protect patient privacy;
2485 (b) to reduce inappropriate access; and
2486 (c) to make the database more useful and helpful to a person accessing the database
2487 under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations
2488 such as an emergency department.

2489 (9) [Any person who] A person that knowingly and intentionally accesses the database
2490 without express authorization under this section is guilty of a class A misdemeanor.

2491 Section 40. Section **58-37f-303** is amended to read:

2492 **58-37f-303 (Effective 07/01/26). Access to controlled substance prescription
2493 information via an electronic data system.**

2494 (1) As used in this section:

2495 (a) "Controlled substance" means any substance listed in Subsection 58-37-4(2)(b)
2496 through (4)(2)(e).

2497 (b) "Dispense" means the same as that term is defined in Section 58-17b-102.

2498 [(b)] (c) "EDS user":

2499 (i) means:

2500 (A) a prescriber;

2501 (B) a pharmacist;

2502 (C) a pharmacy intern;

2503 (D) a pharmacy technician; or

2504 (E) an individual granted access to the database under Subsection 58-37f-301(3)(c);
2505 and

2506 (ii) does not mean an individual whose access to the database has been revoked by
2507 the division [pursuant to] in accordance with Subsection 58-37f-301(5)(c).

2508 [(e)] (d) "Electronic data system" means a software product or an electronic service used
2509 by:

2510 (i) a prescriber to manage electronic health records; or

2511 (ii) a pharmacist, pharmacy intern, or pharmacy technician working under the general
2512 supervision of a licensed pharmacist, for the purpose of:

2513 (A) managing the dispensing of prescription drugs; or
2514 (B) providing pharmaceutical care as defined in Section 58-17b-102 to a patient.
2515 [(d) "Opioid" means any substance listed in Subsection 58-37-4(2)(b)(i) or (2)(b)(ii).]
2516 (e) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
2517 (f) "Prescriber" means a practitioner, as that term is defined in Section 58-37-2, who is
2518 licensed under Section 58-37-6 to prescribe [an opioid] a controlled substance.
2519 (g) "Prescription drug" means the same as that term is defined in Section 58-17b-102.

2520 (2) Subject to Subsections (3) through (6), no later than January 1, 2017, the division shall
2521 make [opioid] controlled substance prescription information in the database available to
2522 an EDS user via the user's electronic data system.

2523 (3) An electronic data system may be used to make [opioid] controlled substance
2524 prescription information in the database available to an EDS user only if the electronic
2525 data system complies with rules [established by the division under] the division makes in
2526 accordance with Subsection (4).

2527 (4)(a) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2528 Administrative Rulemaking Act, specifying:
2529 (i) an electronic data system's:
2530 (A) allowable access to and use of [opioid] controlled substance prescription
2531 information in the database; and
2532 (B) minimum actions that [must] shall be taken to ensure that [opioid] controlled
2533 substance prescription information accessed from the database is protected
2534 from inappropriate disclosure or use; and
2535 (ii) an EDS user's:
2536 (A) allowable access to [opioid] controlled substance prescription information in
2537 the database via an electronic data system; and
2538 (B) allowable use of the information.
2539 (b) The rules shall establish:
2540 (i) minimum user identification requirements that in substance are the same as the
2541 database identification requirements in Section 58-37f-301;
2542 (ii) user access restrictions that in substance are the same as the database
2543 identification requirements in Section 58-37f-301; and
2544 (iii) any other requirements necessary to ensure that in substance the provisions of
2545 Sections 58-37f-301 and 58-37f-302 apply to [opioid] controlled substance
2546 prescription information in the database that has been made available to an EDS

2547 user via an electronic data system.

2548 (5) The division may not make [epioid] controlled substance prescription information in the
2549 database available to an EDS user via the user's electronic data system if:

2550 (a) the electronic data system does not comply with the rules [established by the division
2551 under] the division makes in accordance with Subsection (4); or
2552 (b) the EDS user does not comply with the rules established by the division under
2553 Subsection (4).

2554 (6)(a) The division shall periodically audit the use of [epioid] controlled substance
2555 prescription information made available to an EDS user via the user's electronic data
2556 system.

2557 (b) The audit shall review compliance by:

2558 (i) the electronic data system with rules established by the division under Subsection
2559 (4); and
2560 (ii) the EDS user with rules established by the division under Subsection (4).

2561 (c)(i) If the division determines by audit or other means that an electronic data system
2562 is not in compliance with rules [established by the division under] the division
2563 makes in accordance with Subsection (4), the division shall immediately suspend
2564 or revoke the electronic data system's access to [epioid] controlled substance
2565 prescription information in the database.

2566 (ii) If the division determines by audit or other means that an EDS user is not in
2567 compliance with rules [established by the division under] the division makes in
2568 accordance with Subsection (4), the division shall immediately suspend or revoke
2569 the EDS user's access to [epioid] controlled substance prescription information in
2570 the database via an electronic data system.

2571 (iii) If the division suspends or revokes access to [epioid] controlled substance
2572 prescription information in the database under Subsection (6)(c)(i) or (6)(c)(ii),
2573 the division shall also take any other appropriate corrective or disciplinary action [
2574 authorized by] this chapter or title authorizes.

2575 Section 41. Section **58-37f-304** is amended to read:

2576 **58-37f-304 (Effective 07/01/26). Database utilization.**

2577 (1) As used in this section:

2578 (a) "Dispenser" means a licensed pharmacist, as described in Section 58-17b-303, the
2579 pharmacist's licensed intern, as described in Section 58-17b-304, or licensed
2580 pharmacy technician, as described in Section 58-17b-305, working under the

2581 supervision of a licensed pharmacist who is also licensed to dispense a controlled
2582 substance under Title 58, Chapter 37, Utah Controlled Substances Act.

2583 (b) "Outpatient" means a setting in which an individual visits a licensed healthcare
2584 facility or a healthcare provider's office for a diagnosis or treatment but is not
2585 admitted to a licensed healthcare facility for an overnight stay.

2586 (c) "Prescriber" means an individual authorized to prescribe a controlled substance under
2587 Title 58, Chapter 37, Utah Controlled Substances Act.

2588 (d) "Schedule II opioid" means those substances listed in Subsection 58-37-4(2)(b)(i) or
2589 (2)(b)(ii).

2590 (e) "Schedule III opioid" means those substances listed in Subsection 58-37-4(2)(c) that
2591 are opioids.

2592 (2)(a) A prescriber shall check the database for information about a patient before the
2593 first time the prescriber gives a prescription to a patient for a Schedule II opioid or a
2594 Schedule III opioid.

2595 (b) If a prescriber is repeatedly prescribing a Schedule II opioid or Schedule III opioid to
2596 a patient, the prescriber shall periodically review information about the patient in:
2597 (i) the database; or
2598 (ii) other similar records of controlled substances the patient has filled.

2599 (c) A prescriber may assign the access and review required under Subsection (2)(a) to
2600 one or more employees in accordance with Subsections 58-37f-301(2)(i) and (j).

2601 (d)(i) A prescriber may comply with the requirements in Subsections (2)(a) and (b)
2602 by checking an electronic health record system if the electronic health record
2603 system:
2604 (A) is connected to the database through a connection that [has been approved by
2605 the division] the division approves; and
2606 (B) displays the information from the database in a prominent manner for the
2607 prescriber.

2608 (ii) The division may not approve a connection to the database if the connection does
2609 not satisfy the requirements [established by the division under] the division makes
2610 in accordance with Section 58-37f-301.

2611 (e) A prescriber is not in violation of the requirements of Subsection (2)(a) or (b) if the
2612 failure to comply with Subsection (2)(a) or (b):
2613 (i) is necessary due to an emergency situation as the division defines by rule the
2614 division makes in collaboration with the board and in accordance with Title 63G,

Chapter 3, Utah Administrative Rulemaking Act;

- (ii) is caused by a suspension or disruption in the operation of the database; or
- (iii) is caused by a failure in the operation or availability of the [Internet] internet.

(f) The division may not take action against the license of a prescriber for failure to comply with this Subsection (2) unless the failure occurs after the earlier of:

- (i) December 31, 2018; or
- (ii) the date that the division has the capability to establish a connection that meets the requirements ~~[established by the division under]~~ the division makes in accordance with Section 58-37f-301 between the database and an electronic health record system.

The division shall, in collaboration with the licensing boards for prescribers and dispensers:

- (a) develop a system that gathers and reports to prescribers and dispensers the progress and results of the prescriber's and dispenser's individual access and review of the database, as provided in this section; and
- (b) reduce or waive the division's continuing education requirements regarding opioid prescriptions, described in Section 58-37-6.5, including the online tutorial and test relating to the database, for prescribers and dispensers whose individual utilization of the database, as ~~[determined by the division]~~ the division determines, demonstrates substantial compliance with this section.

If the dispenser's access and review of the database suggest that the individual seeking an opioid may be obtaining opioids in quantities or frequencies inconsistent with generally recognized standards as provided in this section and Section 58-37f-201, the dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's informed, current, and professional decision regarding whether the prescribed opioid is medically justified, notwithstanding the results of the database search.

- (a) The division shall review the database to identify any prescriber who has a pattern of prescribing opioids not in accordance with the recommendations of:
 - (i) the CDC Guideline for Prescribing Opioids for Chronic Pain, published by the Centers for Disease Control and Prevention;
 - (ii) the Utah Clinical Guidelines on Prescribing Opioids for Treatment of Pain, published by the Department of Health and Human Services; or
 - (iii) other publications describing best practices related to prescribing opioids as ~~[identified by division]~~ the division identifies in rule the division makes in

2649 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
2650 in consultation with the Medical Licensing Board.

2651 (b) The division shall offer education to a prescriber identified under this Subsection (5)
2652 regarding best practices in the prescribing of opioids.

2653 (c) A decision by a prescriber to accept or not accept the education [offered by the
2654 ~~division~~ the division offers under this Subsection (5) is voluntary.

2655 (d) The division may not use an identification the division has made under this
2656 Subsection (5) or the decision by a prescriber to accept or not accept education [
2657 ~~offered by the division~~ the division offers under this Subsection (5) in a licensing
2658 investigation or action by the division.

2659 (e) Any record [~~created by the division~~ the division creates as a result of this Subsection
2660 (5) is a protected record under Section 63G-2-305.

2661 (6) The division may consult with a prescriber or health care system to assist the prescriber
2662 or health care system in following evidence-based guidelines regarding the prescribing
2663 of controlled substances, including the recommendations listed in Subsection (5)(a).

2664 Section 42. Section **58-37f-402** is amended to read:

2665 **58-37f-402 (Effective 07/01/26). Online tutorial and test relating to the database**

2666 **-- Fees -- Rulemaking authority -- Continuing professional education credit.**

2667 (1) The division shall develop an online tutorial and an online test for registration to use the
2668 database that provides instruction regarding, and tests, the following:

2669 (a) the purpose of the database;
2670 (b) how to access and use the database; and
2671 (c) the law relating to:
2672 (i) the use of the database; and
2673 (ii) the information submitted to, and obtained from, the database[; and].
2674 [~~(d) basic knowledge that is important for all people who prescribe controlled substances
2675 to know in order to help ensure the health and safety of an individual to whom a
2676 controlled substance is prescribed.~~]

2677 (2) The division shall design the test described in this section as follows:
2678 (a) an individual shall answer all of the questions correctly in order to pass the test;
2679 (b) an individual shall be permitted to immediately retake the portion of the test that the
2680 individual answers incorrectly as many times as necessary for the individual to pass
2681 the test; and
2682 (c) after an individual takes the test, the test software shall:

2683 (i) immediately inform the individual of the number of questions that were answered
2684 incorrectly;
2685 (ii) provide the correct answers;
2686 (iii) replay the portion of the tutorial that relates to the incorrectly answered
2687 questions; and
2688 (iv) ask the individual the incorrectly answered questions again.

2689 (3) The division shall design the tutorial and test so that ~~it is possible to take the tutorial~~
2690 ~~and complete the test in 20 minutes or less~~ an individual may complete the tutorial and
2691 test within 20 minutes, if the individual answers all of the questions correctly on the first
2692 attempt.

2693 (4) The division shall ensure that the tutorial and test described in this section are fully
2694 functional and available for use online on or before November 1, 2010.

2695 (5) The division shall impose a fee, in accordance with Section 63J-1-504, on an individual
2696 who takes the test described in this section, to pay the costs ~~[incurred by the division]~~ the
2697 division incurs to:

2698 (a) develop, implement, and administer the tutorial and test described in this section; and
2699 (b) fulfill the other duties imposed on the division under this part.

2700 (6) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
2701 Administrative Rulemaking Act, to:

2702 (a) develop, implement, and administer the tutorial and test described in this section; and
2703 (b) fulfill the other duties imposed on the division under this part.

2704 (7) The Department of Health and Human Services shall assist the division in developing
2705 the portion of the test described in Subsection (1)(d).

2706 Section 43. Section **58-37f-702** is amended to read:

2707 **58-37f-702 (Effective 07/01/26). Reporting prescribed controlled substance**
2708 **poisoning or overdose to a practitioner.**

2709 (1)(a) The division shall take the actions described in Subsection (1)(b) if the division
2710 receives a report from a general acute hospital under Section 26B-2-225 regarding
2711 admission to a general acute hospital for poisoning or overdose involving a
2712 prescribed controlled substance.
2713 (b) The division shall, within ~~[three]~~ five business days after the day on which a report in
2714 Subsection (1)(a) is received:
2715 (i) attempt to identify, through the database, each practitioner who may have
2716 prescribed the controlled substance to the patient; and

2717 (ii) [provide] alert each practitioner identified under Subsection (1)(b)(i) [with:]
2718 concerning the information described in this Subsection (1).
2719 [(A) a copy of the report provided by the general acute hospital under Section
2720 26B-2-225; and]
2721 [(B) the information obtained from the database that led the division to determine
2722 that the practitioner receiving the information may have prescribed the
2723 controlled substance to the person named in the report.]

2724 (2)(a) When the division receives a report from the medical examiner under Section
2725 26B-8-210 regarding a death caused by poisoning or overdose involving a prescribed
2726 controlled substance, for each practitioner [identified by the medical examiner] the
2727 medical examiner identifies under Subsection 26B-8-210(1)(c), the division:

2728 (i) shall, within five business days after the day on which the division receives the
2729 report, provide the practitioner with a copy of the report; and
2730 (ii) may offer the practitioner an educational visit to review the report.

2731 (b) A practitioner may decline an educational visit described in Subsection (2)(a)(ii).

2732 (c) The division may not use, in a licensing investigation or action by the division:

2733 (i) information from an educational visit described in Subsection (2)(a)(ii); or
2734 (ii) a practitioner's decision to decline an educational visit described in Subsection
2735 (2)(a)(ii).

2736 (3) It is the intent of the Legislature that the information provided under Subsection (1) or
2737 (2) is provided for the purpose of assisting the practitioner in:

2738 (a) discussing with the patient or others issues relating to the poisoning or overdose;
2739 (b) advising the patient or others of measures that may be taken to avoid a future
2740 poisoning or overdose; and
2741 (c) making decisions regarding future prescriptions written for the patient or others.

2742 (4) Any record [created by the division] the division creates as a result of an educational
2743 visit described in Subsection (2)(a)(ii) is a protected record for purposes of Title 63G,
2744 Chapter 2, Government Records Access and Management Act.

2745 (5) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,
2746 increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup and
2747 ongoing costs of the division for complying with the requirements of this section.

2748 Section 44. Section **58-37f-703** is amended to read:

2749 **58-37f-703 (Effective 07/01/26). Entering certain convictions into the database
2750 and reporting them to practitioners.**

2751 (1) When the division receives a report from a court under Subsection 41-6a-502(5) or
2752 41-6a-502.5(5)(b) relating to a conviction for driving under the influence of, or while
2753 impaired by, a prescribed controlled substance, the division shall:
2754 (a) ~~[daily]~~ within five business days enter into the database the information supplied in
2755 the report, including the date on which the person was convicted;
2756 (b) attempt to identify, through the database, each practitioner who may have prescribed
2757 the controlled substance to the convicted person; and
2758 (c) ~~[provide]~~ alert each practitioner identified under Subsection (1)(b) ~~[with:] concerning~~
2759 the information described in this Subsection (1).
2760 ~~[(i) a copy of the information provided by the court; and]~~
2761 ~~[(ii) the information obtained from the database that led the division to determine that~~
2762 ~~the practitioner receiving the information may have prescribed the controlled~~
2763 ~~substance to the convicted person.]~~

2764 (2) It is the intent of the Legislature that the information provided under Subsection (1)(b)
2765 is provided for the purpose of assisting the practitioner in:
2766 (a) discussing the manner in which the controlled substance may impact the convicted
2767 person's driving;
2768 (b) advising the convicted person on measures that may be taken to avoid adverse
2769 impacts of the controlled substance on future driving; and
2770 (c) making decisions regarding future prescriptions written for the convicted person.
2771 (3) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,
2772 increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup and
2773 ongoing costs of the division for complying with the requirements of this section.

2774 Section 45. Section **58-40a-305** is amended to read:

2775 **58-40a-305 (Effective 07/01/26). Exemptions from licensure.**

2776 In addition to the exemptions from licensure in Section 58-1-307, this chapter does not
2777 require the licensure of a medical assistant as defined in Section 58-67-102 or 58-68-102 or an
2778 individual who assists in an emergency or in providing services for which no fee is
2779 contemplated, charged, or received, provided the individual does not ~~[hold himself out as]~~
2780 represent that the individual is an athletic trainer.

