

Scott D. Sandall proposes the following substitute bill:

1 **Occupational and Professional Licensing Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill modifies Title 58, Occupations and Professions.

5 **Highlighted Provisions:**

6 This bill:

- 7
 - 8 ▶ removes pronouns;
 - 9 ▶ updates language to remove archaic terminology;
 - 10 ▶ corrects typographical errors;
 - 11 ▶ creates a legacy cosmetology/barbering license; and
 - 12 ▶ makes technical and conforming changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 This bill provides a special effective date.

17 **Utah Code Sections Affected:**

18 **AMENDS:**

- 19 **58-1-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
20 Session, Chapter 9
- 21 **58-1-108 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 223
- 22 **58-1-301.5 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 236
- 23 **58-1-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 104
- 24 **58-1-310 (Effective 07/01/26)**, as enacted by Laws of Utah 2019, Chapter 198
- 25 **58-1-401 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 404
- 26 **58-1-501 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 138
- 27 **58-1-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339
- 28 **58-3a-304 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339

29 **58-4a-105 (Effective 07/01/26)**, as enacted by Laws of Utah 2020, Chapter 107
30 **58-4a-107 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 420
31 **58-5a-306 (Effective 07/01/26)**, as last amended by Laws of Utah 2015, Chapter 230
32 **58-11a-302 (Effective 07/01/26)**, as repealed and reenacted by Laws of Utah 2025,
33 Chapter 491
34 **58-11a-302.23 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 491
35 **58-11a-302.24 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 491
36 **58-11a-302.25 (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37 **58-13-5 (Effective 07/01/26) (Repealed 07/01/26)**, as last amended by Laws of Utah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39 **58-15-101 (Effective 07/01/26) (Repealed 07/01/35)**, as renumbered and amended by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-303 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapters 277,
58 415
59 **58-31b-702 (Effective 07/01/26)**, as last amended by Laws of Utah 2005, Chapter 50
60 **58-37-2 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 396
61 **58-37-10 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapter 278
62 **58-37c-8 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapters 262, 413

63 **58-37c-17 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapter 278
64 **58-37f-301 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 214
65 **58-37f-303 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 340
66 **58-37f-304 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 507
67 **58-37f-402 (Effective 07/01/26)**, as last amended by Laws of Utah 2018, Chapter 318
68 **58-37f-702 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 329
69 **58-37f-703 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 415
70 **58-40a-305 (Effective 07/01/26)**, as enacted by Laws of Utah 2006, Chapter 206
71 **58-49-4 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 249
72 **58-60-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 367
73 **58-60-102.5 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 420
74 **58-60-108 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 404
75 **58-60-117 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339
76 **58-60-207 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 420
77 **58-60-405 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443
78 **58-60-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 420
79 **58-60-506 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 213,
80 443
81 **58-60-508 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 393
82 **58-60-601 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 420
83 **58-61-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 420
84 **58-61-301 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapters 228,
85 420
86 **58-61-307 (Effective 07/01/26)**, as last amended by Laws of Utah 2018, Chapter 415
87 **58-61-401 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 404
88 **58-61-501 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339
89 **58-63-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443
90 **58-64-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443
91 **58-67-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 392
92 **58-68-802 (Effective 07/01/26)**, as enacted by Laws of Utah 1996, Chapter 248
93 **58-69-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 25
94 **58-70a-503 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 392
95 **58-72-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339
96 **58-73-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 240

58-73-302 (Effective 07/01/26), as last amended by Laws of Utah 2025, Chapter 443

58-73-401 (Effective 07/01/26), as last amended by Laws of Utah 2011, Chapter 366

58-73-501 (Effective 07/01/26), as last amended by Laws of Utah 2022, Chapter 415

58-73-601 (Effective 07/01/26), as last amended by Laws of Utah 2022, Chapter 269

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

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

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

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

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

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

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

ENACTS:

58-11a-302.26 (Effective 07/01/26), Utah Code Annotated 1953

REPEALS:

58-49-5 (Effective 07/01/26), as last amended by Laws of Utah 2020, Chapter 339
58-49-6 (Effective 07/01/26), as last amended by Laws of Utah 2023, Chapter 249
58-60-511 (Effective 07/01/26), as last amended by Laws of Utah 2012, Chapter 179

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

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

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

As used in this title:

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

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

(2) "Cosmetic medical procedure":

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

(b) except for Chapter 67, Utah Medical Practice Act, and Chapt

Medical Practice Act, does not apply to the scope of practice of an individual licensed under this title if the individual's scope of practice includes the authority to operate or perform surgical procedures.

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

- 131 (4) "Department" means the Department of Commerce.
- 132 (5) "Director" means the director of the Division of Professional Licensing.
- 133 (6) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 134 (7) "DOD civilian" means the same as that term is defined in Section 53H-11-202.
- 135 (8) "Executive director" means the executive director of the Department of Commerce.
- 136 (9) "License" includes any license, certificate, registration, or permit authorized in
137 accordance with this title.
- 138 [({9})] (10) "Licensee" includes any holder of a license, certificate, registration, permit,
139 student card, or apprentice card authorized [under] in accordance with this title.
- 140 [({10})] (11)(a)(i) "Nonablative procedure" means a procedure that is expected or
141 intended to alter living tissue, but not intended or expected to excise, vaporize,
142 disintegrate, or remove living tissue.
- 143 (ii) Notwithstanding Subsection [({10})(a)(i)] (11)(a)(i), nonablative procedure includes
144 hair removal and cryolipolysis.
- 145 (b) "Nonablative procedure" does not include:
- 146 (i) a superficial procedure;
- 147 (ii) the application of permanent make-up;
- 148 (iii) laser tattoo removal; or
- 149 (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that are
150 performed by an individual licensed under this title who is acting within their
151 scope of practice.
- 152 [({11})] (12) "Pain clinic" means:
- 153 (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or
- 154 (b) a clinic in which greater than 50% of the clinic's annual patient population receive
155 treatment primarily for non-terminal chronic pain using Schedule II-III controlled
156 substances.
- 157 [({12})] (13) "Superficial procedure" means a procedure that is expected or intended to
158 temporarily alter living skin tissue and may excise or remove stratum corneum but have
159 no appreciable risk of damage to any tissue below the stratum corneum.
- 160 [({13})] (14) "Telemedicine service" means the same as that term is defined in Section
161 26B-4-704.
- 162 [({14})] (15) "Unlawful conduct" means the same as that term is defined in Subsection
163 58-1-501(1).
- 164 [({15})] (16) "Unprofessional conduct" means the same as that term is defined in Subsection

165 58-1-501(2).

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

167 **58-1-108 (Effective 07/01/26). Adjudicative proceedings.**

- 168 (1) The division and [all]boards created [under] in accordance with this title, including the
169 members of a board designated under Subsection 58-1-109(3), shall comply with the
170 procedures and requirements of Title 13, Chapter 1, Department of Commerce, and Title
171 63G, Chapter 4, Administrative Procedures Act, in all of their adjudicative proceedings
172 as defined by Subsection 63G-4-103(1).
- 173 (2) Before proceeding under Section 63G-4-502, the division shall review the proposed
174 action with a committee of [no less than] at least three licensees appointed by the [
175 chairman] chairperson of the licensing board created under this title for the profession of
176 the person against whom the action is proposed.
- 177 (3) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, a warning or
178 final disposition letter [~~which~~] that does not constitute disciplinary action against the
179 addressee, issued in response to a complaint of unprofessional or unlawful conduct
180 under this title, does not constitute an adjudicative proceeding.