2781 Section 46. Section **58-49-4** is amended to read:

2782 **58-49-4 (Effective 07/01/26). Qualifications for certification -- Fee.**

2783 (1) Each applicant for certification under this chapter shall provide proof satisfactory
2784 to the division that the applicant:

2785 [①] (a) holds a baccalaureate or post-baccalaureate degree conferred by a college or
2786 university approved by the division at the time the degree was conferred with a major
2787 course of study in the sciences of food, dietetics, food systems management, or an
2788 equivalent major course of study;
2789 [②] (b) has completed an internship or preplanned professional baccalaureate or
2790 post-baccalaureate experience in a dietetic program under the supervision of a
2791 certified dietitian who is certified under this chapter or certified, registered, or
2792 licensed under the laws of another state or territory of the United States;
2793 [③] (c) has satisfactorily passed a competency examination, approved by or given at the
2794 direction of the division; and
2795 [④] (d) has paid the appropriate fees determined by the Department of Commerce. The
2796 fee assessed by the Department of Commerce shall be fair and reasonable and shall
2797 reflect the cost of services provided.

2798 (2) In addition to the requirements of Subsection 58-49-4(1), an applicant seeking to
2799 exercise the compact privilege in accordance with Chapter 89, Dietitian Licensure
2800 Compact, shall:
2801 (a) complete a criminal background check in accordance with Section 58-1-301.5;
2802 (b) meet any other standard related to the criminal background check described in
2803 Chapters 58 through 89, that the division establishes by rule in accordance with Title
2804 63G, Chapter 3, Utah Administrative Rulemaking Act; and
2805 (c) disclose any criminal history the division requests on a form the division approves.

2806 Section **58-60-102** is amended to read:

2807 **58-60-102 (Effective 07/01/26). Definitions.**

2808 As used in this chapter, unless a [different meaning is established by definition]

2809 definition establishes a different meaning under a specific section or part:

2810 (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.
2811 (2) "Client" or "patient" means an individual who [consults or is examined or interviewed
2812 by] an individual licensed under this chapter who is acting in the individual's
2813 professional capacity consults, examines, or interviews.
2814 (3) "Clinical supervision" means work experience conducted under the supervision of a
2815 clinical supervisor, including the practice of mental health therapy, direct client care,
2816 direct clinical supervision, direct observation, and other duties and activities completed
2817 in the course of the day-to-day job functions and work of:
2818 (a) a certified social worker;

2819 (b) an associate marriage and family therapist;

2820 (c) an associate clinical mental health counselor; or

2821 (d) an associate master addiction counselor, wherein the supervisor is available to the
2822 supervisee for consultation [with the supervisee] by personal face-to-face contact, or
2823 by direct voice contact by telephone, [radio] video conference, or other means within
2824 a reasonable [time] timeframe consistent with the acts and practices in which the
2825 supervisee is engaged.

2826 (4) "Clinical supervisor" means an individual who oversees and mentors one or more
2827 mental health therapists licensed under this chapter, and who:

2828 (a)(i) is licensed, in good standing, as a mental health therapist;

2829 (ii) is approved or certified in good standing as a supervisor by a national
2830 professional organization for social work, mental health counseling, addiction
2831 counseling, marriage and family therapy, psychology, medicine, or nursing, or
2832 other organization as [approved by the division] the division approves;

2833 (iii)(A) has completed eight or more hours of supervision instruction that meets
2834 minimum standards [established by the division in rule] the division makes in
2835 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
2836 (B) has completed a graduate course on clinical supervision from an accredited
2837 program;

2838 (iv) completes continuing education in clinical supervision, as [established by the
2839 division in rule] the division requires by rule the division makes in accordance
2840 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

2841 (v) provides supervision to no more than the number of individuals to whom the
2842 supervisor can reasonably provide clinical supervision by performing the duties
2843 and responsibilities of a supervisor, including:

2844 (A) being available to the supervisee for consultation by personal face-to-face
2845 contact, or by direct voice contact by telephone, video conference, or other
2846 means within a reasonable time frame;

2847 (B) providing instruction, direction, oversight, observation, evaluation, and
2848 feedback, to enable the supervisee to acquire the knowledge, skills, techniques,
2849 and abilities necessary to engage in the practice of behavioral health care
2850 ethically, safely, and competently; and

2851 (C) maintaining routine personal contact with the supervisee; and

2852 (b)(i) is qualified and acting as a valid supervisor, in accordance with applicable law

2853 and division rules, as of April 30, 2024; and

2854 (ii) has satisfied the requirements of Subsection (4)(a), as of January 1, 2027.

2855 (5) "Confidential communication" means information obtained by an individual licensed
2856 under this chapter, including information obtained by the individual's examination of the
2857 client or patient, which is:

2858 (a)(i) transmitted between the client or patient and an individual licensed under this
2859 chapter in the course of that relationship; or
2860 (ii) transmitted among the client or patient, an individual licensed under this chapter,
2861 and individuals who are participating in the diagnosis or treatment under the
2862 direction of an individual licensed under this chapter, including members of the
2863 client's or patient's family; and
2864 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
2865 individual licensed under this chapter, and by a means not intended to be disclosed to
2866 third persons other than those individuals:
2867 (i) present to further the interest of the client or patient in the consultation,
2868 examination, or interview;
2869 (ii) reasonably necessary for the transmission of the communications; or
2870 (iii) participating in the diagnosis and treatment of the client or patient under the
2871 direction of the mental health therapist.

2872 (6) "Designated examiner" means the same as that term is defined in Section 26B-5-301.

2873 (7)(a) "Direct client care" means the practice of mental health therapy performed as an
2874 applicant for licensure.

2875 (b) "Direct client care" includes:

2876 (i) the practice of mental health therapy;
2877 (ii) the utilization of patient-reported progress and outcomes to inform care; and
2878 (iii) direct observation.

2879 (8)(a) "Direct clinical supervision" means an applicant for licensure and the applicant's
2880 direct clinical supervisor meeting in real time and in accordance with the applicant
2881 for licensure's supervision contract as [defined by division rule] the division defines
2882 by rule the division makes in accordance with Title 63G, Chapter 3, Utah
2883 Administrative Rulemaking Act.

2884 (b) "Direct clinical supervision" includes group supervision.

2885 (9) "Direct clinical supervisor" means the clinical supervisor who has signed the
2886 supervision contract with the applicant for licensure.

2887 (10) "Direct observation" means observation of an applicant for licensure's live or recorded
2888 direct client care:
2889 (a)(i) by the applicant for licensure's clinical supervisor; or
2890 (ii) by a licensee under Subsection (4)(a) who the applicant for licensure's direct
2891 clinical supervisor approves; and
2892 (b) after which the applicant for licensure and the observer under Subsection (10)(a)
2893 meet, in-person or electronically, to discuss the direct client care for the purpose of
2894 developing the applicant for licensure's clinical knowledge and skill.

2895 (11) "FBI Rap Back System" means the same as that term is defined in Section 53-10-108.

2896 (12) "Group supervision" means an applicant for licensure meeting with the applicant's
2897 direct clinical supervisor and at least one of the direct clinical supervisor's other
2898 supervised applicants for licensure:
2899 (a) while the clinical supervisor and the applicants:
2900 (i) can see and openly communicate with each other; and
2901 (ii) are present in the same room or via electronic video; and
2902 (b) for the purpose of developing the applicants' clinical knowledge and skill.

2903 (13) "Hypnosis" means, when referring to individuals exempted from licensure under this
2904 chapter, a process by which an individual induces or assists another individual into a
2905 hypnotic state without the use of drugs or other substances and for the purpose of
2906 increasing motivation or to assist the individual to alter lifestyles or habits.

2907 (14) "Individual" means a natural person.

2908 (15) "Mental health therapist" means an individual who is practicing within the scope of
2909 practice defined in the individual's respective licensing act and is licensed under this title
2910 as:
2911 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental
2912 health therapy;
2913 (b) an advanced practice registered nurse, specializing in psychiatric mental health
2914 nursing;
2915 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health
2916 nursing;
2917 (d) a psychologist qualified to engage in the practice of mental health therapy;
2918 (e) a certified psychology resident qualifying to engage in the practice of mental health
2919 therapy;
2920 (f) a physician assistant specializing in mental health care under Section 58-70a-501.1;

- 2921 (g) a clinical social worker;
- 2922 (h) a certified social worker;
- 2923 (i) a marriage and family therapist;
- 2924 (j) an associate marriage and family therapist;
- 2925 (k) a clinical mental health counselor;
- 2926 (l) an associate clinical mental health counselor;
- 2927 (m) a master addiction counselor; or
- 2928 (n) an associate master addiction counselor.

2929 (16) "Mental illness" means a mental or emotional condition defined in an approved
2930 diagnostic and statistical manual for mental disorders generally recognized in the
2931 professions of mental health therapy listed under Subsection (15).

2932 (17) "Practice of mental health therapy" means treatment or prevention of another
2933 individual's mental illness or emotional disorder, whether in person or remotely,
2934 including:

- 2935 (a) conducting a professional evaluation of an individual's condition of mental health,
2936 mental illness, or emotional disorder consistent with standards generally recognized
2937 in the professions of mental health therapy listed under Subsection (15);
- 2938 (b) establishing a diagnosis in accordance with established written standards generally
2939 recognized in the professions of mental health therapy listed under Subsection (15);
- 2940 (c) conveying an opinion as to the validity of an individual's established diagnosis;
- 2941 (d) prescribing a plan for the prevention or treatment of a condition of mental illness or
2942 emotional disorder; and
- 2943 (e) engaging in the conduct of professional intervention, including:
 - 2944 (i) psychotherapy by the application of established methods and procedures generally
2945 recognized in the professions of mental health therapy listed under Subsection (15);
2946 and
 - 2947 (ii) modes of treatment designed to treat interpersonal dysfunction; and
- 2948 (f) holding oneself out as providing, or has having the skills, experience, or training to
2949 competently provide, any of the services described in Subsections (17)(a) through (e).

2950 (18) "Remotely" means communicating via [Internet] internet, telephone, or other electronic
2951 means that facilitate real-time audio or visual interaction between individuals when they
2952 are not physically present in the same room at the same time.

2953 (19) "Unlawful conduct" [is as] means the same as that term is defined in Sections 58-1-501
2954 and 58-60-109.

2955 (20) "Unprofessional conduct" [is as] means the same as that term is defined in Sections
2956 58-1-501 and 58-60-110, and [may be further defined by division rule] as the division
2957 defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah
2958 Administrative Rulemaking Act.

2959 Section 48. Section **58-60-102.5** is amended to read:

2960 **58-60-102.5 (Effective 07/01/26). Behavioral Health Board -- Advisory
2961 committees.**

2962 (1) There is created the Behavioral Health Board consisting of:

2963 (a) no less than six behavioral health care providers licensed in Utah to practice as a:

2964 (i) clinical social worker;
2965 (ii) marriage and family therapist;
2966 (iii) clinical mental health counselor;
2967 (iv) master addiction counselor;
2968 (v) psychologist under Chapter 61, Psychologist Licensing Act; or
2969 (vi) behavior analyst or specialist;

2970 (b) no less than two other behavioral health care providers licensed in Utah to practice as:
2971 (i) a certified social worker;
2972 (ii) a social service worker;
2973 (iii) an associate marriage and family therapist;
2974 (iv) an associate clinical mental health counselor;
2975 (v) an associate master addiction counselor;
2976 (vi) an advanced substance use disorder counselor;
2977 (vii) a substance use disorder counselor;
2978 (viii) a certified psychology resident; or
2979 (ix) an assistant behavior analyst or specialist;

2980 (c) no less than four public members:
2981 (i) who comprise no less than 1/3 of the total membership of the board;
2982 (ii) who are not licensed to practice under:
2983 (A) this chapter; or
2984 (B) Chapter 61, Psychologist Licensing Act;
2985 (iii) two of whom shall, at the time of appointment to the board, hold a leadership
2986 position with:
2987 (A) a behavioral health consumer advocacy organization;
2988 (B) a behavioral health employer;

- 2989 (C) a behavioral health payor;
- 2990 (D) an academic institution conducting research related to the behavioral health
- 2991 licenses under Subsection (3)(b), including public health, epidemiology,
- 2992 economics, and the health care workforce;
- 2993 (E) a training institution providing education credentials required for a license
- 2994 under Subsection (3)(b);
- 2995 (F) a licensed health care facility as defined in Section 26B-2-201; or
- 2996 (G) a licensed human services program as defined in Section 26B-2-101;
- 2997 (iv) one of whom the executive director of the Department of Health and Human
- 2998 Services appoints; and
- 2999 (v) one of whom is licensed in Utah to practice as a:
- 3000 (A) physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
- 3001 Osteopathic Medical Practice Act;
- 3002 (B) physician assistant under Chapter 70a, Utah Physician Assistant Act; or
- 3003 (C) nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure
- 3004 Compact - Revised.

3005 (2) Board members shall be appointed, serve terms, and be compensated in accordance with

3006 Section 58-1-201.

3007 (3) The board shall:

3008 (a) operate in accordance with Section 58-1-202, unless otherwise provided in this

3009 section;

3010 (b) oversee licenses under:

3011 (i) this chapter; and

3012 (ii) Chapter 61, [Psychologist] Psychologist Licensing Act;

3013 (c) recommend to the appropriate legislative committee statutory changes to:

3014 (i) ensure that regulation supports an adequate workforce to meet consumer demand

3015 for behavioral health services; and

3016 (ii) prevent harm to the health, safety, and financial welfare of the public;

3017 (d) recommend to the appropriate legislative committee statutory changes to remove

3018 regulations that are no longer necessary or effective in protecting the public and

3019 enhancing commerce; and

3020 (e) disqualify any member from acting as a presiding officer in any administrative

3021 procedure in which that member has previously reviewed the complaint or advised

3022 the division.

3023 (4)(a) There are created the following advisory committees to the board:

3024 (i) the Qualifications and Professional Development Advisory Committee;

3025 (ii) the Background and Investigations Advisory Committee; and

3026 (iii) the Probation and Compliance Advisory Committee.

3027 (b) Each advisory committee shall consist of:

3028 (i) a committee chair who is a member of the Behavioral Health Board; and

3029 [~~(ii) a member of each profession regulated under this chapter;~~]

3030 [~~(iii) Chapter 61, Psychologist Licensing Act; and~~]

3031 [~~(iv) (ii) [as determined by the division in rule, additional members from the~~

3032 ~~professions licensed under this chapter or Chapter 61, Psychologist Licensing Act.]~~

3033 ~~additional members from the professions licensed under this chapter or Chapter 61,~~

3034 ~~Psychologist Licensing Act, that the division appoint by rule the division makes in~~

3035 ~~accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

3036 (c) In addition to the requirements of Subsection (4)(b):

3037 (i) the Qualifications and Professional Development Advisory Committee shall also

3038 consist of an educator for each profession regulated under this chapter and

3039 Chapter 61, Psychologist Licensing Act; and

3040 (ii) the Background and Investigations Advisory Committee shall also consist of a

3041 criminal justice professional.

3042 (d) The Qualifications and Professional Development Advisory Committee shall:

3043 (i) advise the division regarding qualifications for licensure, including passing scores

3044 for applicant examinations and standards of supervision for students or persons in

3045 training to become licensed;

3046 (ii) recommend evidence-based ongoing professional development requirements for

3047 licensure that:

3048 (A) ensure an adequate workforce to meet consumer demand; and

3049 (B) prevent harm to the health, safety, and financial welfare of the public;

3050 (iii) advise the division on the licensing, renewal, reinstatement, and relicensure of:

3051 (A) internationally trained applicants;

3052 (B) applicants applying via licensure by endorsement; and

3053 (C) applicants applying using an alternate pathway to licensure including a

3054 non-exam or equivalent field degree path;

3055 (iv) draw on additional profession-specific advisors as needed;

3056 (v) make policy recommendations to the board regarding qualifications for licensure

3057 or renewal for a specific profession, including the committee chair assigning at
3058 least one committee member licensed under that profession to serve as a subject
3059 matter expert; and

3060 (vi) make recommendations to the board related to an individual applicant for a
3061 specific license, including the committee chair assigning at least one committee
3062 member licensed under the same profession as the applicant to serve as a subject
3063 matter expert.

3064 (e) The Background and Investigations Advisory Committee shall:

3065 (i) advise the division on establishing criteria for licensure for those with a criminal
3066 conviction according to Section 58-1-401;

3067 (ii) advise the division on establishing criteria for referral to the Utah Professionals
3068 Health Program under Chapter 4a, Utah Professionals Health Program;

3069 (iii) screen applicants with a criminal history for licensing, renewal, reinstatement,
3070 and relicensure and recommending licensing, renewal, reinstatement, and
3071 relicensure actions to the division;

3072 (iv) advise the division on investigative practices and procedures and administrative
3073 sanctions for consistency and fairness across relevant occupations;

3074 (v) make recommendations to the board for sanctions against individual licensees [
3075 and certificate holders] and referral to the Utah Professionals Health Program
3076 under Chapter 4a, Utah Professionals Health Program;

3077 (vi) draw on additional profession-specific advisors as needed; and

3078 (vii) make recommendations to the board related to the disposition for any specific
3079 applicant or licensee, including the committee chair assigning at least one
3080 committee member licensed under the same profession as the applicant or licensee
3081 to serve as a subject matter expert.

3082 (f) The Probation and Compliance Advisory Committee shall:

3083 (i) review compliance with probationary orders;

3084 (ii) review early termination and make any recommendations [as requested by the
3085 board] the board may request;

3086 (iii) advise the board regarding the screening of applicants previously sanctioned for
3087 licensing, renewal, reinstatement, and relicensure, including recommending
3088 licensing, renewal, reinstatement, and relicensure actions to the board;

3089 (iv) establish procedures for monitoring sanctioned licensees or certificate holders;
3090 (v) draw on additional profession-specific advisors as needed; and

3091 (vi) make recommendations to the board related to the disposition for any specific
3092 licensee or certification holder, including the committee chair assigning a
3093 committee member licensed under the same profession as the licensee or
3094 certification holder to serve as a subject-matter expert related to that disposition.