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

182 **58-1-301.5 (Effective 07/01/26). Division access to Bureau of Criminal
183 Identification records -- Criminal background check requirement.**

- 184 (1) As used in this section, "applicant" means an individual applying for licensure or
185 certification, or with respect to a license or certification, applying for renewal,
186 reinstatement, or relicensure or recertification, as required in:
187 (a) Section 58-5a-302;
188 (b) Section 58-16a-302;
189 (c) Section 58-17b-303;
190 (d) Section 58-17b-304;
191 (e) Section 58-17b-305;
192 (f) Section 58-17b-306;
193 (g) Section 58-24b-302;
194 (h) Section 58-31b-302;
195 (i) Section 58-42a-302;
196 (j) Section 58-44a-302;
197 (k) Section 58-47b-302;
198 (l) Section 58-55-302;

199 (m) Section 58-47b-302.2;
200 (n) Section 58-49-4;
201 [(n)] (o) Section 58-60-205;
202 [(o)] (p) Section 58-60-305;
203 [(p)] (q) Section 58-60-405;
204 [(q)] (r) Section 58-60-506;
205 [(r)] (s) Section 58-61-304;
206 [(s)] (t) Section 58-63-302;
207 [(t)] (u) Section 58-64-302;
208 [(u)] (v) Section 58-67-302;
209 [(v)] (w) Section 58-68-302;
210 [(w)] (x) Section 58-69-302;
211 [(x)] (y) Section 58-70a-302;
212 [(y)] (z) Section 58-70b-302;
213 [(z)] (aa) Section 58-71-302; [or]
214 [(aa)] (bb) Section 58-73-302[-]; or
215 (cc) Section 58-89-104.

- 216 (2) The division shall have direct access to local files [maintained by] the Bureau of
217 Criminal Identification maintains under Title 53, Chapter 10, Part 2, Bureau of Criminal
218 Identification, for background screening of an applicant.
219 (3) The division's access to criminal background information under this section:
220 (a) shall meet the requirements of Section 53-10-108; and
221 (b) includes:
222 (i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in
223 abeyance, dismissed charges, and charges without a known disposition; and
224 (ii) criminal background information maintained under Title 53, Chapter 10, Part 2,
225 Bureau of Criminal Identification.
226 (4) The division may not disseminate outside of the division any criminal history record
227 information that the division obtains from the Bureau of Criminal Identification or the
228 Federal Bureau of Investigation under the criminal background check requirements of
229 this section.
230 (5) To fulfill an applicable criminal background check requirement, an applicant shall:
231 (a) submit fingerprints in a form acceptable to the division at the time the applicant files
232 a license application or a registration; and

233 (b) consent to a fingerprint background check [econducted by]the Bureau of Criminal
234 Identification and the Federal Bureau of Investigation conduct regarding the
235 application.

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

- 238 (i) collect from each applicant submitting fingerprints in accordance with this section:
239 (A) the fee that the Bureau of Criminal Identification is authorized to collect for
240 the services provided under Section 53-10-108; and
241 (B) the fee [echarged by]the Federal Bureau of Investigation charges for
242 fingerprint processing for the purpose of obtaining federal criminal history
243 record information;
- 244 (ii) submit from each applicant the fingerprints and the fees described in Subsection
245 (6)(a)(i) to the Bureau of Criminal Identification; and
246 (iii) obtain and retain in division records a signed waiver [approved by]the Bureau of
247 Criminal Identification approves in accordance with Section 53-10-108 for each
248 applicant.

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

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

- 253 (a) check the fingerprints submitted under Subsection (5)(a) against the applicable state
254 and regional criminal records databases;
255 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal
256 history background check; and
257 (c) provide the results from the state, regional, and nationwide criminal history
258 background checks to the division.

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

- 264 (ii) If a massage establishment owner has a criminal conviction or pending criminal
265 charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any
266 crime [listed by rule made by the division] the division determines by rule the

267 division makes in collaboration with the board in accordance with Title 63G,
268 Chapter 3, Utah Administrative Rulemaking Act, the division shall deny an
269 application for registration of a massage establishment.

- 270 (b)(i) An individual whose license has been revoked in accordance with Subsection
271 (8)(a) is entitled to a hearing to challenge the revocation.
272 (ii) A registered massage establishment for which the registration has been revoked
273 in accordance with Subsection (8)(a) is entitled to a hearing to challenge the
274 revocation.
275 (c) The division shall conduct the hearing described in this Subsection (8) in accordance
276 with Title 63G, Chapter 4, Administrative Procedures Act.

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

278 **58-1-302 (Effective 07/01/26). License by endorsement.**

- 279 (1) As used in this section:
280 (a) "License" means an authorization that permits the holder to engage in the practice of
281 a profession regulated under this title.
282 (b) "Limited supervised training permit" means a temporary authorization to work in a
283 limited professional capacity that would otherwise require licensure under this title.
284 (2) Subject to Subsections (4) through (7), the division shall issue a license to an applicant
285 who has been licensed in another state, district, or territory of the United States if:
286 (a) the division determines that the license issued in the other state, district, or territory
287 encompasses a similar scope of practice as the license sought in this state;
288 (b) the applicant has at least one year of experience practicing under the license issued in
289 the other state, district, or territory; and
290 (c) the applicant's license is in good standing in the other state, district, or territory
291 where the license was issued.
292 (3) Subject to the other provisions of this section, the division may issue a license to an
293 applicant who:
294 (a) has been licensed in another state, district, or territory of the United States, or in a
295 jurisdiction outside of the United States, if:
296 (i)(A) the division determines that the applicant's education, credentialing
297 examination, experience, and skills demonstrate competency in the profession
298 for which the licensure is sought in this state; and
299 (B) the applicant has at least one year of experience practicing under the license
300 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 territory of the United States, or a jurisdiction outside of the United States; and
 - (ii) the division determines that the education, credentialing examination, and experience was substantially similar to the current education, credentialing examination, and experience requirements for the license sought in this state.

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

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

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

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

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

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

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

 - (i) the applicant has an employment offer from an employer in the state;

- 335 (ii) the employer attests to the division that the applicant will work under the [direct
336 supervision] level of supervision the division requires by rule the division makes in
337 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, of an
338 individual who:
- 339 (A) holds a license in good standing of the same classification as the limited
340 supervised training permit; and
- 341 (B) has held the license for a minimum period of time [defined by] the division
342 defines by rule the division makes in accordance with Title 63G, Chapter 3,
343 Utah Administrative Rulemaking Act;
- 344 (iii)(A) the division needs additional time to make a determination under
345 Subsection (6)(a)(i); or
- 346 (B) the division determines under Subsection (6)(a)(ii) that additional education or
347 experience would make the applicant's education or experience substantially
348 similar to the education or experience requirements for a license under this
349 title, the applicant wishes to pursue the education or experience, and the
350 division [establishes] makes a deadline for the applicant to complete the
351 additional education or experience;
- 352 (iv) the applicant pays a fee [determined by the department under] the department
353 determines in accordance with Section 63J-1-504;
- 354 (v) the applicant meets the minimum professional standards to work in a supervised
355 environment that the division, in consultation with the applicable board,
356 establishes for the applicable profession;
- 357 (vi) the applicant submits to a background check, if required for the license for which
358 the applicant applied; and
- 359 (vii) the applicant meets with the applicable board, if requested, to evaluate the
360 applicant's qualifications.
- 361 (c)(i) A limited supervised training permit issued under this Subsection (6) expires:
362 (A) on the deadline that the division [establishes] makes for the applicant to
363 complete the additional education or experience described in Subsection
364 (6)(b)(iii)(B); or
- 365 (B) upon the division's grant or denial of the applicant's application for licensure
366 by endorsement.
- 367 (ii) The division may not renew or otherwise extend a limited supervised training
368 permit unless:

- 369 (A) a circumstance or hardship arose beyond the limited supervised training
370 permit holder's control that prevented the limited supervised training permit
371 holder from completing the licensure process;
- 372 (B) the limited supervised training permit holder presents satisfactory evidence to
373 the division that the limited supervised training permit holder is making
374 reasonable progress toward obtaining licensure in the state;
- 375 (C) the division grants the renewal or extension for a period proportionate to the
376 circumstance or hardship; and
- 377 (D) the limited supervised training permit holder's employer consents in writing to
378 the renewal or extension.

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

- 382 (8)(a) The provisions of this section control over any conflicting licensure by
383 endorsement provision in another chapter of this title.
- 384 (b) The division, in consultation with the applicable licensing board and professional
385 educators that help establish and monitor educational requirements for the profession
386 of the applicant under review, shall ensure that the provisions of this section apply
387 uniformly to the administration and enforcement of licensure by endorsement for
388 each license type under this title.

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

- 391 (a) the number of licenses and limited supervised training permits issued under this
392 section during the preceding year;
- 393 (b) each determination in which the division deems specified education, credentialing
394 examination, experience, or skills substantially similar to the education, credentialing
395 examination, experience, or skills required for a license sought under this section; and
- 396 (c) documentation of each instance in which the applicable board disagreed with the
397 division's determination that an applicant's education, credentialing examination,
398 experience, or skills from another jurisdiction were substantially similar to the
399 education, credentialing examination, experience, or skills required for the license
400 sought under this section.

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

402 **58-1-310 (Effective 07/01/26). Application for division determination regarding**

403 **criminal conviction.**

- 404 (1) An individual with a criminal record may apply to the division at any time for a
405 determination of whether the individual's criminal record would disqualify the individual
406 from obtaining a license in an occupation or profession regulated by this title if the
407 individual has completed or were to complete all other licensing requirements for the
408 occupation or profession.
- 409 (2) To receive a determination, the individual shall submit the application described in this
410 section in a form [prescribed by the division] the division approves and shall include
411 information regarding:
- 412 (a) the individual's complete criminal conviction history;
- 413 (b) what occupational or professional license the individual is interested in seeking;
- 414 (c) what licensing requirements [have been met by the individual] the individual meets;
- 415 (d) what licensing requirements [have not yet been met by the individual] the individual
416 has not met; and
- 417 (e) any other information [required by the division as established by division rule made]
418 the division requires by rule the division makes in accordance with Title 63G,
419 Chapter 3, Utah Administrative Rulemaking Act.
- 420 (3) The division may charge the individual a fee, established in accordance with Section
421 63J-1-504, to submit an application under this section.
- 422 (4) Within [30] 90 days of the day on which the division receives a completed application
423 from an individual for a determination under this section, based on the statutory
424 authority and administrative rules governing the occupation or profession at the time of
425 the application, the division shall provide a written determination to the individual of
426 whether the individual's criminal record would disqualify the individual from obtaining
427 a license in an occupation or profession [regulated by] this title regulates if the
428 individual were to complete all other licensing requirements.
- 429 (5) If the individual's criminal record would disqualify the individual from obtaining a
430 license in an occupation or profession [regulated by] this title regulates, the written
431 determination described in Subsection (4) may also include information regarding
432 additional steps the individual could take to qualify for licensure.

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

434 **58-1-401 (Effective 07/01/26). Grounds for denial of license -- Disciplinary
435 proceedings -- Time limitations -- Sanctions.**

- 436 (1) The division shall refuse to issue a license to an applicant and shall refuse to renew or

437 shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a
438 licensee who does not meet the qualifications for licensure under this title.

- 439 (2) The division may refuse to issue a license to an applicant and may refuse to renew or
440 may revoke, suspend, restrict, place on probation, issue a public reprimand to, or
441 otherwise act upon the license of a licensee for the following reasons:
- 442 (a) subject to the provisions of Subsection (7), the applicant or licensee [has engaged]
443 engages in unprofessional conduct, as [defined by]statute or rule under this title
444 defines;
- 445 (b) the applicant or licensee [has engaged] engages in unlawful conduct as [defined by]
446 statute under this title defines;
- 447 (c) [the applicant or licensee has been determined to be mentally incompetent by a court
448 of competent jurisdiction] a court with jurisdiction determines that the applicant is
449 mentally incompetent; or
- 450 (d) subject to Subsections 58-31b-401(7), 58-60-108(2), 58-61-401(2), 58-67-401(2),
451 58-68-401(2), 58-70a-401(2), and Section 58-81-105, the applicant or licensee is
452 unable to practice the occupation or profession with reasonable skill and safety
453 because of [illness, drunkenness, excessive use of drugs, narcotics, chemicals, or
454 other type of material, or as a result of a mental or physical condition] a mental or
455 physical illness or condition, or engagement in any of the behaviors listed in
456 Subsection 58-1-501(2)(a)(v), when the condition demonstrates a threat or potential
457 threat to the public health, safety, or welfare.
- 458 (3) [A licensee whose license to practice an occupation or profession regulated by this title
459 has been suspended, revoked, placed on probation, or restricted may apply for
460 reinstatement of the license at reasonable intervals and upon compliance with conditions
461 imposed upon the licensee by statute, rule, or terms of the license suspension,
462 revocation, probation, or restriction] A licensee with a license that has been suspended,
463 revoked, placed on probation, or restricted, may apply for reinstatement of the license at
464 reasonable intervals when the licensee complies with the conditions that statute, rule, or
465 the terms of the suspension, revocation, probation, or restriction impose.
- 466 (4) The division may issue cease and desist orders to:
- 467 (a) a licensee or applicant who may be disciplined under Subsection (1) or (2);
- 468 (b) a person [who] that engages in or represents that the person is engaged in an
469 occupation or profession regulated under this title; and
- 470 (c) a person [who] that otherwise violates this title or a rule adopted under this title.

- 471 (5) The division may impose an administrative penalty in accordance with Section 58-1-502.
- 472 (6)(a) The division may not take disciplinary action against a person for unprofessional
- 473 or unlawful conduct under this title, unless the division enters into a stipulated
- 474 agreement or initiates an adjudicative proceeding regarding the conduct within four
- 475 years after the conduct is reported to the division, except under Subsection (6)(b).
- 476 (b)(i) The division may not take disciplinary action against a person for
- 477 unprofessional or unlawful conduct more than 10 years after the occurrence of the
- 478 conduct, unless the proceeding is in response to a civil or criminal judgment or
- 479 settlement and the proceeding is initiated within one year following the judgment
- 480 or settlement.
- 481 (ii) Notwithstanding Subsection (6)(b)(i), the division may refuse to issue a license
- 482 due to unprofessional or unlawful conduct that occurred more than 10 years before
- 483 a request or application for licensure is made.
- 484 (7) When the division is determining whether to refuse to issue a license to an applicant, or
- 485 to refuse to renew the license of a licensee, based solely on the criminal conviction of an
- 486 applicant or licensee, the division shall:
- 487 (a) provide individualized consideration to the applicant or licensee;
- 488 (b) determine whether the criminal conviction bears a substantial relationship to the
- 489 applicant's or licensee's ability to safely or competently practice the occupation or
- 490 profession; and
- 491 (c) consider the applicant's or licensee's current circumstances, which may include any
- 492 of the following:
- 493 (i) the age of the applicant or licensee when the applicant or licensee committed the
- 494 offense;
- 495 (ii) the time that has elapsed since the applicant or licensee committed the offense;
- 496 (iii) whether the applicant or licensee has completed the applicant's or licensee's
- 497 criminal sentence;
- 498 (iv) whether the applicant has completed or is actively participating in rehabilitative
- 499 drug or alcohol treatment;
- 500 (v) any testimonials or recommendations from other individuals ~~[provided by]~~ that
- 501 the applicant or licensee, including a progress report from the applicant's or
- 502 licensee's probation or parole officer, provides;
- 503 (vi) other evidence of rehabilitation ~~[provided by]~~ the applicant or licensee provides;
- 504 (vii) the education and training of the applicant or licensee;

- 505 (viii) the employment history of the applicant or licensee; and
506 (ix) other relevant information [provided by] the applicant or licensee provides.