3095 (5) The division, in consultation with the board, may establish one or more standing or ad
3096 hoc subcommittees to consider and advise the board regarding any aspect of licensing,
3097 including:

- 3098 (a) client or patient access to qualified licensees;
- 3099 (b) education, examination, and supervision of applicants for licensure;
- 3100 (c) verification of applicant for licensure qualifications;
- 3101 (d) continuing education requirements;
- 3102 (e) alternate pathways to licensure; and
- 3103 (f) probation and recovery assistance.

3104 (6) The division may consult with licensed psychologists on matters specific to the
3105 oversight of doctoral-level licensed psychologists.

3106 (7) Members of the board and any subcommittees created under this section may not
3107 receive compensation or benefits for the member's service, but may receive per diem and
3108 travel expenses in accordance with:

- 3109 (a) Section 63A-3-106;
- 3110 (b) Section 63A-3-107; and
- 3111 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

3112 (8) The division shall consult with the Physicians Licensing Board created in Section
3113 58-67-201 on any matters relating to:

- 3114 (a) the licensing of individual certified prescribing psychologists and provisional
3115 prescribing psychologists; and
- 3116 (b) rulemaking related to the occupation of prescribing psychology.

3117 Section 49. Section **58-60-108** is amended to read:

3118 **58-60-108 (Effective 07/01/26). Grounds for denial of licensure or certification --**

3119 **Disciplinary proceedings.**

3120 [(1) ~~Subject to Subsection (2), the division's grounds for refusing to issue a license to an~~
3121 ~~applicant, for refusing to renew the license of a licensee, for revoking, suspending,~~
3122 ~~restricting, or placing on probation the license of a licensee, for issuing a public or~~
3123 ~~private reprimand to a licensee, and for issuing a cease and desist order are under~~
3124 ~~Section 58-1-401.]~~

3125 [¶(2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or
3126 licensee's license under this chapter solely because the applicant or licensee seeks or
3127 participates in mental health or substance abuse treatment.]

3128 (1) As used in this section:

- 3129 (a) "License" includes a certification issued under this chapter.
- 3130 (b) "Licensed" includes a person certified under this chapter.
- 3131 (c) "Licensee" includes a certificate holder under this chapter.

3132 (2) Subject to Subsection (7), the division may take an action described in Section 58-1-401
3133 and in accordance with that section, including refusing to issue or renew a license, or
3134 revoking, suspending, restricting, or placing a license on probation, issuing a public or
3135 private reprimand, or issuing a cease and desist order.

3136 (3)(a)(i) Subject to Subsection (7), if a court with jurisdiction determines a licensee is
3137 incapacitated as defined in Section 75-1-20, or that the licensee has a mental
3138 illness as defined in Section 26B-5-301, and is unable to safely engage in practice
3139 under this chapter, the director shall immediately suspend the license of the
3140 licensee upon the entry of the judgment of the court, without further proceedings
3141 under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether
3142 an appeal from the court's ruling is pending.

3143 (ii) The director shall promptly notify the licensee in writing of a suspension under
3144 Subsection (3)(a)(i).

3145 (b)(i) If the division and a majority of the board find reasonable cause to believe that
3146 a licensee cannot practice under this chapter with reasonable skill and safety to
3147 protect a patient due to illness, excessive use of drugs or alcohol, or another
3148 mental or physical condition, and a court has not determined that the licensee is
3149 incapacitated or has a mental illness, the board shall:

3150 (A) recommend that the director file a petition with the division; and
3151 (B) ensure service of the petition on the licensee together with a notice of hearing
3152 limited to the licensee's capacity to competently and safely practice under this
3153 chapter.

3154 (ii) Except as provided in Subsection (4), the hearing described in Subsection (3)(b)(i)
3155 shall be conducted under Section 58-1-109 and Title 63G, Chapter 4,
3156 Administrative Procedures Act.

3157 (4)(a) Every licensee who accepts the privilege of being licensed under this chapter
3158 gives consent to:

3159 (i) submitting to an immediate mental or physical examination, at the licensee's
3160 expense and by a division-approved practitioner selected by the licensee when
3161 directed in writing by the division and a majority of the board to do so; and
3162 (ii) the admissibility of the reports of the examining practitioner's testimony or
3163 examination, and waives all objections on the ground the reports constitute a
3164 privileged communication.

3165 (b) The examination may be ordered by the division, with the consent of a majority of
3166 the board, only upon a finding of reasonable cause to believe:
3167 (i) the licensee has a mental illness, is incapacitated, or otherwise unable to practice
3168 with reasonable skill and safety; and
3169 (ii) immediate action by the division and the board is necessary to prevent harm to
3170 the licensee's patients or the general public.

3171 (c)(i) By written order of the director, the division may immediately suspend the
3172 license of a licensee who fails to submit to examination in accordance with this
3173 section.

3174 (ii) The division may enter the order of suspension without further compliance with
3175 Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the
3176 licensee's failure to submit to examination was due to circumstances beyond the
3177 control of the licensee and unrelated to the illness or incapacity of the licensee.

3178 (5)(a) A licensee whose license is suspended under Subsection (3) or (4)(c) may appeal
3179 the suspension within 10 days after the day on which the division suspends the
3180 license.

3181 (b) The hearing held under this Subsection (5) shall be conducted in accordance with
3182 Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient
3183 basis exists for the continuance of the order of suspension in order to prevent harm to
3184 the licensee's patients or the general public.

3185 (6) A licensee whose license is revoked, suspended, or in any way restricted under this
3186 section may request the division and the board to consider, at reasonable intervals,
3187 evidence presented by the licensee, under procedures the division makes in accordance
3188 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding change in
3189 the licensee's condition, to determine whether:

3190 (a) the licensee is able to safely and competently engage in the practice under the
3191 licensee's license; and

3192 (b) the licensee is qualified to have the licensee's license to practice under this chapter

3193 partially or completely restored.

3194 (7) The division may not refuse, revoke, suspend, or restrict an applicant or licensee's
3195 license under this chapter solely because the applicant or licensee seeks or participates in
3196 mental health or substance abuse treatment.

3197 (8) Section 63G-2-206 may not be construed as limiting the authority of the division to
3198 report current significant investigative information to the coordinated licensure
3199 information system for transmission to party states as required of the division by the
3200 Counseling Compact in Section 58-60a-103 or the Social Work Licensure Compact in
3201 Section 58-60b-103.

3202 Section 50. Section **58-60-117** is amended to read:

3203 **58-60-117 (Effective 07/01/26). Externship licenses.**

3204 (1) The division shall issue a temporary license under [Part 2, Soeial Worker Lieensing Act,]
3205 Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health
3206 Counselor Licensing Act, of this chapter to a [person who] person that:

3207 (a) submits an application for licensure under [Part 2, Social Worker Lieensing Act,]
3208 Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental
3209 Health Counselor Licensing Act;

3210 (b) pays a fee [determined by the department under] the division determines in
3211 accordance with Section 63J-1-504;

3212 (c) holds an earned doctoral degree or master's degree in a discipline that is a
3213 prerequisite for practice as a mental health therapist;

3214 (d) has a deficiency, as [defined by division rule] the division defines by rule the
3215 division makes in accordance with Title 63G, Chapter 3, Utah Administrative
3216 Rulemaking Act, in course work;

3217 (e) provides mental health therapy as an employee of a public or private organization,
3218 which provides mental health therapy, while under the supervision of a person
3219 licensed under this chapter; and

3220 (f) has no disciplinary action pending or in effect against the applicant in connection
3221 with the practice of mental health therapy, in any jurisdiction.

3222 (2) A temporary license issued under this section shall expire upon the earlier of:

3223 (a) issuance of the license applied for; or

3224 (b) unless the deadline is extended for good cause as [determined by the division] the
3225 division determines, three years from the date the temporary license was issued.

3226 (3) The temporary license issued under this section is an externship license.

3227 Section 51. Section **58-60-207** is amended to read:

3228 **58-60-207 (Effective 07/01/26). Scope of practice -- Limitations.**

3229 (1) A clinical social worker may engage in all acts and practices defined as the practice of
3230 clinical social work without supervision, in private and independent practice, or as an
3231 employee of another person, limited only by the licensee's education, training, and
3232 competence.

3233 (2) To the extent an individual is professionally prepared by the education and training
3234 track completed while earning a master's or doctor of social work degree, a licensed
3235 certified social worker may engage in all acts and practices defined as the practice of
3236 certified social work consistent with the licensee's education, clinical training,
3237 experience, and competence:

3238 (a) under supervision of an individual described in Subsection 58-60-205(2)(d)(ii) and as
3239 an employee of another person when engaged in the practice of mental health therapy;

3240 (b) without supervision and in private and independent practice or as an employee of
3241 another person, if not engaged in the practice of mental health therapy;

3242 (c) including engaging in the private, independent, unsupervised practice of social work
3243 as a self-employed individual, in partnership with other mental health therapists, as a
3244 professional corporation, or in any other capacity or business entity, so long as [he]
3245 the individual does not practice unsupervised psychotherapy; and

3246 (d) supervising social service workers as [provided by division rule] the division
3247 provides by rule the division makes in accordance with Title 63G, Chapter 3, Utah
3248 Administrative Rulemaking Act.

3249 Section 52. Section **58-60-405** is amended to read:

3250 **58-60-405 (Effective 07/01/26). Qualifications for licensure.**

3251 (1) An applicant for licensure as a clinical mental health counselor shall:

3252 (a) submit an application on a form the division approves;

3253 (b) pay a fee determined by the department under Section 63J-1-504;

3254 (c) produce certified transcripts evidencing completion of:

3255 (i) a master's or doctorate degree conferred to the applicant in:

3256 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor
3257 education and supervision from a program accredited by the Council for
3258 Accreditation of Counseling and Related Educational Programs; or

3259 (B) clinical mental health counseling or an equivalent field from a program
3260 affiliated with an institution that has accreditation that is recognized by the

Council for Higher Education Accreditation; and

- (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related to an educational program described in Subsection (1)(c)(i);
- (d) if required under federal law for any licensee as a clinical mental health counselor to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:
 - (i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)(e); or
 - (ii) not less than two years of clinical supervision;
- (e) document successful completion of not less than 1,200 direct client care hours:
 - (i) obtained after completion of the education requirements under Subsection (1)(c);
 - (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor;
 - (iii) not less than 25 of which are direct observation hours; and
 - (iv) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;
- (f) document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;
- (g)(i) pass the examination requirement the division establishes by rule under Section 58-1-203; or
 - (ii) satisfy the following requirements:
 - (A) document at least one examination attempt that did not result in a passing score;
 - (B) document successful completion of not less than 500 additional direct client care hours, not less than 25 of which are direct clinical supervision hours, and not less than five of which are direct observation hours by a clinical supervisor;
 - (C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and
 - (D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and
- (h)(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

3295 (ii) meet any other standard related to the criminal background check described in
3296 Subsection (1)(h)(i), that the division establishes by rule in accordance with Title
3297 63G, Chapter 3, Utah Administrative Rulemaking Act; and
3298 (iii) disclose any criminal history the division requests on a form the division
3299 approves.

3300 (2) An applicant for licensure as an associate clinical mental health counselor shall comply
3301 with the provisions of Subsections (1)(a) through [e)] (1)(c) and [h)] (1)(h).

3302 (3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement
3303 described in Subsection (1)(c) if the applicant submits documentation verifying:

3304 (a) satisfactory completion of a doctoral or master's degree from an educational program
3305 in rehabilitation counseling accredited by the Council for Accreditation of
3306 Counseling and Related Educational Programs;

3307 (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit hours
3308 of coursework related to an educational program described in Subsection (1)(c)(i);
3309 and

3310 (c) that the applicant received a passing score [that is valid and in good standing on:] on
3311 the National Clinical Mental Health Counseling Examination.
3312 [i) the National Counselor Examination; and]
3313 [ii) the National Clinical Mental Health Counseling Examination.]

3314 Section 53. Section **58-60-502** is amended to read:

3315 **58-60-502 (Effective 07/01/26). Definitions.**

3316 [In addition to the definitions in Sections 58-1-102 and 58-60-102, as] As used in this

3317 part:

3318 (1)(a) "Counseling" means a collaborative process that facilitates the client's progress
3319 toward mutually determined treatment goals and objectives.

3320 (b) "Counseling" includes:

3321 (i) methods that are sensitive to an individual client's characteristics, to the influence
3322 of significant others, and to the client's cultural and social context; and

3323 (ii) an understanding, appreciation, and ability to appropriately use the contributions
3324 of various addiction counseling models as the counseling models apply to
3325 modalities of care for individuals, groups, families, couples, and significant others.

3326 (2) "Direct supervision" means:

3327 (a) a minimum of one hour of supervision by a supervisor of the substance use disorder
3328 counselor for every 40 hours of client care provided by the substance use disorder

counselor, which supervision may include group supervision;

(b) the supervision is conducted in a face-to-face manner, unless [otherwise approved on a case-by-case basis by the division in collaboration with the board] the division otherwise approves in collaboration with the board; and

(c) a supervisor is available for consultation with the counselor at all times.

(3) "General supervision" shall be defined by division rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) "Group supervision" means more than one counselor licensed under this part meets with the supervisor at the same time.

(5) "Individual supervision" means only one counselor licensed under this part meets with the supervisor at a given time.

(6) "Practice as an advanced substance use disorder counselor" means:

- (a) providing the services described in Subsections (9)(a) and (b);
- (b) screening and assessing of individuals, including identifying substance use disorder symptoms and behaviors and co-occurring mental health issues;
- (c) treatment planning for substance use disorders, including initial planning, reviewing and updating treatment plans for substance use disorders, ongoing intervention, continuity of care, discharge planning, planning for relapse prevention, and long term recovery support;

(d) supervising a substance use disorder counselor in accordance with Subsection 58-60-508(2); and

conducting supportive counseling and psych

disorders and co-occurring mental health disorders, including:

(i) providing individual and group support;

- providing individual and group psychosocial education; and
-) providing manualized therapeutic interventions if:
 - (A) conducted under the supervision of a mental health therapist;
 - (B) for the treatment of mild to moderate behavioral health symptoms or disorders, as [diagnosed by] a mental health therapist diagnoses; and
 - (C) consistent with the client's treatment plan [approved by a] that a mental health therapist approves.

(7) "Practice as a master addiction counselor" means the practice of mental health therapy by means of observation, description, evaluation, interpretation, intervention, and treatment to effect modification of human behavior [by]:

3363 (a) by the application of generally recognized substance use disorder counseling and
3364 addiction counseling principles, methods, and procedures for the purpose of
3365 preventing, treating, or eliminating mental or emotional illness or dysfunction,
3366 symptoms of any of these, or maladaptive behavior; and

3367 (b) under the supervision of an advanced substance use disorder counselor or a
3368 substance use disorder counselor.

3369 (8) "Practice as an associate master addiction counselor" means the same as the practice as
3370 a master addiction counselor, except while under the supervision of a clinical supervisor.

3371 (9)(a) "Practice as a substance use disorder counselor" means providing services as an
3372 employee of a substance use disorder agency under the general supervision of a
3373 licensed mental health therapist to individuals or groups of persons, whether in
3374 person or remotely, for conditions of substance use disorders consistent with the
3375 education and training of a substance use disorder counselor required under this part,
3376 and the standards and ethics of the profession as ~~approved by the division~~ the
3377 division approves in collaboration with the board.

3378 (b) "Practice as a substance use disorder counselor" includes:

3379 (i) administering the screening process by which a client is determined to need
3380 substance use disorder services, which may include screening, brief intervention,
3381 and treatment referral;

3382 (ii) conducting the administrative intake procedures for admission to a program;

3383 (iii) conducting orientation of a client, including:

3384 (A) describing the general nature and goals of the program;

3385 (B) explaining rules governing client conduct and infractions that can lead to
3386 disciplinary action or discharge from the program;

3387 (C) explaining hours during which services are available in a nonresidential
3388 program;

3389 (D) treatment costs to be borne by the client, if any; and

3390 (E) describing the client's rights as a program participant;

3391 (iv) conducting assessment procedures by which a substance use disorder counselor
3392 gathers information related to an individual's strengths, weaknesses, needs, and
3393 substance use disorder symptoms for the development of the treatment plan;

3394 (v) participating in the process of treatment planning, including recommending
3395 specific interventions to support existing treatment goals and objectives developed
3396 by the substance use disorder counselor, the mental health therapist, and the client

3397 to:

3398 (A) identify and rank problems needing resolution;

3399 (B) establish agreed upon immediate and long term goals; and

3400 (C) decide on a treatment process and the resources to be utilized;

3401 (vi) monitoring compliance with treatment plan progress;

3402 (vii) providing substance use disorder counseling services to alcohol and drug use

3403 disorder clients and significant people in the client's life as part of a

3404 comprehensive treatment plan, including:

3405 (A) leading specific task-oriented groups, didactic groups, and group discussions;

3406 (B) cofacilitating group therapy with a licensed mental health therapist; and

3407 (C) engaging in one-on-one interventions and interactions coordinated by a mental

3408 health therapist;

3409 (viii) performing case management activities that bring services, agencies, resources,

3410 or people together within a planned framework of action toward the achievement

3411 of established goals, including, when appropriate, liaison activities and collateral

3412 contacts;

3413 (ix) providing substance use disorder crisis intervention services;

3414 (x) providing client education to individuals and groups concerning alcohol and other

3415 substance use disorders, including identification and description of available

3416 treatment services and resources;

3417 (xi) identifying the needs of the client that cannot be met by the substance use

3418 disorder counselor or substance use disorder agency and referring the client to

3419 appropriate services and community resources;

3420 (xii) developing and providing effective reporting and recordkeeping procedures and

3421 services, which include charting the results of the assessment and treatment plan,

3422 writing reports, progress notes, discharge summaries, and other client-related data;

3423 and

3424 (xiii) consulting with other professionals in regard to client treatment and services to

3425 assure comprehensive quality care for the client.