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

508 **58-1-501 (Effective 07/01/26). Unlawful and unprofessional conduct.**

- 509 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under
510 this title and includes[:] when the person:
- 511 (a) ~~[practicing or engaging in, representing oneself to be practicing or engaging in, or
512 attempting] practices or engages in, represents oneself to be practicing or engaging in,~~
513 ~~or attempts~~ to practice or engage in any profession requiring licensure under this title,
514 except the behavioral health technician under Chapter 60, Part 6, Behavioral Health
515 Coach and Technician Licensing Act, if the person is:
516 (i) not licensed to do so or not exempted from licensure under this title; or
517 (ii) restricted from doing so by a suspended, revoked, restricted, temporary,
518 probationary, or inactive license;
- 519 (b)(i) ~~[impersonating] impersonates~~ another licensee or practicing a profession under
520 a false or assumed name, except as permitted by law; or
521 (ii) for a licensee who has had a license under this title reinstated following
522 disciplinary action, practicing the same profession using a different name than the
523 name used before the disciplinary action, except as permitted by law and after
524 notice to, and approval by, the division;
- 525 (c) knowingly ~~[employing] employs~~ any other person to practice or engage in or attempt
526 to practice or engage in any profession licensed under this title if the employee is not
527 licensed to do so under this title;
- 528 (d) knowingly ~~[permitting] permits~~ the person's authority to practice or engage in any
529 profession licensed under this title to be used by another, except as permitted by law;
- 530 (e) ~~[obtaining] obtains~~ a passing score on a licensure examination, applying for or
531 obtaining a license, or otherwise dealing with the division or a licensing board
532 through the use of fraud, forgery, or intentional deception, misrepresentation,
533 misstatement, or omission;
- 534 (f)(i) ~~[issuing, or aiding and abetting] issues, or engages in aiding and abetting~~ in the
535 issuance of, an order or prescription for a drug or device to a person located in this
536 state:
537 (A) without prescriptive authority conferred by a license issued under this title, or
538 by an exemption to licensure under this title; or

539 (B) with prescriptive authority conferred by an exception issued under this title or
540 a multistate practice privilege recognized under this title, if the prescription
541 was issued without first obtaining information, in the usual course of
542 professional practice, that is sufficient to establish a diagnosis, to identify
543 underlying conditions, and to identify contraindications to the proposed
544 treatment; and

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

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

551 (2)(a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is
552 defined as unprofessional conduct under this title or under any rule adopted under
553 this title and includes[:] when a licensee or applicant:

554 (i) [violating-] violates any statute, rule, or order regulating [an-]a profession under
555 this title;

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

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

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

571 (v) [engaging-] engages in conduct, including the use of intoxicants, drugs, narcotics,
572 or similar chemicals, to the extent that the conduct does, or might reasonably be

considered to, impair the ability of the licensee or applicant to [safely engage in the profession] perform licensed duties with reasonable skill and safety;

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

(vii) [practicing or attempting] practices or attempts to practice a or profession 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) [a~~cting~~] 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

607 treatment;

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

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

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

611 (b) "Unprofessional conduct" Unprofessional conduct does not include:

612 (i) a health care provider, as defined in Section 78B-3-403 and who is licensed under
613 this title, deviating from medical norms or established practices if the conditions
614 described in Subsection (5) are met; and

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

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

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

629 (a) an arrest not followed by a conviction; or

630 (b) a conviction for which an individual's incarceration has ended more than five years
631 before the date of the division's consideration, unless:

632 (i) after the incarceration the individual has engaged in additional conduct that results
633 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo
634 contendere that is held in abeyance pending the successful completion of
635 probation; or

636 (ii) the conviction was for:

637 (A) a violent felony as defined in Section 76-3-203.5;

638 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4,
639 Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act;

640 (C) a felony related to criminal fraud or embezzlement, including a felony under

Title 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft; or

(D) a crime or a pattern of crimes that demonstrates a substantial potential to harm Utah patients or consumers, as ~~may be determined by~~ the director may determine in a process ~~defined by rule made~~ the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from medical norms or established practices if:

(a) the health care provider does not deviate outside of the health care provider's scope of practice and possesses the education, training, and experience to competently and safely administer the alternative health care service;

(b) the health care provider does not provide an alternative health care service that is otherwise contrary to any state or federal law;

(c) the alternative health care service has reasonable potential to be of benefit to the patient to whom the alternative health care service is to be given;

(d) the potential benefit of the alternative health care service outweighs the known harms or side effects of the alternative health care service;

(e) the alternative health care service is reasonably justified under the totality of the circumstances;

(f) after diagnosis but before providing the alternative health care service:

- (i) the health care provider educates the patient on the health care services that are within the medical norms and established practices;

(ii) the health care provider discloses to the patient that the health care provider is recommending an alternative health care service that deviates from medical norm and established practices;

(iii) the health care provider discusses the rationale for deviating from medical norms and established practices with the patient;

(iv) the health care provider discloses any potential risks associated with deviation from medical norms and established practices; and

(v) the patient signs and acknowledges a notice of deviation; and

(g) before providing an alternative health care service, the health care provider discloses to the patient that the patient may enter into an agreement describing what would constitute the health care provider's negligence related to deviation.

(6) As used in this section, "notice of deviation" means a written notice [provided by] a

675 health care provider provides to a patient that:

676 (a) is specific to the patient;

677 (b) indicates that the health care provider is deviating from medical norms or established

678 practices in the health care provider's recommendation for the patient's treatment;

679 (c) describes how the alternative health care service deviates from medical norms or

680 established practices;

681 (d) describes the potential risks and benefits associated with the alternative health care

682 service;

683 (e) describes the health care provider's reasonably justified rationale regarding the

684 reason for the deviation; and

685 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to

686 receive the alternative health care service which is outside medical norms and

687 established practices.

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

689 **58-1-502 (Effective 07/01/26). Unlawful and unprofessional conduct -- Penalties.**

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

- 709 (B) a stipulated settlement; or
710 (C) a finding of a violation in an adjudicative proceeding.
- 711 (ii) The division may, in addition to or in lieu of a fine under Subsection (2)(b)(i),
712 order the person to cease and desist from violating Subsection 58-1-501(1)(a),
713 (1)(c), (1)(g), or [~~(2)(a)(xv)~~] (2)(a)(xvi), or a rule or order issued with respect to
714 those subsections.
- 715 (c) Except for a cease and desist order, the division may not assess the licensure
716 sanctions cited in Section 58-1-401 through a citation.
- 717 (d) A citation shall:
- 718 (i) be in writing;
- 719 (ii) describe with particularity the nature of the violation, including a reference to the
720 provision of the chapter, rule, or order alleged to have been violated;
- 721 (iii) clearly state that the recipient must notify the division in writing within 20
722 calendar days of service of the citation if the recipient wishes to contest the
723 citation at a hearing conducted under Title 63G, Chapter 4, Administrative
724 Procedures Act; and
- 725 (iv) clearly explain the consequences of failure to timely contest the citation or to
726 make payment of a fine assessed by the citation within the time specified in the
727 citation.
- 728 (e) The division may issue a notice in lieu of a citation.
- 729 (f)(i) If within 20 calendar days from the service of the citation, the person to whom
730 the citation was issued fails to request a hearing to contest the citation, the citation
731 becomes the final order of the division and is not subject to further agency review.
732 (ii) The period to contest a citation may be extended by the division for cause.
- 733 (g) The division may refuse to issue or renew, suspend, revoke, or place on probation the
734 license of a licensee who fails to comply with a citation after [it] the citation becomes
735 final.
- 736 (h) The failure of an applicant for licensure to comply with a citation after [it] the citation
737 becomes final is a ground for denial of license.
- 738 (i) Subject to the time limitations described in Subsection 58-1-401(6), the division may
739 not issue a citation under this section after the expiration of one year following the
740 date on which the violation that is the subject of the citation is reported to the
741 division.
- 742 (j) The director or the director's designee shall assess fines according to the following:

- 743 (i) for the first offense handled [pursuant to] in accordance with Subsection (2)(a), a
744 fine of up to \$1,000;
745 (ii) for a second offense handled [pursuant to] in accordance with Subsection (2)(a), a
746 fine of up to \$2,000; and
747 (iii) for each subsequent offense handled [pursuant to] in accordance with Subsection
748 (2)(a), a fine of up to \$2,000 for each day of continued offense.

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

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

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

765 **58-3a-304 (Effective 07/01/26). Exemptions from licensure.**

- 766 (1) In addition to the exemptions from licensure in Section 58-1-307, the following may
767 engage in the stated limited acts or practices without being licensed under this chapter:
768 (a) a person offering to render architectural services in this state when not licensed under
769 this chapter if the person:
770 (i) holds a current and valid architect license issued by a licensing authority
771 recognized by rule by the division in collaboration with the board;
772 (ii) discloses in writing to the potential client the fact that the architect:
773 (A) is not licensed in the state;
774 (B) may not provide architectural services in the state until the architect is
775 licensed in the state; and
776 (C) that such condition may cause a delay in the ability of the architect to provide

architectural services in the state;

- (iii) notifies the division in writing of [his] the person's intent to offer to render architectural services in the state; and
 - (iv) does not provide architectural services or engage in the practice of architecture in this state until licensed to do so;

(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.

- 811 (3) [A licensee who does not have a substance use disorder may not enter into a program
812 contract with the division] A licensee may not enter into a program contract with the
813 division unless the licensee has a substance use disorder or the division has referred the
814 licensee for diagnostic monitoring.
- 815 (4) The committees described in Section 58-4a-104 may assist the division in evaluating or
816 verifying documentation showing completion of or compliance with a program contract.
- 817 (5) [A decision by the program not to permit a licensee to participate in the program is not
818 subject to appeal, agency review, or judicial review] A decision by the program denying
819 a licensee participation in the program is final and not subject to appeal, agency review,
820 or judicial review.

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

822 **58-4a-107 (Effective 07/01/26). Violation of a program contract -- Adjudicative
823 proceedings -- Penalties.**

- 824 (1) The division may serve an order to show cause on the licensee if the licensee:
825 (a) violates any term or condition of the program contract or diversion agreement;
826 (b) makes an intentional, material misrepresentation of fact in the program contract or
827 diversion agreement; or
828 (c) violates any rule or law governing the licensee's profession.
- 829 [(2) The order to show cause described in Subsection (1) shall:
830 (a) describe the alleged misconduct;
831 (b) set a time and place for a hearing to determine whether the licensee's program
832 contract should be terminated; and]
833 [(c) contain all of the information required by a notice of agency action in Subsection
834 63G-4-201(2).]
- 835 [(3) (2) Proceedings to terminate a program contract shall comply with Title 63G, Chapter
836 4, Administrative Procedures Act[, except the notice of agency action shall be in the
837 form of the order to show cause described in Subsection (2)].
- 838 [(4) (3) During a proceeding to terminate a program contract, the licensee, the licensee's
839 legal representative, and the division shall have access to information contained in the
840 division's program file as permitted by law.
- 841 [(5) (4) The director shall terminate the program contract and place the licensee on
842 probation in accordance with rules made by the division in accordance with Title 63G,
843 Chapter 3, Utah Administrative Rulemaking Act if, during the administrative
844 proceedings described in Subsection [(3) (2), the presiding officer finds that the licensee

845 has:

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

849 [~~(6)~~] (5) If, during the proceedings described in Subsection [~~(3)~~] (2), the presiding officer
850 finds that the licensee has engaged in especially egregious misconduct, the director may
851 revoke the licensee's license or take other appropriate disciplinary action.

852 [~~(7)~~] (6) A licensee who is terminated from the program may have disciplinary action taken
853 under Title 58, Chapter 1, Part 4, License Denial, for misconduct committed before,
854 during, or after the licensee's participation in the program.

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

856 **58-5a-306 (Effective 07/01/26). Exemptions from licensure.**

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

- 859 (1) a podiatric physician serving in the armed forces of the United States, the United States
860 Public Health Service, the United States Department of Veterans Affairs, or other
861 federal agencies while engaged in activities regulated under this chapter as a part of [his]
862 the podiatric physician's employment with that federal agency if the [individual]
863 podiatric physician holds a valid license to practice podiatry [issued by] that any other
864 state or jurisdiction [recognized by the division] the division recognizes issues;
865 (2) a student engaged in activities that constitute the practice of podiatry while in training in
866 a recognized school [approved by the division] the division approves to the extent the
867 activities are under the supervision of qualified faculty or staff and the activities are a
868 defined part of the training program;
869 (3) [a person] an individual engaged in an internship, residency, preceptorship,
870 postceptorship, fellowship, apprenticeship, or on-the-job training program [approved by
871 the division] the division approves while under the supervision of qualified persons;
872 (4) [a person] an individual residing in another state and licensed to practice podiatry there,
873 who is called in for a consultation by [a person] an individual licensed in this state and
874 services provided are limited to that consultation or who is invited by a recognized
875 school, association, society, or other body [approved by the division] the division
876 approves to conduct a lecture, clinic, or demonstration of the practice of podiatry so long
877 as that individual does not establish a place of business or regularly engage in the
878 practice of podiatry in the state;

- 879 (5) a person licensed under the laws of this state to practice or engage in any other
880 occupation or profession while engaged in the lawful, professional, and competent
881 practice of that occupation or profession;
- 882 (6) [persons who fit or sell] a person that fits or sells corrective shoes, arch supports, or
883 similar devices, to the extent their acts and practices involve only the fitting and selling
884 of these items; or
- 885 (7) a medical assistant working under the indirect supervision of a licensed podiatric
886 physician, if the medical assistant:
887 (a) engages only in tasks appropriately [delegated by] ~~that~~ the licensed podiatric
888 physician delegates in accordance with the standards and ethics of the practice of
889 podiatry, and consistent with this chapter;
- 890 (b) does not perform surgical procedures;
- 891 (c) does not prescribe prescription medications;
- 892 (d) does not administer anesthesia, except for a local anesthetic; and
- 893 (e) does not engage in other practices or procedures defined by the division by rule made
894 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
895 in collaboration with the board.

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

- 897 **58-11a-302 (Effective 07/01/26). General qualifications for licensure and
898 permitting.**
- 899 (1) An applicant for a license or permit under this chapter shall:
900 (a)(i) submit an application in a form [prescribed by] the division approves; and
901 (ii) pay a fee [determined by the division in compliance with] the division determines
902 in accordance with Section 63J-1-504;
- 903 (b) provide satisfactory documentation of completion of required minimum service
904 counts, [certified by the applicant's school] that the applicant's school certifies, or, if
905 under an apprenticeship, the applicant's supervisor; and:
906 (i) compliance with educational requirements of the respective license or permit; or
907 (ii) completion of an approved apprenticeship; and
- 908 (c) pass an examination, as [required by administrative rule established by the division]
909 the division requires by rule made in accordance with Title 63G, Chapter 3, Utah
910 Administrative Rulemaking Act.

- 911 (2)(a) The division shall establish administrative rules to determine how many hours for
912 an existing license or permit that an applicant may credit towards the hours required

913 for an additional permit or license.

914 (b) An individual that holds a [cosmetology] legacy cosmetology/barbering license may
915 count 600 hours as a cosmetologist to satisfy the 1,200 total hours requirement for a
916 master esthetics license.

917 Section 14. Section **58-11a-302.23** is amended to read:

918 **58-11a-302.23 (Effective 07/01/26). Practice of esthetics -- Legacy esthetics
919 license -- Qualifications.**

920 (1) Except as provided in Subsection (3), the division may not issue [an] a legacy esthetics
921 license after January 1, 2026.