3426 (c) "Practice as a substance use disorder counselor" does not include:

3427 (i) the diagnosing of mental illness, including substance use disorders, as defined in

3428 Section 58-60-102;

3429 (ii) engaging in the practice of mental health therapy as defined in Section 58-60-102;

3430 or

(iii) the performance of a substance use disorder diagnosis, other mental illness diagnosis, or psychological testing.

(10) "Program" means a substance use disorder agency that provides substance use disorder services, including recovery support services.

(11) "Recovery support services" means services provided to an individual who is identified as having need of substance use disorder preventive or treatment services, either before, during, or after an episode of care that meets the level of care standards [established by division rule] the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(12) "Substance use disorder agency" means a public or private agency, health care facility, or health care practice that:

(a) provides substance use disorder services, recovery support services, primary health care services, or substance use disorder preventive services; and

(b) employs qualified mental health therapists in sufficient number to:

(i) evaluate the condition of clients being treated by each counselor licensed under this part and employed by the substance use disorder agency; and

(ii) ensure that appropriate substance use disorder services are being given.

(13) "Substance use disorder education program" means a formal program of substance use disorder education offered by an accredited institution of higher education that meets standards [established by division rule] the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 54. Section **58-60-506** is amended to read:

58-60-506 (Effective 07/01/26). Qualifications for licensure.

(1) Subject to Subsection (2), an applicant for licensure as master addiction counselor based on education, training, and experience shall:

(a) submit an application on a form the division approves;

(b) pay a fee [determined by the department under] the division determines in accordance with Section 63J-1-504;

(c) document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(d) via a course that the division designates as approved;

(d) produce a certified transcript from an accredited institution of higher education that meets standards [established by division rule under] the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance

3465 with Section 58-1-203, verifying the satisfactory completion of:

3466 (i) a doctoral or master's degree in:

3467 (A) substance use disorders or addiction counseling and treatment; or

3468 (B) a counseling subject [approved by the division] the division approves in
3469 collaboration with the board, which may include social work, mental health
3470 counseling, marriage and family therapy, psychology, or medicine;

3471 (ii) an associate's degree or higher, or 18 credit hours, in substance use disorder or
3472 addiction counseling and treatment from a regionally accredited institution of
3473 higher education;

3474 (e) if required under federal law for any licensee as a master addiction counselor to
3475 qualify as an eligible professional under CMS rules for Medicare payment, document
3476 completion of:

3477 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued
3478 under Subsection (1)(g); or

3479 (ii) not less than two years of clinical supervision;

3480 (f) document successful completion of not less than 1,200 direct client care hours:

3481 (i) obtained after completion of the education requirements under Subsection (1)(d)(ii);

3482 (ii) subject to Subsection (1)(f)(iii), not less than 100 of which are direct clinical
3483 supervision hours under the supervision of a clinical supervisor;

3484 (iii) not less than 25 of which are direct observation hours; and

3485 (iv) not more than 25 of which are group supervision hours concurrently with more
3486 than one other applicant for licensure;

3487 (g) if the applicant for licensure produces a transcript described in Subsection (1)(d)(ii),
3488 evidence completion of an additional 200 hours of direct client care hours in
3489 substance use disorder or addiction treatment;

3490 (h)(i) pass the examination requirement the division [establishes] makes by rule [under]
3491 in accordance with Section 58-1-203; or

3492 (ii) satisfy the following requirements:

3493 (A) document at least one examination attempt that did not result in a passing
3494 score;

3495 (B) document successful completion of not less than 500 additional direct client
3496 care hours, not less than 25 of which are direct clinical supervision hours, and
3497 not less than five of which are direct observation hours by a clinical supervisor;

3498 (C) submit to the division a recommendation letter from the applicant's direct

3499 clinical supervisor; and

3500 (D) submit to the division a recommendation letter from another licensed mental
3501 health therapist who has directly observed the applicant's direct client care
3502 hours and who is not the applicant's direct clinical supervisor; and

3503 (i)(i) consent to, and complete, a criminal background check, described in Section
3504 58-1-301.5;

3505 (ii) meet any other standard related to the criminal background check described in
3506 Subsection (1)(i)(i), that the division [establishes] makes by rule in accordance
3507 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

3508 (iii) disclose any criminal history the division requests on a form the division
3509 approves.

3510 (2) In lieu of the requirements under Subsections (1)(d) through (i), an applicant for
3511 licensure as master addiction counselor may document current certification in good
3512 standing as:

3513 (a) a master addiction counselor by the National Certification Commission for Addiction
3514 Professionals;

3515 (b) a master addiction counselor by the National Board for Certified Counselors; or

3516 (c) an equivalent certification as under Subsections (2)(a) and (b), ~~[as determined in rule~~
3517 ~~made by the division in collaboration with the board]~~ the division determines by rule
3518 the division makes in collaboration with the board, and in accordance with Title 63G,
3519 Chapter 3, Utah Administrative Rulemaking Act.

3520 (3) An applicant for licensure as an associate master addiction counselor shall satisfy the
3521 requirements under Subsections (1)(a) through [(e)] (1)(c) and [(i)] (1)(i).

3522 (4) Subject to Subsection (5), an applicant for licensure as an advanced substance use
3523 disorder counselor shall:

3524 (a) submit an application on a form the division approves;

3525 (b) pay a fee ~~[determined by the department under]~~ the division determines in accordance
3526 with Section 63J-1-504; [and]

3527 (c) document successful completion of at least two hours of training in suicide
3528 prevention obtained after completion of the education requirements under Subsection
3529 (4)(d) via a course that the division designates as approved; and

3530 [(e)] (d)(i) produce certified transcripts verifying satisfactory completion of:

3531 (A) a bachelor's degree or higher, from a regionally accredited institution of
3532 higher learning, in substance use disorders, addiction, or related counseling

subjects, including social work, mental health counseling, marriage and family counseling, or psychology; or

(B) two academic years of study in a master's of addiction counseling curriculum and practicum approved by the National Addictions Studies Accreditation Commission;

(ii) document completion of at least 500 hours of supervised experience while licensed as a substance use disorder counselor under this section, which the applicant may complete while completing the education requirements under Subsection [(1)(e)(i)] (1)(d)(i); and

(iii) satisfy examination requirements [established by the division in rule] the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) An applicant for licensure as an advanced substance use disorder counselor may satisfy the requirements of Subsection [(4)(e)] (4)(d) by providing official verification of current certification in good standing:

(a)(i) as a National Certified Addiction Counselor Level II (NCAC II) from the National Certification Commission for Addiction Professionals (NCC AP); or

(ii) as an Advanced Alcohol & Drug Counselor (AADC), from the International Certification and Reciprocity Consortium; or

(b) of substantive equivalence to the certifications under Subsection (5)(a), as [determined by division rule made in consultation with the board] the division determines by rule the division makes in collaboration with the board, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6) In accordance with division rules, an applicant for licensure as a substance use disorder counselor shall produce:

(a) certified transcripts from an accredited institution that:

(i) meet division standards; and

(ii) verify the completion of prerequisite courses [established by division rules] the division requires by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(b) documentation of the applicant's completion of a substance use disorder education program that includes:

(i) completion of at least 200 hours of substance use disorder related education;

[iii] (i) [included in the 200 hours described in Subsection (6)(b)(i)] a minimum of

3567 two hours of training in suicide prevention via a course that the division
3568 designates as approved; and

3569 [~~(iii)~~] (ii) completion of a supervised practicum[of at least 200 hours].

3570 Section 55. Section **58-60-508** is amended to read:

3571 **58-60-508 (Effective 07/01/26). Substance use disorder counselor supervisor's**
3572 **qualifications -- Functions.**

3573 (1) A mental health therapist supervisor of a substance use disorder counselor shall:
3574 (a) be qualified by education or experience to treat substance use disorders;
3575 (b) be currently working in the substance use disorder treatment field;
3576 (c) review substance use disorder counselor assessment procedures and
3577 recommendations;
3578 (d) provide substance use disorder diagnosis and other mental health diagnoses in
3579 accordance with Subsection 58-60-102(7);
3580 (e) supervise the development of a treatment plan;
3581 (f) approve the treatment plan; and
3582 (g) provide direct supervision for not more than six persons, unless granted an exception
3583 in writing from the board and the division.

3584 (2) A licensed advanced substance use disorder counselor may act as the supervisor of a [
3585 ~~certified~~] licensed substance use disorder counselor[~~, certified substance use disorder~~
3586 ~~counselor intern, certified advanced substance use disorder counselor, or certified~~
3587 ~~advanced substance use disorder counselor intern~~] if the licensed advanced substance
3588 use disorder counselor:

3589 (a) has at least two years of experience as a licensed advanced substance use disorder
3590 counselor;
3591 (b) is currently working in the substance use disorder field; and
3592 (c) provides direct supervision for no more than six individuals, unless granted an
3593 exception in writing from the board and the division.

3594 Section 56. Section **58-60-601** is amended to read:

3595 **58-60-601 (Effective 07/01/26). Definitions.**

3596 As used in this part:

3597 (1) "Health care facility" means the same as that term is defined in Section 26B-2-201.
3598 (2) "Human services program" means the same as that term is defined in Section 26B-2-101.
3599 (3) "Practice of mental health therapy" means the same as that term is defined in Section
3600 58-60-102.

3601 (4) "Practice as a behavioral health coach" means, subject to Subsection (5), providing
3602 services as an employee of a substance use disorder or mental health agency, and
3603 working under the general supervision of a mental health therapist and includes:
3604 (a) providing services under the definition of practice as a behavioral health technician
3605 in Subsection (6);
3606 (b) conducting administrative and care coordination activities, including:
3607 (i) providing targeted case management;
3608 (ii) providing care navigation services, including:
3609 (A) connecting individuals to behavioral health resources and social services; and
3610 (B) facilitating communication with other behavioral health providers;
3611 (iii) providing referrals and crisis referrals, including:
3612 (A) engaging in warm handoffs with other behavioral health providers; and
3613 (B) adhering to a standardized protocol in responding to a crisis or risk of crisis
3614 within a behavioral health facility, program, or other entity;
3615 (iv) providing additional support to other behavioral health providers, facilities,
3616 programs, and entities, including:
3617 (A) conducting administrative activities; and
3618 (B) extending non-clinical behavioral health support; and
3619 (v) providing discharge, post-treatment referral, and non-clinical after-care services;
3620 (c) conducting patient assessment, monitoring, and planning activities, including:
3621 (i) conducting non-clinical psychosocial assessments and screenings;
3622 (ii) conducting collaborative planning, care planning, and goal setting;
3623 (iii) gathering information to inform a mental health therapist's:
3624 (A) diagnostic evaluations;
3625 (B) initial treatment plans; and
3626 (C) treatment plan reviews and updates;
3627 (iv) monitoring client progress and tracking outcomes to inform a mental health
3628 therapist's:
3629 (A) diagnostic evaluations; and
3630 (B) treatment plan reviews and updates;
3631 (v) assisting in drafting initial treatment plans by gathering information on a client's
3632 history and demographics, only:
3633 (A) in the treatment of clients with mild to moderate behavioral health symptoms
3634 or disorders, as assessed or diagnosed by a mental health therapist, and as [

defined by the division in rule] the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

- (B) with completion of the treatment plan by a mental health therapist after assessing the client before treatment begins; and
- (C) at the discretion of and with prior documented authorization from a licensed health care facility, or from a licensed human services program; and
- assisting in the information gathering process of reviewing and updating treatment goals, only:
 - (A) in the treatment of clients with mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist;
 - (B) with completion of the treatment plan from a mental health therapist after assessing the client before subsequent treatment begins; and
 - (C) at the discretion of and with prior documented authorization from a licensed health facility or a licensed human service program; and
- conducting intervention and treatment activities, including:
 - providing psychosocial education groups related to behavioral health literacy, wellness education and promotion, goal setting, life skills, and coping skills;
 - providing other interventions to enhance client social skills, emotional well-being, and overall functioning, including:
 - (A) supportive consultations;
 - (B) habilitation services; and
 - (C) activity-based programs;
 - providing evidence-based, manualized interventions, only:
 - (A) under the supervision of a mental health therapist;
 - (B) in the treatment of mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist, and as the division defines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; [and]
 - (C) according to a treatment plan reviewed and signed by a mental health therapist after assessing the client before treatment begins; [and] and
 - (D) at the discretion of and with prior documented authorization from a licensed health care facility, or from a licensed human services program; and
 - co-facilitating group therapy with a mental health therapist.

(5) "Practice as a behavioral health coach" does not include engaging in the practice of

3669 mental health therapy.

3670 (6)(a) "Practice as a behavioral health technician" means working under the general
3671 supervision of a mental health therapist and includes:

3672 (i) supporting administrative and care coordination activities, including:

3673 (A) maintaining accurate and confidential client records, progress notes, and
3674 incident reports, in compliance with applicable legal and ethical standards; and
3675 (B) assisting in discharge, referral, and after-care documentation, coordination,
3676 and administration;

3677 (ii) supporting patient non-clinical assessment, monitoring, and care planning
3678 activities, including:

3679 (A) collecting intake and non-clinical psychosocial assessment information;
3680 (B) gathering information to support diagnostic and treatment planning activities
3681 conducted by a mental health therapist; and
3682 (C) observing, documenting, and reporting on client behaviors, treatment
3683 interventions, progress, and outcomes to a mental health therapist;

3684 (iii) supporting intervention and treatment activities, including:

3685 (A) supporting licensed professionals in implementing interventions designed to
3686 address behavioral health issues;

3687 (B) facilitating psychoeducational groups or activities, development skills or
3688 activities, or social support groups or activities to enhance client social skills,
3689 emotional well-being, and overall functioning;

3690 (C) providing education and support to clients and their families on behavioral
3691 health issues, treatment options, and community resources;

3692 (D) implementing behavioral management strategies including de-escalation
3693 techniques and crisis intervention as needed; and

3694 (E) implementing crisis intervention strategies in accordance with established
3695 protocols, and ensuring the safety and well-being of clients during emergencies.

3696 (b) "Practice as a behavioral health technician" does not include:

3697 (i) engaging in the practice of mental health therapy; or
3698 (ii) serving as a designated examiner.

3699 (7) Notwithstanding any other provision of this part, no behavioral health coach is
3700 authorized to practice outside of or beyond [his or her] the behavioral health coach's area
3701 of training, experience, or competence.

3702 (8) Notwithstanding any other provision of this part, no behavioral health technician is

3703 authorized to practice outside of or beyond [his or her] the behavioral health technician's
3704 area of training, experience, or competence.

3705 Section 57. Section **58-61-102** is amended to read:

3706 **58-61-102 (Effective 07/01/26). Definitions.**

3707 [In addition to the definitions in Section 58-1-102, as] As used in this chapter:

3708 (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

3709 (2) "Client" or "patient" means an individual who [e]consults or is examined or interviewed
3710 by] a psychologist, acting in [his] a professional capacity, consults, examines, or
3711 interviews.

3712 (3) "Confidential communication" means information, including information obtained by
3713 the psychologist's examination of the client or patient, which is:

3714 (a)(i) transmitted between the client or patient and a psychologist in the course of that
3715 relationship; or

3716 (ii) transmitted among the client or patient, the psychologist, and individuals who are
3717 participating in the diagnosis or treatment under the direction of the psychologist,
3718 including members of the client's or patient's family; and

3719 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
3720 psychologist, and by a means not intended to be disclosed to third persons other than
3721 those individuals:

3722 (i) present to further the interest of the client or patient in the consultation,
3723 examination, or interview;

3724 (ii) reasonably necessary for the transmission of the communications; or
3725 (iii) participating in the diagnosis and treatment of the client or patient under the
3726 direction of the psychologist.

3727 (4) "Hypnosis" means, regarding individuals exempted from licensure under this chapter, a
3728 process by which one individual induces or assists another individual into a hypnotic
3729 state without the use of drugs or other substances and for the purpose of increasing
3730 motivation or to assist the individual to alter lifestyles or habits.

3731 (5) "Individual" means a natural person.

3732 (6) "Mental health therapist" means an individual licensed under this title as a:

3733 (a) physician and surgeon, or osteopathic physician engaged in the practice of mental
3734 health therapy;

3735 (b) an advanced practice registered nurse, specializing in psychiatric mental health
3736 nursing;

- 3737 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health
3738 nursing;
- 3739 (d) psychologist qualified to engage in the practice of mental health therapy;
- 3740 (e) a certified psychology resident qualifying to engage in the practice of mental health
3741 therapy;
- 3742 (f) clinical social worker;
- 3743 (g) certified social worker;
- 3744 (h) marriage and family therapist;
- 3745 (i) an associate marriage and family therapist;
- 3746 (j) a clinical mental health counselor; or
- 3747 (k) an associate clinical mental health counselor.

- 3748 (7) "Mental illness" means a mental or emotional condition defined in an approved
3749 diagnostic and statistical manual for mental disorders generally recognized in the
3750 professions of mental health therapy listed under Subsection (6).
- 3751 (8) "Practice of mental health therapy" means the treatment or prevention of mental illness,
3752 whether in person or remotely, including:
 - 3753 (a) conducting a professional evaluation of an individual's condition of mental health,
3754 mental illness, or emotional disorder;
 - 3755 (b) establishing a diagnosis in accordance with established written standards generally
3756 recognized in the professions of mental health therapy listed under Subsection (6);
 - 3757 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
3758 emotional disorder; and
 - 3759 (d) engaging in the conduct of professional intervention, including psychotherapy by the
3760 application of established methods and procedures generally recognized in the
3761 professions of mental health therapy listed under Subsection (6).

- 3762 (9)(a) "Practice of psychology" includes:
 - 3763 (i) the practice of mental health therapy by means of observation, description,
3764 evaluation, interpretation, intervention, and treatment to effect modification of
3765 human behavior by the application of generally recognized professional
3766 psychological principles, methods, and procedures for the purpose of preventing,
3767 treating, or eliminating mental or emotional illness or dysfunction, the symptoms
3768 of any of these, or maladaptive behavior;
 - 3769 (ii) the observation, description, evaluation, interpretation, or modification of human
3770 behavior by the application of generally recognized professional principles,

3771 methods, or procedures requiring the education, training, and clinical experience
3772 of a psychologist, for the purpose of assessing, diagnosing, preventing, or
3773 eliminating symptomatic, maladaptive, or undesired behavior and of enhancing
3774 interpersonal relationships, work and life adjustment, personal effectiveness,
3775 behavioral health, and mental health;

3776 (iii) psychological testing and the evaluation or assessment of personal characteristics
3777 such as intelligence, personality, abilities, interests, aptitudes, and
3778 neuropsychological functioning;

3779 (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy,
3780 hypnosis, and behavior analysis and therapy;

3781 (v) diagnosis and treatment of mental and emotional disorders of disability,
3782 alcoholism and substance abuse, disorders of habit or conduct, and the
3783 psychological aspects of physical illness, accident, injury, or disability; and
3784 (vi) psychoeducational evaluation, therapy, remediation, and consultation.

3785 (b) An individual practicing psychology may provide services to individuals, couples,
3786 families, groups of individuals, members of the public, and individuals or groups
3787 within organizations or institutions.

3788 (10) "Remotely" means communicating via [Internet] internet, telephone, or other electronic
3789 means that facilitate real-time audio or visual interaction between individuals when they
3790 are not physically present in the same room at the same time.

3791 (11) "Unlawful conduct" [is-as] means the same as that term is defined in Sections 58-1-501
3792 and 58-61-501.

3793 (12) "Unprofessional conduct" [is-as] means the same as that term is defined in Sections
3794 58-1-501 and 58-61-502, and [may be further defined by division rule] as the division
3795 defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah
3796 Administrative Rulemaking Act.

3797 Section 58. Section **58-61-301** is amended to read:

58-61-301 (Effective 07/01/26). Licensure required -- Certifications.

3799 (1)(a) A license is required to engage in the practice of psychology, except as
3800 specifically provided in Section 58-1-307.

3801 (b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be
3802 certified under this chapter as a psychology resident in order to engage in a residency
3803 program of supervised clinical training necessary to meet licensing requirements as a
3804 psychologist under this chapter.

3805 (2) The division shall issue to an individual who qualifies under this chapter:

3806 (a) a license in the classification of:

3807 (i) psychologist;

3808 (ii) certified psychology resident; [and] or

3809 (iii) licensed school psychological practitioner; [and] or

3810 (b) a certification in the classification of:

3811 (i) certified prescribing psychologist; [and] or

3812 (ii) provisional prescribing psychologist.

3813 Section 59. Section **58-61-307** is amended to read:

3814 **58-61-307 (Effective 07/01/26). Exemptions from licensure.**

3815 (1) Except as modified in Section 58-61-301, the exemptions from licensure in Section
3816 58-1-307 apply to this chapter.

3817 (2) In addition to the exemptions from licensure in Section 58-1-307, the following when
3818 practicing within the scope of the license held, may engage in acts included within the
3819 definition of practice as a psychologist, subject to the stated circumstances and
3820 limitations, without being licensed under this chapter:

3821 (a) a physician and surgeon or osteopathic physician licensed under Chapter 67, Utah
3822 Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;

3823 (b) a registered psychiatric mental health nurse specialist licensed under Chapter 31b,
3824 Nurse Practice Act;

3825 (c) a recognized member of the clergy while functioning in [his] a ministerial capacity as
3826 long as [he] the individual does not represent [himself as] that the individual is a
3827 psychologist or use the title of psychologist;

3828 (d) an individual who is offering expert testimony in any proceeding before a court,
3829 administrative hearing, deposition upon the order of any court or other body having
3830 power to order the deposition, or proceedings before any master, referee, or
3831 alternative dispute resolution provider;

3832 (e) an individual engaged in performing hypnosis who is not licensed under this title in a
3833 profession which includes hypnosis in its scope of practice, and who:

3834 (i)(A) induces a hypnotic state in a client for the purpose of increasing motivation
3835 or altering lifestyles or habits, such as eating or smoking, through hypnosis;

3836 (B) consults with a client to determine current motivation and behavior patterns;

3837 (C) prepares the client to enter hypnotic states by explaining how hypnosis works
3838 and what the client will experience;

- 3839 (D) tests clients to determine degrees of suggestibility;
- 3840 (E) applies hypnotic techniques based on interpretation of consultation results and
- 3841 analysis of client's motivation and behavior patterns; and
- 3842 (F) trains clients in self-hypnosis conditioning;
- 3843 (ii) may not:
 - 3844 (A) engage in the practice of mental health therapy;
 - 3845 (B) represent himself using the title of a license classification in Subsection
 - 3846 58-60-102(5); or
 - 3847 (C) use hypnosis with or treat a medical, psychological, or dental condition
 - 3848 defined in generally recognized diagnostic and statistical manuals of medical,
 - 3849 psychological, or dental disorders;
- 3850 (f) an individual's exemption from licensure under Subsection 58-1-307(1)(b) terminates
- 3851 when the student's training is no longer supervised by qualified faculty or staff and
- 3852 the activities are no longer a defined part of the degree program;
- 3853 (g) an individual holding an earned doctoral degree in psychology who is employed by
- 3854 an accredited institution of higher education and who conducts research and teaches
- 3855 in that individual's professional field, but only if the individual does not engage in
- 3856 providing delivery or supervision of professional services regulated under this
- 3857 chapter to individuals or groups regardless of whether there is compensation for the
- 3858 services;
- 3859 (h) any individual who was employed as a psychologist by a state, county, or municipal
- 3860 agency or other political subdivision of the state prior to July 1, 1981, and who
- 3861 subsequently has maintained employment as a psychologist in the same state, county,
- 3862 or municipal agency or other political subdivision while engaged in the performance
- 3863 of [his] the individual's official duties for that agency or political subdivision;
- 3864 (i) an individual licensed as a school psychologist under Section 53E-6-201:
 - 3865 (i) may [represent himself as and] use the terms "school psychologist" or "licensed
 - 3866 school psychologist"; and
 - 3867 (ii) [is restricted in his practice to employment] may only practice within settings
 - 3868 authorized by the State Board of Education;
- 3869 (j) an individual providing advice or counsel to another individual in a setting of [their
- 3870 assoeiation as friends] friendship, or relatives and in a nonprofessional and
- 3871 noncommercial relationship, if there is no compensation paid for the advice or
- 3872 counsel; and

3873 (k) an individual who is licensed, in good standing, to practice mental health therapy in a
3874 state or territory of the United States outside of Utah may provide short term
3875 transitional mental health therapy remotely to a client in Utah only if:
3876 (i) the individual is present in the state or territory where the individual is licensed to
3877 practice mental health therapy;
3878 (ii) the client relocates to Utah;
3879 (iii) the client is a client of the individual immediately before the client relocates to
3880 Utah;
3881 (iv) the individual provides the short term transitional mental health therapy to the
3882 client only during the 45 day period beginning on the day on which the client
3883 relocates to Utah;
3884 (v) within 10 days after the day on which the client relocates to Utah, the individual
3885 provides written notice to the division of the individual's intent to provide short
3886 term transitional mental health therapy remotely to the client; and
3887 (vi) the individual does not engage in unlawful conduct or unprofessional conduct.

3888 Section 60. Section **58-61-401** is amended to read:

3889 **58-61-401 (Effective 07/01/26). Grounds for denial of licensure or certification --**

3890 **Disciplinary proceedings.**

3891 ~~[(1) Subject to Subsection (2), the division's grounds for refusing to issue a license to an~~
3892 ~~applicant, for refusing to renew the license of a licensee, for revoking, suspending,~~
3893 ~~restricting, or placing on probation the license of a licensee, for issuing a public or~~
3894 ~~private reprimand to a licensee, and for issuing a cease and desist order are under~~
3895 ~~Section 58-1-401.]~~

3896 ~~[(2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or~~
3897 ~~licensee's license under this chapter solely because the applicant or licensee seeks or~~
3898 ~~participates in mental health or substance abuse treatment.]~~

3899 **(1) As used in this section:**

3900 (a) "License" includes a certification issued under this chapter.
3901 (b) "Licensed" includes a person certified under this chapter.
3902 (c) "Licensee" includes a certificate holder under this chapter.

3903 **(2) Subject to Subsection (7), the division may take an action described in Section 58-1-401**
3904 **and in accordance with that section, including refusing to issue or renew a license, or**
3905 **revoking, suspending, restricting, or placing a license on probation, issuing a public or**
3906 **private reprimand, or issuing a cease and desist order.**

3907 (3)(a)(i) Subject to Subsection (7), if a court with jurisdiction determines a licensee is
3908 incapacitated as defined in Section 75-1-20, or that the licensee has a mental
3909 illness as defined in Section 26B-5-301, and is unable to safely engage in practice
3910 under this chapter, the director shall immediately suspend the license of the
3911 licensee upon the entry of the judgment of the court, without further proceedings
3912 under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether
3913 an appeal from the court's ruling is pending.

3914 (ii) The director shall promptly notify the licensee in writing of a suspension under
3915 Subsection (3)(a)(i).

3916 (b)(i) If the division and a majority of the board find reasonable cause to believe that
3917 a licensee cannot practice under this chapter with reasonable skill and safety to
3918 protect a patient due to illness, excessive use of drugs or alcohol, or another
3919 mental or physical condition, and a court has not determined that the licensee is
3920 incapacitated or has a mental illness, the board shall:

3921 (A) recommend that the director file a petition with the division; and
3922 (B) ensure service of the petition on the licensee together with a notice of hearing
3923 limited to the licensee's capacity to competently and safely practice under this
3924 chapter.

3925 (ii) Except as provided in Subsection (4), the hearing described in Subsection (3)(b)(i)
3926 shall be conducted under Section 58-1-109 and Title 63G, Chapter 4,
3927 Administrative Procedures Act.

3928 (4)(a) Every licensee who accepts the privilege of being licensed under this chapter
3929 gives consent to:

3930 (i) submitting to an immediate mental or physical examination, at the licensee's
3931 expense and by a division-approved practitioner selected by the licensee when
3932 directed in writing by the division and a majority of the board to do so; and
3933 (ii) the admissibility of the reports of the examining practitioner's testimony or
3934 examination, and waives all objections on the ground the reports constitute a
3935 privileged communication.

3936 (b) The examination may be ordered by the division, with the consent of a majority of
3937 the board, only upon a finding of reasonable cause to believe:

3938 (i) the licensee has a mental illness, is incapacitated, or otherwise unable to practice
3939 with reasonable skill and safety; and
3940 (ii) immediate action by the division and the board is necessary to prevent harm to

the licensee's patients or the general public.

(c)(i) By written order of the director, the division may immediately suspend the license of a licensee who fails to submit to examination in accordance with this section.

(ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the licensee's failure to submit to examination was due to circumstances beyond the control of the licensee and unrelated to the illness or incapacity of the licensee.

(5)(a) A licensee whose license is suspended under Subsection (3) or (4)(c) may appeal the suspension within 10 days after the day on which the division suspends the license.

(b) The hearing held under this Subsection (5) shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the licensee's patients or the general public.

(6) A licensee whose license is revoked, suspended, or in any way restricted under this section may request the division and the board to consider, at reasonable intervals, evidence presented by the licensee, under procedures the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding change in the licensee's condition, to determine whether:

(a) the licensee is able to safely and competently engage in the practice under the licensee's license; and

(b) the licensee is qualified to have the licensee's license to practice under this chapter partially or completely restored.

(7) The division may not refuse, revoke, suspend, or restrict an applicant or licensee's license under this chapter solely because the applicant or licensee seeks or participates in mental health or substance abuse treatment.

(8) Section 63G-2-206 may not be construed as limiting the authority of the division to report current significant investigative information to the coordinated licensure information system for transmission to party states as required of the division by Article IX of the Psychology Interjurisdictional Compact in Section 58-61b-102.

Section 61. Section **58-61-501** is amended to read:

58-61-501 (Effective 07/01/26). Unlawful conduct.

As used in this chapter, "unlawful conduct" includes:

3975 (1) practice of psychology unless licensed as a psychologist or certified psychology resident
3976 under this chapter or exempted from licensure under this title;
3977 (2) practice of mental health therapy by a licensed psychologist who has not acceptably
3978 documented to the division [his] the licensed psychologist's completion of the supervised
3979 training in psychotherapy required under Subsection 58-61-304(1)(e); or
3980 (3) representing oneself as or using the title of psychologist, or certified psychology
3981 resident unless currently licensed under this chapter.

3982 Section 62. Section **58-63-302** is amended to read:

58-63-302 (Effective 07/01/26). Qualifications for licensure.

3984 (1) Each applicant for licensure as an armored car company or a contract security company
3985 shall:
3986 (a) submit an application in a form the division approves;
3987 (b) pay a fee ~~[determined by the department under]~~ the division determines in accordance
3988 with Section 63J-1-504;
3989 (c) have a qualifying agent who:
3990 (i) meets with the division and the board and demonstrates that the applicant and the
3991 qualifying agent meet the requirements of this section;
3992 (ii) is a resident of the state;
3993 (iii) is responsible management personnel or a company owner of the applicant;
3994 (iv) exercises material day-to-day authority in the conduct of the applicant's business
3995 by making substantive technical and administrative decisions and whose primary
3996 employment is with the applicant;
3997 (v) is not concurrently acting as a qualifying agent or employee of another armored
3998 car company or contract security company and is not engaged in any other
3999 employment on a regular basis;
4000 (vi) is not involved in any activity that would conflict with the qualifying agent's
4001 duties and responsibilities under this chapter to ensure that the qualifying agent's
4002 and the applicant's performance under this chapter does not jeopardize the health
4003 or safety of the general public;
4004 (vii) is not an employee of a government agency;
4005 (viii) passes an examination component ~~[established by rule by the division in~~
4006 ~~collaboration with the board]~~ the division requires by rule the division makes in
4007 collaboration with the board, and in accordance with Title 63G, Chapter 3, Utah
4008 Administrative Rulemaking Act; and

4009 (ix)(A) demonstrates 6,000 hours of compensated experience as a manager,
4010 supervisor, or administrator of an armored car company or a contract security
4011 company; or
4012 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division
4013 in collaboration with the board with a federal, United States military, state,
4014 county, or municipal law enforcement agency;

4015 (d) require that each company officer, company owner, company proprietor, company
4016 trustee, and responsible management personnel with direct responsibility for
4017 managing operations of the applicant within the state:
4018 (i) provide name, address, date of birth, social security number, and fingerprints; and
4019 (ii)(A) consent to, and complete, a criminal background check, described in
4020 Section 58-1-301.5;
4021 (B) meet any other standard related to the criminal background check described in
4022 Subsection (1)(d)(ii)(A), that the division [establishes] makes by rule in
4023 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
4024 and
4025 (C) disclose any criminal history the division requests on a form the division
4026 approves;

4027 (e) have company officers, company owners, company proprietors, company trustees,
4028 and responsible management personnel who have not been convicted of:
4029 (i) a felony; or
4030 (ii) a crime that when considered with the duties and responsibilities of a contract
4031 security company or an armored car company by the division and the board
4032 indicates that the best interests of the public are not served by granting the
4033 applicant a license;

4034 (f) document that none of the individuals described in Subsection (1)(e):
4035 (i) have been declared by a court [of competent] with jurisdiction incompetent by
4036 reason of mental defect or disease and not been restored; or
4037 (ii) [currently suffer from habitual drunkenness or from drug addiction or dependence]
4038 are currently unable to perform the duties required under this title due to a mental
4039 or physical illness or condition, or engagement in any of the behaviors listed in
4040 Subsection 58-1-501(2)(a)(v);

4041 (g) file and maintain with the division evidence of:
4042 (i) comprehensive general liability insurance in a form [and in amounts established

4043 ~~by rule by the division in collaboration with the board and in accordance with~~
4044 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act] in accordance with~~
4045 ~~Subsection 58-63-102(13)(b);~~

4046 (ii) workers' compensation insurance that covers employees of the applicant in
4047 accordance with applicable Utah law;
4048 (iii) registration with the Division of Corporations and Commercial Code; and
4049 (iv) registration as required by applicable law with the:
4050 (A) Unemployment Insurance Division in the Department of Workforce Services,
4051 for purposes of Title 35A, Chapter 4, Employment Security Act;
4052 (B) State Tax Commission; and
4053 (C) Internal Revenue Service; and

4054 (h) meet with the division ~~[and board if requested by the division or board]~~ or board as
4055 the division or board may request.