922 (2) An individual with [an] a legacy esthetics license may perform any of the following
923 skincare procedures done on the face or body for cosmetic purposes and not for the
924 treatment of medical, physical, or mental ailments:

925 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or
926 masks, and manual extraction, including a comedone extractor, depilatories, waxes,
927 tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or
928 pedicures, or callous removal by buffing or filing;

929 (b) limited chemical exfoliation as defined by rule;

930 (c) manual hair removal;

931 (d) other esthetic preparations or procedures with the use of the hands, a high-frequency
932 or galvanic electrical apparatus, or a heat lamp;

933 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or
934 applying eyelash or eyebrow extensions; or

935 (f) subject to the requirements described in Section 58-1-506:

936 (i) laser hair removal;

937 (ii) anti-aging resurfacing enhancements; or

938 (iii) photo rejuvenation.

939 (3) The division shall grant [an] a legacy esthetics license to an individual[that completes
940 the requirements described in Subsection (4) and] who:

941 (a)(i) has registered an esthetics apprenticeship that meets the requirements of
942 Subsection (4)(a) with the division on or before January 1, 2026; [or] and
943 (ii) completes the requirements described in Subsection (4)(a); or

944 (b)(i) has enrolled and started an esthetics program that meets the requirements of
945 Subsection (4)(b) with a licensed school on or before January 1, 2026[.]; and
946 (ii) completes the requirements described in Subsection (4)(b).

- 947 (4)(a) An individual described in Subsection (3)(a) shall complete at least 800 hours of
948 apprenticeship training that is supervised by a licensed esthetics instructor who
949 provides one-on-one supervision of the apprentice during the apprenticeship.
950 (b) An individual described in Subsection (3)(b) shall graduate from a licensed school
951 with a minimum of 600 hours or the equivalent number of credit hours.
952 (5) An individual with ~~[an]~~ a legacy esthetics license may apply credit hours to another
953 license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

954 Section 15. Section **58-11a-302.24** is amended to read:

955 **58-11a-302.24 (Effective 07/01/26). Practice of barbering -- Legacy barbering
956 license -- Qualifications.**

- 957 (1) Except as provided in Subsection (3), the division may not issue a legacy barbering
958 license after January 1, 2026.
959 (2) An individual with a legacy barbering license may engage in the practice of barbering,
960 which includes:
961 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors,
962 shears, clippers, or other appliances;
963 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
964 drying;
965 (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on
966 the human head;
967 (d) removing hair from the face or neck of an individual by using shaving equipment;
968 and
969 (e) when providing other services described in this Subsection (2), gently massaging the
970 head, back of the neck, and shoulders by manual or mechanical means.
971 (3) The division shall grant a legacy barbering license to an individual ~~[that completes the
972 requirement described in Subsektion (4) and]~~ who:
973 (a)(i) has registered a barbering apprenticeship that meets the requirements of
974 Subsection (4)(a) with the division on or before January 1, 2026; ~~[or]~~ and
975 (ii) completes the requirements described in Subsection (4)(a); or
976 (b)(i) has enrolled and started a barbering program that meets the requirements of
977 Subsection (4)(b) with a licensed school on or before January 1, 2026~~[.]~~ ; and
978 (ii) completes the requirements described in Subsection (4)(b).
979 (4)(a) An individual described in Subsection (3)(a) shall complete at least 1,250 hours of
980 apprenticeship training that is supervised by a licensed barbering instructor who

981 provides one-on-one supervision of the apprentice during the apprenticeship.

982 (b) An individual described in Subsection (3)(b) shall graduate from a licensed school
983 with a minimum of 1,000 hours or the equivalent number of credit hours.

984 (5) An individual with a legacy barbering license may apply credit hours to another license
985 or permit under this chapter, as allowed in Subsection 58-11a-302(2).

986 Section 16. Section **58-11a-302.25** is amended to read:

987 **58-11a-302.25 (Effective 07/01/26). License transitions.**

988 Beginning on January 1, 2026:

- 989 (1) a cosmetology/barbering license shall be renewed as a [eosmetology] legacy
990 cosmetology/barbering license;
- 991 (2) a master-level esthetics license shall be renewed as a master esthetics license;
- 992 (3) a hair design license shall be renewed as a master hair design license or a master
993 barbering license;
- 994 (4) an individual with a barbering license may renew the license as a legacy barbering
995 license; and
- 996 (5) an individual with an esthetics license may renew the license as [an] a legacy esthetics
997 license.

998 Section 17. Section **58-11a-302.26** is enacted to read:

999 **58-11a-302.26 (Effective 07/01/26). Practice of cosmetology/barbering -- Legacy
1000 cosmetology/barbering license -- Qualifications.**

- 1001 (1) Except as provided in Subsection (3), the division may not issue a legacy
1002 cosmetology/barbering license after January 1, 2026.
- 1003 (2) An individual with a legacy cosmetology/barbering license may engage in the practice
1004 of cosmetology/barbering, which includes the scope of practice for:
- 1005 (a) a cosmetology license under Subsection 58-11a-302.13(1); and
- 1006 (b) a legacy esthetics license under Subsection 58-11a-302.23(2).
- 1007 (3) The division shall grant a legacy cosmetology/barbering license to an individual who:
- 1008 (a)(i) has registered a cosmetology/barbering apprenticeship that meets the
1009 requirements of Subsection (4)(a) with the division on or before January 1, 2026;
1010 and
- 1011 (ii) completes the requirements described in Subsection (4)(a); or
- 1012 (b)(i) has enrolled and started a cosmetology/barbering program that meets the
1013 requirements of Subsection (4)(b) with a licensed school on or before January 1,
1014 2026; and

(ii) completes the requirements described in Subsection (4)(b).

(4)(a) An individual described in Subsection (3)(a) shall complete at least 2,500 hours of cosmetology/barbering apprenticeship training that is supervised by a licensed cosmetology/barbering instructor who provides one-on-one supervision of the apprentice during the apprenticeship.

(b) An individual described in Subsection (3)(b) shall graduate from a licensed school with a minimum of 1,600 hours or the equivalent number of credit hours.

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

Section 18. Section **58-13-5** is amended to read:

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

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

(2)(a) The division, and the boards within the division that act regarding the health care providers defined in this section, shall adopt rules to establish procedures to obtain information concerning the quality and adequacy of health care rendered to patients by those health care providers.

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

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

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

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

(c) terminating, suspending, or restricting membership or privileges associated with

- 1049 membership in a professional association for acts of unprofessional, unlawful,
1050 incompetent, or negligent conduct related to practice as a licensed health care
1051 provider;
- 1052 (d) subjecting a licensed health care provider to disciplinary action for a period of more
1053 than 30 days;
- 1054 (e) a finding that a licensed health care provider has violated professional standards or
1055 ethics;
- 1056 (f) a finding of incompetence in practice as a licensed health care provider;
- 1057 (g) a finding of acts ~~[of moral turpitude by]~~ which, when considered with the functions
1058 and duties of the profession, bear a substantial relationship to the individual's ability
1059 to safely or competently perform the duties expected of a licensed health care
1060 provider; or
- 1061 (h) a finding that a licensed health care provider is engaged in abuse of alcohol or drugs.
- 1062 (4) This section does not prohibit any action by a health care facility, or professional
1063 society comprised primarily of licensed health care providers to suspend, restrict, or
1064 revoke the employment, privileges, or membership of a health care provider.
- 1065 (5) The data and information obtained in accordance with this section is classified as a
1066 "protected" record under Title 63G, Chapter 2, Government Records Access and
1067 Management Act.
- 1068 (6)(a) Any person or organization furnishing information in accordance with this section
1069 in response to the request of the division or a board, or voluntarily, is immune from
1070 liability with respect to information provided in good faith and without malice, which
1071 good faith and lack of malice is presumed to exist absent clear and convincing
1072 evidence to the contrary.
- 1073 (b) The members of the board are immune from liability for any decisions made or
1074 actions taken in response to information ~~[acquired by]~~ the board acquires if those
1075 decisions or actions are made in good faith and without malice, which good faith and
1076 lack of malice is presumed to exist absent clear and convincing evidence to the
1077 contrary.
- 1078 (7) An individual who is a member of a hospital administration, board, committee,
1079 department, medical staff, or professional organization of health care providers, and any
1080 hospital, other health care entity, or professional organization conducting or sponsoring
1081 the review, is immune from liability arising from participation in a review of a health
1082 care provider's professional ethics, medical competence, ~~[moral turpitude]~~ or a behavior

1083 which, when considered with the functions and duties of the profession, bears a
1084 substantial relationship to the individual's ability to safely or competently perform the
1085 duties expected of a health care provider including any mental or physical illness or
1086 condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v),
1087 or substance abuse.