4056 (2) Each applicant for licensure as an armed private security officer:

4057 (a) shall submit an application in a form the division approves;
4058 (b) shall pay a fee ~~[determined by the department under]~~ the division determines in
4059 accordance with Section 63J-1-504;
4060 (c) may not have been convicted of:
4061 (i) a felony; or
4062 (ii) a crime that when considered with the duties and responsibilities of an armed
4063 private security officer by the division and the board indicates that the best
4064 interests of the public are not served by granting the applicant a license;
4065 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C.
4066 Sec. 922(g);
4067 (e) may not have been declared incompetent by a court ~~[of competent]~~ with jurisdiction
4068 by reason of mental defect or disease and not been restored;
4069 (f) ~~[may not be currently suffering from habitual drunkenness or from drug addiction or~~
4070 ~~dependenee]~~ may not be currently unable to perform the duties required under this
4071 title due to a mental or physical illness or condition, or engagement in any of the
4072 behaviors listed in Subsection 58-1-501(2)(a)(v);
4073 (g) shall successfully complete basic education and training requirements established by
4074 rule by the division in collaboration with the board and in accordance with Title 63G,
4075 Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of
4076 eight hours of classroom or online curriculum;

4077 (h) shall successfully complete firearms training requirements [established by rule by]
4078 the division makes in collaboration with the board and in accordance with Title 63G,
4079 Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of
4080 12 hours of training;

4081 (i) shall pass the examination requirement [established by rule by]the division makes in
4082 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
4083 Administrative Rulemaking Act;

4084 (j) shall:

4085 (i) consent to, and complete, a criminal background check, described in Section
4086 58-1-301.5;

4087 (ii) meet any other standard related to the criminal background check described in
4088 Subsection (1)(j)(i), that the division [establishes] makes by rule in accordance
4089 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4090 (iii) disclose any criminal history the division requests on a form the division
4091 approves; and

4092 (k) shall meet with the division [and board if requested by the division or the board] or
4093 board as the division or board may request.

4094 (3) Each applicant for licensure as an unarmed private security officer:

4095 (a) shall submit an application in a form the division approves;

4096 (b) shall pay a fee [determined by the department under] the division determines in
4097 accordance with Section 63J-1-504;

4098 (c) may not have been convicted of:

4099 (i) a felony; or

4100 (ii) a crime that when considered with the duties and responsibilities of an unarmed
4101 private security officer by the division and the board indicates that the best
4102 interests of the public are not served by granting the applicant a license;

4103 (d) may not have been declared incompetent by a court [of competent] with jurisdiction
4104 by reason of mental defect or disease and not been restored;

4105 (e) [may not be currently suffering from habitual drunkenness or from drug addiction or
4106 dependence] may not be currently unable to perform the duties required under this
4107 title due to a mental or physical illness or condition, or engagement in any of the
4108 behaviors listed in Subsection 58-1-501(2)(a)(v);

4109 (f) shall successfully complete basic education and training requirements [established by
4110 rule by]the division makes by rule in collaboration with the board and in accordance

4111 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall include
4112 a minimum of eight hours of classroom or online curriculum;

4113 (g) shall pass the examination requirement [established by rule by]the division makes
4114 by rule in collaboration with the board and in accordance with Title 63G, Chapter 3,
4115 Utah Administrative Rulemaking Act;

4116 (h) shall:

4117 (i) consent to, and complete, a criminal background check, described in Section
4118 58-1-301.5;

4119 (ii) meet any other standard related to the criminal background check described in
4120 Subsection (1)(h)(i), that the division [establishes-] makes by rule in accordance
4121 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4122 (iii) disclose any criminal history the division requests on a form the division
4123 approves; and

4124 (i) shall meet with the division [and board if requested by the division or board] or board
4125 as the division or board may request.

4126 (4) Each applicant for licensure as an armored car security officer:

4127 (a) shall submit an application in a form the division approves;

4128 (b) shall pay a fee [determined by the department under] the division determines in
4129 accordance with Section 63J-1-504;

4130 (c) may not have been convicted of:

4131 (i) a felony; or

4132 (ii) a crime that when considered with the duties and responsibilities of an armored
4133 car security officer by the division and the board indicates that the best interests of
4134 the public are not served by granting the applicant a license;

4135 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C.
4136 Sec. 922(g);

4137 (e) may not have been declared incompetent by a court [of competent] with jurisdiction
4138 by reason of mental defect or disease and not been restored;

4139 (f) [may not be currently suffering from habitual drunkenness or from drug addiction or
4140 dependence] may not be currently unable to perform the duties required under this
4141 title due to a mental or physical illness or condition, or engagement in any of the
4142 behaviors listed in Subsection 58-1-501(2)(a)(v);

4143 (g) shall successfully complete basic education and training requirements [established by
4144 rule by]the division makes by rule in collaboration with the board and in accordance

with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

- (h) shall successfully complete firearms training requirements [established by rule by] the division makes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (i) shall pass the examination requirements [established by rule by] the division make by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (j) shall:
 - (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
 - (ii) meet any other standard related to the criminal background check described in Subsection (4)(j)(i), that the division [establishes] makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (iii) disclose any criminal history the division requests on a form the division approves; and
- (k) shall meet with the division and board if requested by the division or the board.

Section 63. Section **58-64-302** is amended to read:

58-64-302 (Effective 07/01/26). Qualifications for licensure.

(1) An applicant for licensure as a deception detection examiner:

- (a) shall submit an application in a form the division approves;
- (b) shall pay a fee [determined by the department under] the division determines in accordance with Section 63J-1-504;
- (c) may not have been convicted of a felony or any other crime that when considered with the duties and responsibilities of a deception detection examiner is considered by the division to indicate that the best interests of the public will not be served by granting the applicant a license;
- (d) may not have been declared by any court [of competent] with jurisdiction incompetent by reason of mental defect or disease and not been restored;
- (e) [may not be currently suffering from habitual drunkenness or from drug addiction or dependence] may not be currently unable to perform the duties required under this

4179 title due to a mental or physical illness or condition, or engagement in any of the
4180 behaviors listed in Subsection 58-1-501(2)(a)(v);

4181 (f) shall have completed one of the following:

4182 (i) have earned a bachelor's degree from a four-year university or college meeting
4183 standards the division [establishes] makes by rule made in accordance with Title
4184 63G, Chapter 3, Utah Administrative Rulemaking Act;
4185 (ii) have completed not less than 8,000 hours of investigation experience [approved
4186 by the division] that the division approves; or
4187 (iii) have completed a combination of university or college education and
4188 investigation experience, as [defined by rule made by the] the division defines by
4189 rule the division makes in accordance with Title 63G, Chapter 3, Utah
4190 Administrative Rulemaking Act, as being equivalent to the requirements under
4191 Subsection (1)(f)(i) or (1)(f)(ii);

4192 (g) shall have successfully completed a training program in detection deception meeting
4193 criteria the division [establishes] makes by rule made in accordance with Title 63G,
4194 Chapter 3, Utah Administrative Rulemaking Act;

4195 (h) shall:

4196 (i) consent to, and complete, a criminal background check, described in Section
4197 58-1-301.5;
4198 (ii) meet any other standard related to the criminal background check described in
4199 Subsection (1)(h)(i), that the division [establishes] makes by rule in accordance
4200 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
4201 (iii) disclose any criminal history the division requests on a form the division
4202 approves; and
4203 (i) shall have performed satisfactorily as a licensed deception detection intern for a
4204 period of not less than one year and shall have satisfactorily conducted not less than
4205 100 deception detection examinations under the supervision of a licensed deception
4206 detection examiner.

4207 (2) An applicant for licensure as a deception detection intern:

4208 (a) shall submit an application in a form the division approves;
4209 (b) shall pay a fee [determined by the department under] the division determines in
4210 accordance with Section 63J-1-504;
4211 (c) may not have been convicted of a felony or any other crime that when considered
4212 with the duties and responsibilities of a deception detection intern is considered by

4213 the division to indicate that the best interests of the public will not be served by
4214 granting the applicant a license;

4215 (d) may not have been declared by any court [of competent] with jurisdiction
4216 incompetent by reason of mental defect or disease and not been restored;

4217 (e) [may not be currently suffering from habitual drunkenness or from drug addiction or
4218 dependee] may not be currently unable to perform the duties required under this
4219 title due to a mental or physical illness or condition, or engagement in any of the
4220 behaviors listed in Subsection 58-1-501(2)(a)(v);

4221 (f) shall have completed one of the following:

4222 (i) have earned a bachelor's degree from a four-year university or college meeting
4223 standards the division [establishes-] makes by rule made in accordance with Title
4224 63G, Chapter 3, Utah Administrative Rulemaking Act;

4225 (ii) have completed not less than 8,000 hours of investigation experience [approved
4226 by the division] that the division approves; or

4227 (iii) have completed a combination of university or college education and
4228 investigation experience, as [defined by rule] the division defines by rule the
4229 division makes in accordance with Title 63G, Chapter 3, Utah Administrative
4230 Rulemaking Act, as being equivalent to the requirements under Subsection (2)(f)(i)
4231 or (2)(f)(ii);

4232 (g) shall have successfully completed a training program in detection deception meeting
4233 criteria [established by rule] the division makes by rule in accordance with Title 63G,
4234 Chapter 3, Utah Administrative Rulemaking Act;

4235 (h) shall:

4236 (i) consent to, and complete, a criminal background check, described in Section
4237 58-1-301.5;

4238 (ii) meet any other standard related to the criminal background check described in
4239 Subsection (2)(h)(i), that the division [establishes-] makes by rule in accordance
4240 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4241 (iii) disclose any criminal history the division requests on a form the division
4242 approves; and

4243 (i) shall provide the division with an intern supervision agreement in a form the division
4244 approves under which:

4245 (i) a licensed deception detection examiner agrees to supervise the intern; and

4246 (ii) the applicant agrees to be supervised by that licensed deception detection

examiner.

(3) An applicant for licensure as a deception detection examination administrator:

- (a) shall submit an application in a form the division approves;
- (b) shall pay a fee [determined by the department under] the division determines in accordance with Section 63J-1-504;
- (c) may not have been convicted of a felony or any other crime that when considered with the duties and responsibilities of a deception detection examination administrator is considered by the division to indicate that the best interests of the public will not be served by granting the applicant a license;
- (d) may not have been declared by a court [of competent] with jurisdiction incompetent by reason of mental defect or disease and not been restored;
- (e) [may not be currently suffering from habitual drunkenness or from drug addiction or dependence] may not be currently unable to perform the duties required under this title due to a mental or physical illness or condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v);
- (f) shall have earned an associate degree from a state-accredited university or college or have an equivalent number of years' work experience;
- (g) shall:
 - (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
 - (ii) meet any other standard related to the criminal background check described in Subsection (3)(g)(i), that the division [establishes] makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (iii) disclose any criminal history the division requests on a form the division approves; and
- (h) shall have successfully completed a training program and have obtained certification in deception detection examination administration provided by the manufacturer of a scientific or technology-based software application solution that the director approves.

58-67-502 (Effective 07/01/26). Unprofessional conduct.

(1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

- (a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession, state law, or division rule;

4281 (b) making a material misrepresentation regarding the qualifications for licensure under
4282 Section 58-67-302.7 or 58-67-302.8;

4283 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
4284 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88,
4285 Part 2, Dispensing Practice, if applicable;

4286 (d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
4287 Medical Cannabis;

4288 (e) performing or inducing an abortion in violation of the requirements of Section
4289 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under
4290 this chapter is found guilty of a crime in connection with the violation;

4291 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
4292 (i) a wrongful or negligent act or omission of an individual licensed under this
4293 chapter or an individual under the direction or control of an individual licensed
4294 under this chapter; or
4295 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);

4296 (g) performing, or causing to be performed, upon an individual who is less than 18 years
4297 old:
4298 (i) a primary sex characteristic surgical procedure; or
4299 (ii) a secondary sex characteristic surgical procedure; or
4300 (h) designating a child as do not resuscitate without parental consent.

4301 (2) "Unprofessional conduct" does not include:
4302 (a) in compliance with Section 58-85-103:
4303 (i) obtaining an investigational drug or investigational device;
4304 (ii) administering the investigational drug to an eligible patient; or
4305 (iii) treating an eligible patient with the investigational drug or investigational device;
4306 or
4307 (b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
4308 Cannabis:
4309 (i) when acting as a recommending medical provider, as that term is defined in
4310 Section 26B-4-201, recommending the use of medical cannabis; or
4311 (ii) when registered as a pharmacy medical provider, as that term is defined in
4312 Section 26B-4-201, providing pharmacy medical provider services in a medical
4313 cannabis pharmacy.

4314 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in

4315 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
4316 define unprofessional conduct for a physician described in Subsection (2)(b).

4317 Section 65. Section **58-68-802** is amended to read:

4318 **58-68-802 (Effective 07/01/26). Form of practice.**

4319 (1) An osteopathic physician and surgeon licensed under this chapter may engage in
4320 practice as an osteopathic physician and surgeon or in the practice of osteopathic
4321 medicine only as an individual licensee, but as an individual licensee, [he] an osteopathic
4322 physician and surgeon licensed under this chapter may be:
4323 (a) an individual operating as a business proprietor;
4324 (b) an employee of another person;
4325 (c) a partner in a lawfully organized partnership;
4326 (d) a lawfully formed professional corporation;
4327 (e) a lawfully organized limited liability company;
4328 (f) a lawfully organized business corporation; or
4329 (g) any other form of organization ~~[recognized by the state and not prohibited by~~
4330 ~~division rule made in collaboration with the board]~~ the state recognizes and that the
4331 division does not prohibit by rule made in collaboration with the board.

4332 (2) Regardless of the form in which a licensee engages in the practice of osteopathic
4333 medicine, the licensee may only permit the practice of medicine in that form of business
4334 practice to be conducted by an individual:
4335 (a) licensed in Utah as an osteopathic physician and surgeon under Section 58-68-301 or
4336 as a physician and surgeon under Section 58-67-301; and
4337 (b) who is able to lawfully and competently engage in the practice of medicine to direct
4338 or interfere in the licensee's practice of medicine.

4339 Section 66. Section **58-69-502** is amended to read:

4340 **58-69-502 (Effective 07/01/26). Unprofessional conduct.**

4341 (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:
4342 (a) sharing professional fees with an unlicensed person or paying any person for sending
4343 or referring a patient;
4344 (b) making an unsubstantiated claim of superiority in training or skill as a dentist or
4345 dental hygienist or in the performance of professional services;
4346 (c) refusing authorized agents of the division or state or local health authorities access to
4347 the facilities related to the practice of dentistry or dental hygiene during normal
4348 business hours for the purpose of inspection;

4349 (d) failing to maintain facilities, instruments, equipment, supplies, appliances, or other
4350 property or conditions related to the practice of dentistry in a sanitary condition
4351 consistent with the standards and ethics of the professions of dentistry or dental
4352 hygiene; [or]

4353 (e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
4354 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88,
4355 Part 2, Dispensing Practice, if applicable; or

4356 [(e)] (f) falsely making an entry in, or altering, a medical record with the intent to
4357 conceal:

4358 (i) a wrongful or negligent act or omission of an individual licensed under this
4359 chapter or an individual under the direction or control of an individual licensed
4360 under this chapter; or

4361 (ii) conduct described in Subsections (1)(a) through (d) or Subsection 58-1-501(1).

4362 (2) For purposes of Subsection (1)(b), an unsubstantiated claim of superiority:

4363 (a) includes for the practice of dentistry:

4364 (i) advertising or otherwise holding oneself out to the public as practicing a dental
4365 specialty in which the dentist has not successfully completed the education
4366 specified for the dental specialty as [defined by] the American Dental
4367 Association defines; and

4368 (ii) using the following words in advertising "Endodontist," "Orthodontist," "Oral and
4369 Maxillofacial Surgeon," "Specialist," "Board Certified," "Diplomat," "Practice
4370 Limited to," "Pediatric Dentist," "Periodontist," or "Limited to Specialty of" when
4371 the dentist has not successfully completed the education specified for the dental
4372 specialty as [defined by] the American Dental Association defines; and

4373 (b) does not include a dentist who advertises as being qualified in a recognized specialty
4374 area of dental practice so long as each such advertisement, regardless of form,
4375 contains a prominent disclaimer that the dentist is licensed as a general dentist or that
4376 the specialty services will be provided by a general dentist.

4377 Section 67. Section **58-70a-503** is amended to read:

4378 **58-70a-503 (Effective 07/01/26). Unprofessional conduct.**

4379 (1) "Unprofessional conduct" includes:

4380 (a) violation of a patient confidence to any [person who] person that does not have a
4381 legal right and a professional need to know the information concerning the patient;

4382 (b) knowingly prescribing, selling, giving away, or directly or indirectly administering,

4383 or offering to prescribe, sell, furnish, give away, or administer any prescription drug
4384 except for a legitimate medical purpose upon a proper diagnosis indicating use of that
4385 drug in the amounts prescribed or provided;

4386 (c) prescribing prescription drugs for oneself or administering prescription drugs to
4387 oneself, except those that have been legally prescribed for the physician assistant by a
4388 licensed practitioner and that are used in accordance with the prescription order for
4389 the condition diagnosed;

4390 (d) in a practice that has physician assistant ownership interests, failure to allow a
4391 physician the independent final decision making authority on treatment decisions for
4392 the physician's patient;

4393 (e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
4394 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88,
4395 Part 2, Dispensing Practice, if applicable;

4396 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
4397 (i) a wrongful or negligent act or omission of an individual licensed under this
4398 chapter or an individual under the direction or control of an individual licensed
4399 under this chapter; or
4400 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
4401 (g) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
4402 Medical Cannabis; or
4403 (h) designating a child as do not resuscitate without parental consent.

4404 (2)(a) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter
4405 4, Part 2, Cannabinoid Research and Medical Cannabis, when acting as a
4406 recommending medical provider, as that term is defined in Section 26B-4-201,
4407 recommending the use of medical cannabis.

4408 (b) Notwithstanding Subsection (2)(a), the division, in consultation with the board and in
4409 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
4410 define unprofessional conduct for a physician assistant described in Subsection (2)(a).
4411 Section 68. Section **58-72-302** is amended to read:

4412 **58-72-302 (Effective 07/01/26). Qualifications for licensure.**

4413 An applicant for licensure as a licensed acupuncturist shall:

4414 (1) submit an application in a form [prescribed by the division] the division approves;

4415 (2) pay a fee [determined by the department under] the division determines in accordance
4416 with Section 63J-1-504;

4417 (3) meet the requirements for current active certification in acupuncture under guidelines
4418 established by the [National Commission for the Certification of Acupuncture and
4419 Oriental Medicine (NCCAOM)] National Certification Board for Acupuncture and
4420 Herbal Medicine (NCBAHM) as demonstrated through a current certificate or other
4421 appropriate documentation;

4422 (4) pass the examination [required by the division by rule] the division requires by
4423 rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
4424 Rulemaking Act;

4425 (5) establish procedures, as [defined by rule] the division defines by rule the division
4426 makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4427 which shall enable patients to give informed consent to treatment; and

4428 (6) meet with the board, if requested, for the purpose of evaluating the applicant's
4429 qualifications for licensure.

4430 Section 69. Section **58-73-102** is amended to read:

4431 **58-73-102 (Effective 07/01/26). Definitions.**

4432 (1) "Adjustment of the articulation of the spinal column" means performance by a
4433 chiropractic physician by the use of passive movements directed toward the goal of
4434 restoring joints to their proper physiological relationship of motion and related function,
4435 releasing adhesions, or stimulating joint receptors using one or more of the following
4436 techniques:

4437 (a) impulse adjusting or the use of sudden, high velocity, short amplitude thrust of a
4438 nature that the patient cannot prevent the motion, commencing where the motion
4439 encounters the elastic barrier of resistance and ends at the limit of anatomical
4440 integrity;

4441 (b) instrument adjusting, utilizing instruments specifically designed to deliver sudden,
4442 high velocity, short amplitude thrust;

4443 (c) light force adjusting utilizing sustained joint traction or applied directional pressure,
4444 or both, which may be combined with passive motion to restore joint mobility; and

4445 (d) long distance lever adjusting utilizing forces delivered at some distance from the
4446 dysfunctional site and aimed at transmission through connected structures to
4447 accomplish joint mobility.

4448 (2) "Board" means the Chiropractic Physician Licensing Board created in Section 58-73-201.

4449 (3) "Chiropractic assistant" means an individual who performs activities related to the
4450 practice of chiropractic under the supervision of a licensed chiropractic physician in

4451 accordance with division rule established in collaboration with the board.

4452 (4) "Chiropractic physician" means an individual who has been licensed under this chapter
4453 to practice chiropractic.

4454 (5) "Diagnosis of the articulation of the spinal column" means to examine the articulations
4455 of the spinal column of another human to determine the source, nature, kind, or extent of
4456 a disease, vertebral subluxation, or other physical condition, and to make a
4457 determination of the source, nature, kind, or extent of a disease or other physical
4458 condition.

4459 (6) "Elastic barrier" means the point at which the patient cannot move a joint by [his] the
4460 patient's own means and through which movement is obtained or caused by a
4461 practitioner's skillful treatment using the practitioner's hands in a manipulation of a joint
4462 by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the
4463 motion.

4464 (7) "Incisive surgery" means any procedure having the power or quality of cutting of a
4465 patient for the purpose of treating disease, injury, or deformity, and includes the use of
4466 laser.

4467 (8) "Manipulate the articulation of the spinal column" means use by a practitioner of a
4468 skillful treatment using the practitioner's hands in a manipulation of a joint as follows:

4469 (a) by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the
4470 motion;
4471 (b) the movement of the joint is by force beyond its active limit of motion;
4472 (c) the manipulation commences where mobilization ends and specifically begins when
4473 the elastic barrier of resistance is encountered and ends at the limit of anatomical
4474 integrity; and
4475 (d) the manipulation is directed to the goal of restoring joints to their proper
4476 physiological relationship of motion and related function, releasing adhesions, or
4477 stimulating joint receptors.

4478 (9) "Practice of chiropractic" means a practice of a branch of the healing arts:

4479 (a) the purpose of which is to restore or maintain human health, in which patient care or
4480 first aid, hygienic, nutritional, or rehabilitative procedures are administered;
4481 (b) which places emphasis upon specific vertebral adjustment, manipulation, and
4482 treatment of the articulation and adjacent tissues of the spinal column,
4483 musculoskeletal structure of the body, and nervous system;
4484 (c) that involves examining, diagnosing, treating, correcting, or prescribing treatment for

4485 any human disease, ailment, injury, infirmity, deformity, pain, or other condition, or
4486 the attempt to do so, in accordance with Section 58-73-601;

4487 (d) that involves diagnosing, prescribing treatment, or making a determination of
4488 treatment necessity for another person's condition by means of:
4489 (i) a physical examination of the person; or
4490 (ii) a determination based upon or derived from information supplied directly or
4491 indirectly by a third person; and
4492 (e) that includes the practice described in this Subsection (9) on an animal subject to:
4493 (i) Subsection 58-28-307(12);
4494 (ii) the provisions of this chapter; and
4495 (iii) division rule.

4496 (10) "Therapeutically position the articulation of the spinal column" means to adjust or
4497 manipulate the articulation of the spinal column.

4498 Section 70. Section **58-73-302** is amended to read:

4499 **58-73-302 (Effective 07/01/26). Qualifications for licensure.**

4500 (1) Each applicant for licensure as a chiropractic physician, other than an applicant applying
4501 for a license based on licensure as a chiropractor or chiropractic physician in another
4502 jurisdiction, shall:
4503 (a) submit an application in a form the division approves;
4504 (b) pay a fee ~~[determined by the department under]~~ the division determines in accordance
4505 with Section 63J-1-504;
4506 (c) demonstrate satisfactory completion of at least two years of general study in a
4507 college or university;
4508 (d) demonstrate having earned a degree of doctor of chiropractic from a chiropractic
4509 college or university that at the time the degree was conferred was accredited by the
4510 Council on Chiropractic Education, Inc., or an equivalent chiropractic accrediting
4511 body recognized by the United States Department of Education and by the division
4512 rule made in collaboration with the board;
4513 (e) demonstrate successful completion of:
4514 (i) the National Chiropractic Boards:
4515 (A) Parts I and II;
4516 (B) Written Clinical Competency Examination; and
4517 (C) Physiotherapy;
4518 (ii) the Utah Chiropractic Law and Rules Examination; and

4519 (iii) a practical examination [approved by the division] the division approves in
4520 collaboration with the board;

4521 (f) meet with the board, if requested, for the purpose of reviewing the applicant's
4522 qualifications for licensure; and

4523 (g)(i) consent to, and complete, a criminal background check, described in Section
4524 58-1-301.5;

4525 (ii) meet any other standard related to the criminal background check described in
4526 Subsection (1)(g)(i), that the division [establishes] makes by rule in accordance
4527 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4528 (iii) disclose any criminal history the division requests on a form the division
4529 approves.

4530 (2) Each applicant for licensure as a chiropractic physician based on licensure as a
4531 chiropractor or chiropractic physician in another jurisdiction shall:

4532 (a) submit an application in the form the division approves;

4533 (b) pay a fee [determined by the department under] the division determines in accordance
4534 with Section 63J-1-504;

4535 (c) demonstrate having obtained licensure as a chiropractor or chiropractic physician in
4536 another state under education requirements which were equivalent to the education
4537 requirements in this state to obtain a chiropractor or chiropractic physician license at
4538 the time the applicant obtained the license in the other state;

4539 (d) demonstrate successful completion of[:] the Utah Chiropractic Law and Rules
4540 Examination;
4541 [(i) the Utah Chiropractic Law and Rules Examination; and]
4542 [(ii) the Special Purposes Examination for Chiropractic (SPEC) of the National Board
4543 of Chiropractic Examiners;]
4544 (e) have been actively engaged in the practice of chiropractic for not less than two years
4545 immediately preceding application for licensure in Utah;

4546 (f) meet with the board, if requested, for the purpose of reviewing the applicant's
4547 qualifications for licensure; and

4548 (g)(i) consent to, and complete, a criminal background check, described in Section
4549 58-1-301.5;

4550 (ii) meet any other standard related to the criminal background check described in
4551 Subsection (2)(g)(i), that the division [establishes] makes by rule in accordance
4552 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4553 (iii) disclose any criminal history the division requests on a form the division
4554 provides.

4555 Section 71. Section **58-73-401** is amended to read:

4556 **58-73-401 (Effective 07/01/26). Grounds for denial of license -- Disciplinary**
4557 **proceedings -- Limitation on division actions.**

4558 (1) Grounds for the following are in accordance with Section 58-1-401:

- 4559 (a) refusing to issue a license to an applicant;
- 4560 (b) refusing to renew the license of a licensee;
- 4561 (c) revoking, suspending, restricting, or placing on probation the license of a licensee;
- 4562 (d) issuing a public or private reprimand to a licensee; and
- 4563 (e) issuing a cease and desist order.

4564 (2) If a court [of competent] with jurisdiction determines a chiropractic physician is
4565 incompetent, mentally incompetent, incapable, or has a mental illness, the director shall
4566 suspend the license of that chiropractic physician, even if an appeal is pending.

4567 (3)(a) If [it appears to the board] the board believes there is reasonable cause to believe a
4568 chiropractic physician who has not been judicially determined to be incompetent,
4569 mentally incompetent, incapable, or to have a mental illness, is unable to practice
4570 chiropractic with reasonable skill and safety [to patients by reason of illness,
4571 drunkenness, excessive use of drugs, narcotics, chemicals, or any other substance] due
4572 to a mental or physical illness or condition, or engagement in any of the behaviors
4573 listed in Subsection 58-1-501(2)(a)(v), or as a result of any mental or physical
4574 condition, a petition shall be served upon that chiropractic physician for a hearing on
4575 the sole issue of the capacity of the chiropractic physician to conduct properly the
4576 practice of the chiropractic physician.

4577 (b) Every chiropractic physician licensed by this state is considered to have:

- 4578 (i) agreed to submit to a mental or physical examination upon receipt of a written
4579 direction given by the division with the approval of the board; and
- 4580 (ii) waived all objections to the admissibility of the examining chiropractic
4581 physician's or other practitioner's testimony or examination reports on the ground
4582 they constitute a privileged communication.

4583 (c) Failure of a chiropractic physician to submit to an examination under Subsection
4584 (3)(b) when directed by the division, unless the failure was due to circumstances
4585 beyond [his] the chiropractic physician's control, constitutes grounds for immediate
4586 suspension of the chiropractic physician's license and an order of suspension of the

4587 license may be entered by the division without the taking of testimony or the
4588 presentation of evidence.

4589 (d) A chiropractic physician whose license is suspended under this section shall, at
4590 reasonable intervals, be afforded the opportunity to demonstrate the chiropractic
4591 physician can resume the competent practice of chiropractic with reasonable skill and
4592 safety to patients.

4593 (e) Neither the proceedings of the board nor the action taken by [it under] the board in
4594 accordance with this section may be used against a chiropractic physician in any
4595 other proceedings.

4596 (4) The terms of revocation, suspension, or probation under this chapter may include:
4597 (a) revoking the license to practice either permanently or with a stated date before which
4598 the individual may not apply for licensure;
4599 (b) suspending, limiting, or restricting the license to practice chiropractic for up to five
4600 years, including limiting the practice of the person to, or excluding from the person's
4601 practice, one or more specific branches of medicine, including any limitation on
4602 practice within the specified branches;
4603 (c) requiring the license holder to submit to care, counseling, or treatment by physicians
4604 approved by or designated by the board, as a condition for licensure;
4605 (d) requiring the license holder to participate in a program of education prescribed by the
4606 board;
4607 (e) requiring the license holder to practice under the direction of a physician designated
4608 by the board for a specified period of time; or
4609 (f) other appropriate terms and conditions [determined by the division] the division
4610 determines in collaboration with the board to be necessary to protect the public
4611 health, safety, or welfare.

4612 Section 72. Section **58-73-501** is amended to read:

4613 **58-73-501 (Effective 07/01/26). Unprofessional conduct.**

4614 [Unprofessional conduct is as defined in Section 58-1-501, as defined by division rule,

4615 and also includes] A person engages in unprofessional conduct if the person:

4616 (1) [engaging] engages in practice as a chiropractic physician after electing to place [his] the
4617 person's license on inactive status, without having established with the board that [he] the
4618 person has initiated or completed continuing education necessary to reinstate active
4619 status of [his] the person's license;
4620 (2) [failing] fails to complete required continuing professional education;

4621 (3) [violating] violates any of the scope of practice standards set forth in Section 58-73-601;

4622 (4) [failing] fails to maintain patient records in sufficient detail to clearly substantiate a

4623 diagnosis, all treatment rendered to the patient in accordance with the recognized

4624 standard of chiropractic care, and fees charged for professional services;

4625 (5) [refusing] refuses to divulge to the division on demand the means, methods, device, or

4626 instrumentality used in the treatment of a disease, injury, ailment, or infirmity, unless

4627 that information is protected by the physician-patient privilege of Utah and the patient

4628 has not waived that privilege;

4629 (6) [refusing] refuses the division or the division's employees access to [his] the person's

4630 office, instruments, laboratory equipment, appliances, or supplies at reasonable times for

4631 purposes of inspection;

4632 (7) fraudulently [representing] represents that curable disease, sickness, or injury can be

4633 cured in a stated time, or knowingly making any false statement in connection with the

4634 practice of chiropractic;

4635 (8) [offering, undertaking, or agreeing] offers, undertakes, or agrees to cure or treat a

4636 disease, injury, ailment, or infirmity by a secret means, method, device, or

4637 instrumentality;

4638 (9) willfully and intentionally [making] makes any false statement or entry in any

4639 chiropractic office records or other chiropractic records or reports;

4640 (10) knowingly [engaging] engages in billing practices which are abusive and represent

4641 charges which are fraudulent or grossly excessive for services rendered;

4642 (11) [performing, procuring, or agreeing] performs, procures, or agrees to procure or

4643 perform, or [advising, aiding in or abetting, or offering or attempting to procure or aid or

4644 abet] advises, aids and abets, offers, or attempts to aid and abet in the procuring of a

4645 criminal abortion;

4646 (12) willfully [betraying or disclosing] betrays or discloses a professional confidence or

4647 violation of a privileged communication, except:

4648 (a) as required by law; or

4649 (b) to assist the division by fully and freely exchanging information concerning

4650 applicants or licensees with the licensing or disciplinary boards of other states or

4651 foreign countries, the Utah chiropractic associations, their component societies, or

4652 chiropractic societies of other states, countries, districts, territories, or foreign

4653 countries;

4654 (13) directly or indirectly [giving or receiving] gives or receives any fee, commission,

4655 rebate, or other compensation for professional services not actually rendered or
4656 supervised, but this subsection does not preclude the legal relationships within lawful
4657 professional partnerships, corporations, or associations;

4658 (14) knowingly [failing] fails to transfer a copy of pertinent and necessary medical records
4659 or a summary of them to another physician when requested to do so by the subject
4660 patient or [his-] the patient's designated representative;

4661 (15) [making-] makes a false entry in, or altering, a medical record with the intent to conceal:

4662 (a) a wrongful or negligent act or omission of an individual licensed under this chapter
4663 or an individual under the direction or control of an individual licensed under this
4664 chapter; or

4665 (b) conduct described in Subsections (1) through (14) or Subsection 58-1-501(1);

4666 (16) [sharing-] shares professional fees with a [person who] person that is not licensed under
4667 this chapter; and

4668 (17) [paying-] pays a person for a patient referral.

4669 Section 73. Section **58-73-601** is amended to read:

4670 **58-73-601 (Effective 07/01/26). Scope of practice for a chiropractic physician.**

4671 (1) A chiropractic physician licensed under this chapter may engage in the practice of
4672 chiropractic as defined in Section 58-73-102 in accordance with the following standards.

4673 (2) A chiropractic physician may:

4674 (a) examine, diagnose, and treat only within the scope of chiropractic as described in this
4675 Subsection (2);

4676 (b)(i) use x-ray for diagnostic purposes only; and

4677 (ii) order, for diagnostic purposes only:

4678 (A) ultrasound;

4679 (B) magnetic resonance imaging; and

4680 (C) computerized tomography;

4681 (c) administer:

4682 (i) physical agents, including light, heat, cold, water, air, sound, compression,
4683 electricity, and electromagnetic radiation except gamma radiation; and

4684 (ii) physical activities and devices, including:

4685 (A) exercise with and without devices;

4686 (B) joint mobilization;

4687 (C) mechanical stimulation;

4688 (D) postural drainage;

4689 (E) traction;
4690 (F) positioning;
4691 (G) wound debridement, cleansing, and dressing changes;
4692 (H) splinting;
4693 (I) training in locomotion and other functional activities with and without
4694 assistance devices; and
4695 (J) correction of posture, body mechanics, and gait;
4696 (d) administer the following topically applied medicinal agents, including steroids,
4697 anesthetics, coolants, and analgesics for wound care and for musculoskeletal
4698 treatment, including their use by iontophoresis or phonophoresis;
4699 (e) treat pain incident to major or minor surgery, cancer, obstetrics, or x-ray therapy;
4700 (f) utilize immobilizing appliances, casts, and supports for support purposes, but may
4701 not set displaced bone fractures;
4702 (g) inform the patient of possible side effects of medication and recommend referral to
4703 the prescribing practitioner;
4704 (h) provide instruction in the use of physical measures, activities, and devices for
4705 preventive and therapeutic purposes;
4706 (i) provide consulting, educational, and other advisory services for the purposes of
4707 reducing the incidence and severity of physical disability, movement dysfunctions,
4708 bodily malfunction, and pain;
4709 (j) treat a human being to assess, prevent, correct, alleviate, and limit physical disability,
4710 movement dysfunction, bodily malfunction, and pain resulting from disorders,
4711 congenital and aging conditions, injury, and disease; and
4712 (k) administer, interpret, and evaluate tests.