- 1088 (8) This section does not exempt a person licensed under Title 58, Occupations and
1089 Professions, from complying with any reporting requirements established under state or
1090 federal law.

1091 Section 19. Section **58-15-101** is amended to read:

1092 **58-15-101 (Effective 07/01/26) (Repealed 07/01/35). Definitions.**

1093 [In addition to the definitions in Section 58-1-102, as] As used in this chapter:

- 1094 (1) "Administrator" means a [person who] person that is charged with the general
1095 administration of a health facility, regardless of whether:
1096 (a) the person has an ownership interest in the facility; or
1097 (b) the person's functions and duties are shared with one or more persons.
- 1098 (2) "Board" means the Health Facility Administrators Licensing Board created in Section
1099 58-15-201.
- 1100 (3) "Health facility" means a skilled nursing facility, an intermediate care facility, or an
1101 intermediate care facility for individuals with an intellectual disability.
- 1102 (4) "Intermediate care facility" means an institution that provides, on a regular basis, health
1103 care and services to individuals who do not require the degree of care and treatment a
1104 hospital or skilled nursing facility provides, but who require health care and services in
1105 addition to room and board.
- 1106 (5) "Intermediate care facility for people with an intellectual disability" means an institution
1107 that provides, on a regular basis, health-related care and service to individuals with
1108 intellectual disabilities as defined in Section 68-3-12.5 or individuals with related
1109 conditions, who do not require the degree of care and treatment a hospital or skilled
1110 nursing facility provides, but who require health-related care and services above the
1111 need for room and board.
- 1112 (6) "Skilled nursing facility" means an institution primarily providing inpatients with
1113 skilled nursing care and related services on a continuing basis for patients who require
1114 mental, medical, or nursing care, or service for the rehabilitation of an injured
1115 individual, a sick individual, or an individual with a disability.
- 1116 (7) "Unprofessional conduct" as defined in Section 58-1-501 and as [may be further defined]

1117 ~~by rule]~~ the division may define by rule the division makes in accordance with Title 63G,
1118 ~~Chapter 3, Utah Administrative Rulemaking Act~~, includes:

- 1119 (a) intentionally filing a false report or record, intentionally failing to file a report or
1120 record ~~[required by]~~ that state or federal law requires, or willfully impeding or
1121 obstructing the filing of a required report. These reports or records only include
1122 those which are signed in the capacity of a licensed health facility administrator; and
1123 (b) ~~[a]ctioning in a manner inconsistent with the health and safety of the patients of the~~ ~~health facility in which he is the administrator]~~ ~~the administrator acting in a manner~~
1124 ~~inconsistent with the health and safety of a patient of the health facility that employs~~
1125 ~~the administrator.~~

1126 Section 20. Section **58-16a-305** is amended to read:

1127 **58-16a-305 (Effective 07/01/26). License -- Exemptions.**

1128 In addition to the exemptions from licensure in Section 58-1-307, the following persons
1129 may engage in acts included in the definition of the practice of optometry subject to the stated
1130 circumstances and limitations without being licensed under this chapter:

- 1131 (1) a person ~~[who]~~ that sells contact lenses on prescription ~~[provided by a person]~~ a person
1132 provides ~~that~~ is authorized under state law to practice either optometry or medicine and
1133 surgery if the person complies with Section 58-16a-801;
1134 (2) a person ~~[who]~~ that sells eyeglasses or spectacles as articles of merchandise or who
1135 fabricates them from a prescription if the person complies with Subsection 58-16a-801(2),
1136 and if the person:
1137 (a) does so in the ordinary course of trade from a permanently located and established
1138 place of business;
1139 (b) does not traffic or attempt to traffic upon assumed skill in testing the eye and
1140 adapting lenses according to the test;
1141 (c) does not duplicate, replace, or accept for replacement any ophthalmic lens, except in
1142 the case of an emergency;
1143 (d) does not use in the testing of the eyes any lenses or instruments other than the lenses
1144 actually sold; and
1145 (e) does not give or offer eyeglasses or spectacles as premiums as defined in Section
1146 13-26-2; and
1147 (3) a person ~~[who]~~ that fits contact lenses ~~[under the following conditions]~~ that:
1148 (a) ~~[he]~~ has a current certification from both the American Board of Opticianry and the
1149 National Contact Lens Examiners;

- 1151 (b) [he-]does not give or offer contact lenses as premiums;
1152 (c) [he-]does not perform a refraction, over-refraction, or attempt to traffic upon assumed
1153 skill in testing the eye;
1154 (d) [he-]operates in the ordinary course of trade from a permanently located and
1155 established place of business;
1156 (e) [he-]performs the work involved in fitting contact lenses himself and does not
1157 delegate the contact lens fitting to any other individual who is not qualified under this
1158 Subsection (3);
1159 (f) [he-]does not use in the testing of the eye any lenses or instruments other than the
1160 lenses ~~[he actually will sell]~~ that will actually be sold;
1161 (g) [he-]provides services only to a patient who:
1162 (i) presents an unexpired contact lens prescription; or
1163 (ii) has had an eye examination within the prior six months ~~[by]~~ that an optometrist or
1164 ophthalmologist meeting the requirements under Section 58-16a-306 performs;
1165 and
1166 (h) [he-]maintains a copy of the patient's contact lens prescription for not less than seven
1167 years~~[;]~~ .
1168 ~~[(i) he enters into a written agreement with an optometrist or an ophthalmologist before
1169 July 1, 2000, to fit contact lenses prescribed by that optometrist or ophthalmologist;]~~
1170 ~~[(j) he fits contact lenses for at least two years under the direct supervision of the
1171 optometrist or ophthalmologist identified in Subsection (3)(i) before July 1, 2000, as
1172 documented in the written agreement; and]~~
1173 ~~[(k) the optometrist or ophthalmologist described in Subsection (3)(i):]~~
1174 ~~[(i) ensures that the final contact lens is accurate;]~~
1175 ~~[(ii) presents a written copy of the prescription to the person fitting the contact lens;
1176 and]~~
1177 ~~[(iii) ensures that a copy of the prescription is provided to the patient, except as
1178 provided in Section 58-16a-306.]~~

1179 Section 21. Section **58-16a-502** is amended to read:

1180 **58-16a-502 (Effective 07/01/26). Unprofessional conduct.**

1181 "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

- 1182 (1) using or employing the services of an optometric assistant to assist a licensee in any
1183 manner not in accordance with:
1184 (a) the generally recognized practices and standards of ethics of the profession; or

- 1185 (b) applicable state law or division rule;
- 1186 (2) failure to refer a patient to an appropriate licensed practitioner when:
- 1187 (a) the patient's condition does not respond to treatment; or
- 1188 (b) the treatment is not within the scope of competence or licensure of the licensee;
- 1189 (3) providing confidential information regarding a patient to any third party who does not
- 1190 have a legal and professional ground for obtaining the information;
- 1191 (4) knowingly prescribing, selling, giving away, or administering any prescription drug
- 1192 unless:
- 1193 (a) for a legitimate medical purpose;
- 1194 (b) upon a proper diagnosis indicating the use of the drug in the amount prescribed or
- 1195 provided; and
- 1196 (c) in compliance with Section 58-17b-309;
- 1197 (5) giving or receiving directly or indirectly any fee, commission, rebate, or other
- 1198 compensation for professional services not actually and personally rendered, except as
- 1199 part of a legal relationship within a lawful professional partnership, corporation, or
- 1200 association;
- 1201 (6) failure to transfer pertinent and necessary information from a patient's medical records
- 1202 to another optometrist or physician when ~~so requested by~~ the patient or ~~his~~ the
- 1203 patient's representative, as designated in writing, requests;
- 1204 (7) failure to provide a contact lens prescription to a ~~person who~~ person that sells contact
- 1205 lenses in accordance with Section 58-16a-306; or
- 1206 (8) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 1207 (a) a wrongful or negligent act or omission of an individual licensed under this chapter
- 1208 or an individual under the direction or control of an individual licensed under this
- 1209 chapter; or
- 1210 (b) conduct described in Subsections (1) through (7) or Subsection 58-1-501(1).