4713 (3) A chiropractic physician may not:

4714 (a) perform incisive surgery;
4715 (b) administer drugs or medicines for which an authorized prescription is required by
4716 law except as provided in Subsection (2)(d);
4717 (c) treat cancer;
4718 (d) practice obstetrics;
4719 (e) prescribe or administer x-ray therapy; or
4720 (f) set displaced fractures.

4721 (4) A chiropractic physician shall assume responsibility for [his-] the chiropractic physician's
4722 examinations, diagnoses, and treatment.

4723 (5) Nothing in this section authorizes a chiropractic physician to prescribe, possess for
4724 dispensing, dispense, purchase without a prescription written by a licensed and
4725 authorized practitioner, or administer, except under Subsection (2)(d), a drug requiring a
4726 prescription to dispense, under Title 58, Chapter 37, Utah Controlled Substances Act, or
4727 Title 58, Chapter 17b, Pharmacy Practice Act.

4728 (6) Only primary health care providers licensed under this title as osteopathic physicians,
4729 physicians and surgeons, naturopaths, and chiropractic physicians, may diagnose, adjust,
4730 manipulate, or therapeutically position the articulation of the spinal column to the extent
4731 permitted by their scopes of practice.

4732 Section 74. Section **58-74-302** is amended to read:

4733 **58-74-302 (Effective 07/01/26). Qualifications for state certification.**

4734 (1) Each applicant for state certification as a state certified court reporter under this chapter
4735 shall:

4736 [~~(a) be at least 18 years of age;~~]
4737 [~~(b) be a citizen of the United States;~~]
4738 [~~(c) submit an application in a form [prescribed by the division] the division approves;~~
4739 [~~(d) pay a fee [determined by the department under] the division determines in~~
4740 accordance with Section 63J-1-504;
4741 [~~(e) possess a high degree of skill and ability in the art of court reporting; and~~
4742 [~~(f) submit evidence that the applicant has completed and passed the Registered~~
4743 Professional Reporter Examination of the National Court Reporters Association or
4744 the Certified Verbatim Reporter Examination of the National Verbatim Reporters
4745 Association.

4746 (2) A person granted a certificate to practice as a state certified court reporter may use the
4747 abbreviation "C.C.R." or "C.V.R." as long as the person's certificate is current and valid.

4748 Section 75. Section **58-76-603** is amended to read:

4749 **58-76-603 (Effective 07/01/26). Seal -- Authorized use.**

4750 A professional geologist may only affix the licensee's seal to a geologic map,
4751 cross-section, sketch, drawing, plan, or report if the geologic map, cross-section, sketch,
4752 drawing, plan, or report:

4753 (1) was personally prepared by the licensee;
4754 (2) was prepared by an employee, subordinate, associate, or drafter under the supervision of
4755 a licensee, provided the licensee or a principal affixing [his] the seal assumes
4756 responsibility;

4757 (3) was prepared by a licensed professional geologist in this state or any other state
4758 provided:
4759 (a) the licensee in this state affixing the seal performs a thorough review of all work for
4760 compliance with all applicable laws and rules and the standards of the profession; and
4761 (b) makes any necessary corrections before submitting the final plan, specification, or
4762 report:
4763 (i) to a public authority; or
4764 (ii) to a client who has contracted with a professional geologist for the geologic map,
4765 cross-section, or report to be complete and final;

4766 (4) was prepared in part by a licensed professional geologist in this state or any other state
4767 provided:
4768 (a) the licensee in this state clearly identifies that portion of the geologic map,
4769 cross-section, or report for which the licensee is responsible;
4770 (b) the licensee in this state affixing the seal performs a thorough review of that portion
4771 of the geologic map, cross-section, or report for which the licensee is responsible for
4772 compliance with the standards of the profession; and
4773 (c) makes any necessary corrections before submitting the final geologic map,
4774 cross-section, or report for which the licensee is responsible:
4775 (i) to a public authority; or
4776 (ii) to a client who has contracted with a professional geologist for the geologic map,
4777 cross-section, or report to be complete and final;

4778 (5) was prepared by a person exempt from licensure as a professional geologist provided
4779 that:
4780 (a) the licensee in this state affixing the seal performs a thorough review for compliance
4781 with all applicable laws and rules and the standards of the profession; and
4782 (b) makes any necessary corrections before submitting the final geologic map,
4783 cross-section, or report:
4784 (i) to a public authority; or
4785 (ii) to a client who has contracted with a professional geologist for the geologic map,
4786 cross-section, or report to be complete and final; or

4787 (6) meets any additional requirements [established by rule by]the division makes by
4788 rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
4789 in collaboration with the board.

4790 Section 76. Section **58-81-103** is amended to read:

4791 **58-81-103 (Effective 07/01/26). Eligibility for volunteer health care practitioner**
4792 **license -- Delegation of service agreement.**

4793 (1) A health care practitioner is eligible to apply to the division and board for a volunteer
4794 health care practitioner license if the health care practitioner:
4795 (a) certifies to the division and board that the applicant will be engaged exclusively in
4796 volunteer health care services; and
4797 (b) completes an application for a volunteer health care practitioner license, which
4798 includes documentation:
4799 (i) of professional education, exams passed, and graduation;
4800 (ii) of practice history;
4801 (iii) of a qualified location for which the health care practitioner will be practicing;
4802 (iv) identifying the supervising health care practitioner and the supervising health
4803 care practitioner's delegation of service agreement with the volunteer practitioner;
4804 and
4805 (v) that the applicant has:
4806 (A) previously been issued an unrestricted license to practice in Utah, another
4807 state of the United States, or a district or territory of the United States;
4808 (B) never been the subject of any significant disciplinary action in any
4809 jurisdiction; and
4810 (C) is in good health and does not have a condition which would impair the health
4811 care practitioner's ability to practice with reasonable skill and safety to patients.

4812 (2) A health care provider who has agreed to be a supervising professional for a volunteer
4813 at a qualified location shall:
4814 (a) enter into a delegation of service agreement with the volunteer health care
4815 practitioner;
4816 (b) agree to provide the level of supervision required in Subsection 58-81-102(6);
4817 (c) determine with the volunteer whether the volunteer's scope of practice or ability to
4818 prescribe controlled substances will be limited by the delegation of service agreement;
4819 (d) include in the delegation of service agreement that the volunteer may not prescribe a
4820 controlled substance to [himself] the volunteer, the volunteer's family, or a staff
4821 member of the qualified location; and
4822 (e) forward the delegation of service agreement to the division.

4823 Section 77. Section **58-87-202** is amended to read:

4824 **58-87-202 (Effective 07/01/26). Registration as an athlete agent -- Form --**

4825 **Requirements.**

4826 (1) An applicant for registration shall submit an application for registration as an athlete
4827 agent to the division in a form [prescribed by the division] the division approves. An
4828 application filed under this section is a public record under Title 63G, Chapter 2,
4829 Government Records Access and Management Act. The applicant [must] shall be an
4830 individual, and the application [must] shall be signed by the applicant under penalty of
4831 perjury. Except as otherwise provided in Subsections (2) and (3), the application [must]
4832 shall contain at least the following:

4833 (a) the name and date and place of birth of the applicant and the following contact
4834 information for the applicant:

4835 (i) the address of the applicant's principal place of business;

4836 (ii) work and mobile telephone numbers; and

4837 (iii) any means of communicating electronically, including a facsimile number, email
4838 address, and personal and business or employer websites;

4839 (b) the name of the applicant's business or employer, if applicable, including for each
4840 business or employer, its mailing address, telephone number, organization form, and
4841 the nature of the business;

4842 (c) each social-media account with which the applicant or the applicant's business or
4843 employer is affiliated;

4844 (d) each business or occupation in which the applicant engaged within five years before
4845 the date of the application, including self-employment and employment by others,
4846 and any professional or occupational license, registration, or certification held by the
4847 applicant during that time;

4848 (e) a description of the applicant's:

4849 (i) formal training as an athlete agent;

4850 (ii) practical experience as an athlete agent; and

4851 (iii) educational background relating to the applicant's activities as an athlete agent;

4852 (f) the name of each student athlete for whom the applicant acted as an athlete agent
4853 within five years before the date of the application or, if the student athlete is a
4854 minor, the name of the parent or guardian of the minor, together with the athlete's
4855 sport and last-known team;

4856 (g) the name and address of each person that:

4857 (i) is a partner, member, officer, manager, associate, or profit sharer or directly or
4858 indirectly holds an equity interest of 5% or greater of the athlete agent's business [

~~if it]~~ that is not a corporation; and

- (ii) is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of 5% or greater in the corporation;
- (h) a description of the status of any application by the applicant, or any person named under Subsection (1)(g), for a state or federal business, professional, or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license;
- (i) whether the applicant, or any person named under Subsection (1)(g), has pleaded guilty or no contest to, has been convicted of, or has charges pending for, [a] [crime that would involve moral turpitude or be a felony if committed in this state] any crime that would be considered a felony in this state or any other crime that, when considered with the functions and duties of the profession, bears a substantial relationship to the applicant's ability to safely or competently perform as an athlete agent and, if so, identification of:
 - (i) the crime;
 - (ii) the law-enforcement agency involved; and
 - (iii) if applicable, the date of the conviction and the fine or penalty imposed;
- (j) whether, within 15 years before the date of application, the applicant, or any person named under Subsection (1)(g), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of incompetence and, if so, the date and a full explanation of each proceeding;
- (k) whether the applicant, or any person named under Subsection (1)(g), has an unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order in the nature of child support, which is not current at the date of the application;
- (l) whether, within 10 years before the date of application, the applicant, or any person named under Subsection (1)(g), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;
- (m) whether there has been any administrative or judicial determination that the applicant, or any person named under Subsection (1)(g), made a false, misleading, deceptive, or fraudulent representation;
- (n) each instance in which conduct of the applicant, or any person named under Subsection (1)(g), resulted in the imposition of a sanction, suspension, or declaration

4893 of ineligibility to participate in an interscholastic, intercollegiate, or professional
4894 athletic event on a student athlete or a sanction on an educational institution;

4895 (o) each sanction, suspension, or disciplinary action taken against the applicant, or any
4896 person named under Subsection (1)(g), arising out of occupational or professional
4897 conduct;

4898 (p) whether there has been a denial of an application for, suspension or revocation of,
4899 refusal to renew, or abandonment of, the registration of the applicant, or any person
4900 named under Subsection (1)(g), as an athlete agent in any state;

4901 (q) each state in which the applicant currently is registered as an athlete agent or has
4902 applied to be registered as an athlete agent;

4903 (r) if the applicant is certified or registered by a professional league or players
4904 association:
4905 (i) the name of the league or association;
4906 (ii) the date of certification or registration, and the date of expiration of the
4907 certification or registration, if any; and
4908 (iii) if applicable, the date of any denial of an application for, suspension or
4909 revocation of, refusal to renew, withdrawal of, or termination of, the certification or
4910 or registration or any reprimand or censure related to the certification or
4911 registration; and

4912 (s) any additional information ~~[required by]~~ the division requires.

4913 (2) Instead of proceeding under Subsection (1), an individual registered as an athlete agent
4914 in another state may apply for registration as an athlete agent in this state by submitting
4915 to the division:
4916 (a) a copy of the application for registration in the other state;
4917 (b) a statement that identifies any material change in the information on the application
4918 or verifies there is no material change in the information, signed under penalty of
4919 perjury; and
4920 (c) a copy of the certificate of registration from the other state.

4921 (3) The division shall issue a certificate of registration to an individual who applies for
4922 registration under Subsection (2) if the division determines:
4923 (a) the application and registration requirements of the other state are substantially
4924 similar to or more restrictive than this chapter; and
4925 (b) the registration has not been revoked or suspended and no action involving the
4926 individual's conduct as an athlete agent is pending against the individual or the

4927 individual's registration in any state.

4928 (4) For purposes of implementing Subsection (3), the division shall:

4929 (a) cooperate with national organizations concerned with athlete agent issues and
4930 agencies in other states that register athlete agents to develop a common registration
4931 form and determine which states have laws that are substantially similar to or more
4932 restrictive than this chapter; and

4933 (b) exchange information, including information related to actions taken against
4934 registered athlete agents or their registrations, with those organizations and agencies.

4935 Section 78. Section **58-87-203** is amended to read:

4936 **58-87-203 (Effective 07/01/26). Certificate of registration -- Issuance or denial --**

4937 **Renewal.**

4938 (1) Except as otherwise provided in Subsection (2), the division shall issue a certificate of
4939 registration to an applicant for registration who complies with Subsection 58-87-202(1).

4940 (2) The division may refuse to issue a certificate of registration to an applicant for
4941 registration under Subsection 58-87-202(1) if the division determines that the applicant
4942 has engaged in conduct that significantly adversely reflects on the applicant's fitness to
4943 act as an athlete agent. In making the determination, the division may consider whether
4944 the applicant has:

4945 (a) pleaded guilty or no contest to, has been convicted of, or has charges pending for, [a
4946 crime that would involve moral turpitude or be a felony if committed in this state] any
4947 crime that would be considered a felony in this state or any other crime that, when
4948 considered with the functions and duties of the profession, bears a substantial
4949 relationship to the applicant's ability to safely or competently perform as an athlete
4950 agent;

4951 (b) made a materially false, misleading, deceptive, or fraudulent representation in the
4952 application or as an athlete agent;

4953 (c) engaged in conduct that would disqualify the applicant from serving in a fiduciary
4954 capacity;

4955 (d) engaged in conduct [prohibited by] Section 58-87-401 prohibits;

4956 (e) had a registration as an athlete agent suspended, revoked, or denied in any state;

4957 (f) been refused renewal of registration as an athlete agent in any state;

4958 (g) engaged in conduct resulting in imposition of a sanction, suspension, or declaration
4959 of ineligibility to participate in an interscholastic, intercollegiate, or professional
4960 athletic event on a student athlete or a sanction on an educational institution; or

4961 (h) engaged in conduct that adversely reflects on the applicant's credibility, honesty, or
4962 integrity.

4963 (3) In making a determination under Subsection (2), the division shall consider:

4964 (a) how recently the conduct occurred;

4965 (b) the nature of the conduct and the context in which [it] the conduct occurred; and

4966 (c) other relevant conduct of the applicant.

4967 (4) An athlete agent registered under Subsection (1) may apply to renew the registration by
4968 submitting an application for renewal in a form ~~[prescribed by the division]~~ the division
4969 approves. The applicant shall sign the application for renewal under penalty of perjury
4970 and include current information on all matters required in an original application for
4971 registration.

4972 (5) An athlete agent registered under Subsection 58-87-202(2) may renew the registration
4973 by proceeding under Subsection (4) or, if the registration in the other state has been
4974 renewed, by submitting to the division copies of the application for renewal in the other
4975 state and the renewed registration from the other state. The division shall renew the
4976 registration if the division determines:

4977 (a) the registration requirements of the other state are substantially similar to or more
4978 restrictive than this chapter; and

4979 (b) the renewed registration has not been suspended or revoked and no action involving
4980 the individual's conduct as an athlete agent is pending against the individual or the
4981 individual's registration in any state.

4982 (6) A certificate of registration or a renewal of a registration is valid for two years.

4983 Section 79. Section **58-88-201** is amended to read:

4984 **58-88-201 (Effective 07/01/26). Definitions.**

4985 As used in this part:

4986 (1)(a) "Dispense" means the delivery by a prescriber of a prescription drug or device to a
4987 patient, including the packaging, labeling, and security necessary to prepare and
4988 safeguard the drug or device for supplying to a patient.

4989 (b) "Dispense" does not include:

4990 (i) prescribing or administering a drug or device; or

4991 (ii) delivering to a patient a sample packaged for individual use by a licensed
4992 manufacturer or re-packager of a drug or device.

4993 (2) "Dispensing practitioner" means an individual who:

4994 (a) is currently licensed as:

4995 (i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;
4996 (ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic
4997 Medical Practice Act;
4998 (iii) an advanced practice registered nurse under Subsection 58-31b-301(2)(d);
4999 (iv) a physician assistant under Chapter 70a, Utah Physician Assistant Act; ~~[or]~~
5000 (v) a dentist under Chapter 69, Dentist and Dental Hygienist Practice Act; or
5001 (vi) an optometrist under Chapter 16a, Utah Optometry Practice Act;
5002 (b) is authorized by state law to prescribe and administer drugs in the course of
5003 professional practice; and
5004 (c) practices at a licensed dispensing practice.

5005 (3) "Drug" means the same as that term is defined in Section 58-17b-102.

5006 (4) "Health care practice" means:

5007 (a) a health care facility as defined in Section 26B-2-201; or
5008 (b) the offices of one or more private prescribers, whether for individual or group
5009 practice.

5010 (5) "Licensed dispensing practice" means a health care practice that is licensed as a
5011 dispensing practice under Section 58-88-202.

5012 Section 80. Section **58-88-204** is amended to read:

5013 **58-88-204 (Effective 07/01/26). Administrative inspections of a dispensing
5014 practice -- Penalties.**

5015 (1) The division shall conduct audits and inspections of licensed dispensing practices in
5016 accordance with standards ~~[established by the division by rule]~~ the division makes
5017 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
5018 (2) Penalties for a violation of this part, including fines and citations, shall be issued by the
5019 division under:
5020 (a) Section 58-1-502; and
5021 (b) the dispensing practitioner's respective licensing chapter.

5022 Section 81. **Repealer.**

5023 This bill repeals:

5024 Section **58-49-5, Certification of persons currently qualified.**

5025 Section **58-49-6, Certification of persons qualified in other jurisdictions.**

5026 Section **58-60-511, Experience requirement -- Transition of licensing and experience.**

5027 Section 82. **Effective Date.**

5028 This bill takes effect on July 1, 2026.