1211 Section 22. Section **58-16a-801** is amended to read:

1212 **58-16a-801 (Effective 07/01/26). Contact lens and ophthalmic lens seller or**

1213 **provider.**

- 1214 (1) A person may sell or provide contact lenses if the person:
- 1215 (a) does so in the ordinary course of trade from a permanently located and established
- 1216 place of business;
- 1217 (b) does not perform refractions, over-refractions, or attempts to traffic upon assumed
- 1218 skill in testing the eye;

- 1219 (c) provides all contact lenses consistent with and in accordance with a valid contact lens
1220 prescription;
- 1221 (d) does not fit contact lenses;
- 1222 (e) provides a contact lens to a patient after:
- 1223 (i) receiving an unexpired verbal or written prescription; or
- 1224 (ii) sending a contact lens prescription verification to the prescribing optometrist or
1225 physician, regardless of whether the prescribing optometrist or physician responds
1226 to or confirms the verification, provided that:
- 1227 (A) the person has all of the information necessary to fill the prescription;
- 1228 (B) the prescribing optometrist or physician has not informed the person that the
1229 prescription has expired or is otherwise inaccurate prior to the person shipping
1230 or hand-delivering the contact lens to the patient;
- 1231 (C) the person confirms a valid, unexpired contact lens prescription for the patient
1232 if the person is aware that the patient provided inaccurate prescription
1233 information in [his] that patient's last order; and
- 1234 (D) the person informs the patient that the prescription has expired or that there is
1235 a medical problem associated with the prescription if the [information is
1236 ~~communicated by the prescribing optometrist or physician]~~ prescribing
1237 optometrist or physician communicates the information to the person within 72
1238 hours of the contact lens prescription verification being sent; and
- 1239 (f) maintains patient information, including the method and date of any prescription
1240 verification, for no less than seven years.

- 1241 (2)(a) A person may engage in the activities described in Subsection (2)(b), without a
1242 license under this title, if the person:
- 1243 (i) provides the ophthalmic lenses consistent with and in accordance with a
1244 prescription from a licensed physician or optometrist that is unexpired as provided
1245 in Subsection 58-16a-102(8)(b);
- 1246 (ii) dispenses the ophthalmic lenses within or from the state;
- 1247 (iii) does so in the ordinary course of trade from a permanently located and
1248 established place of business;
- 1249 (iv) does not perform refractions, over-refractions, or attempt to traffic upon assumed
1250 skill in licensed physician or optometrist testing of the eye; and
- 1251 (v) complies with impact tolerance standards based on ANSI Z80.1-2010, American
1252 National Standard for Ophthalmics - Prescription Lenses.

- 1253 (b) In accordance with Subsection (2)(a), a person may:
- 1254 (i) sell, reproduce, or dispense ophthalmic lenses;
- 1255 (ii) fit or adjust ophthalmic lenses or frames;
- 1256 (iii) assist with the selection of frames for ophthalmic lenses;
- 1257 (iv) measure pupillary distance and interpret pupillary distance measurements; or
- 1258 (v) measure or interpret the reading segment height in bifocal, tri-focal, progressive,
- 1259 or multi-focal lenses.
- 1260 (3) Nothing in this section may be construed as requiring a person to be licensed or certified
- 1261 in any way under this or any another chapter of this title to sell contact lenses in
- 1262 accordance with Subsection (1), or to sell ophthalmic lenses in accordance with
- 1263 Subsection (2).

1264 Section 23. Section **58-17b-201** is amended to read:

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

- 1266 (1) There is created the Utah State Board of Pharmacy consisting of five pharmacists, one
- 1267 pharmacy technician, and one member of the general public.
- 1268 (a) The public member of the board shall be a Utah resident who:
- 1269 (i) is ~~21 years of age or older~~ at least 21 years old;
- 1270 (ii) has never been licensed to engage in the practice of pharmacy;
- 1271 (iii) has never been the spouse of a person licensed to engage in the practice of
- 1272 pharmacy;
- 1273 (iv) has never held any material financial interest in pharmacy practice; and
- 1274 (v) has never engaged in any activity directly related to the practice of pharmacy.
- 1275 (b) The licensed pharmacist and licensed pharmacy technician members of the board
- 1276 shall:
- 1277 (i) have been Utah residents continuously for at least three years;
- 1278 (ii) have at least five years experience in the practice of pharmacy in good standing
- 1279 with the division in Utah after licensure; and
- 1280 (iii) maintain licensure in good standing to engage in the practice of pharmacy or
- 1281 practice as a pharmacy technician in Utah for the duration of the appointment.
- 1282 (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- 1283 (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202
- 1284 and 58-1-203, and as required under Section 58-37f-202 regarding the controlled
- 1285 substance database. In addition, the board shall designate an appropriate member on a
- 1286 permanent or rotating basis to:

- 1287 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional
1288 conduct of a licensee; and
1289 (b) advise the division in its investigation of these complaints.
1290 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its
1291 investigation may be disqualified from participating with the board when the board
1292 serves as a presiding officer in an adjudicative proceeding concerning the complaint.
1293 (5) A board member may be removed in accordance with Subsection 58-1-201(2)(e) or
1294 upon one of the following grounds:
1295 (a) refusal or inability for any reason of a board member to perform ~~[his]~~ the board
1296 member's duties as a member of the Board in an efficient, responsible, and
1297 professional manner;
1298 (b) misuse of appointment to obtain personal, pecuniary, or material gain or advantage
1299 for ~~[himself]~~ the board member or another through such appointment; or
1300 (c) violation of the laws governing the practice of pharmacy or Chapter 37, Utah
1301 Controlled Substances Act.

1302 Section 24. Section **58-17b-306** is amended to read:

1303 **58-17b-306 (Effective 07/01/26). Qualifications for licensure as a pharmacy.**

- 1304 (1) Each applicant for licensure under this section, except for those applying for a class D
1305 license, shall:
1306 (a) submit a written application in the form the division approves;
1307 (b) pay a fee ~~[as determined by the department under]~~ the department determines in
1308 accordance with Section 63J-1-504;
1309 (c) satisfy the division that the applicant, and each owner, officer, or manager of the
1310 applicant, has not engaged in any act, practice, or omission, which when considered
1311 with the duties and responsibilities of a licensee under this section indicates there is
1312 cause to believe that issuing a license to the applicant is inconsistent with the interest
1313 of the public's health, safety, or welfare;
1314 (d) demonstrate the licensee's operations will be in accordance with all federal, state, and
1315 local laws relating to the type of activity ~~[engaged in by the licensee]~~ that the licensee
1316 engages in, including regulations of the Federal Drug Enforcement Administration
1317 and Food and Drug Administration;
1318 (e) maintain operating standards ~~[established by]~~ the division determines by rule made in
1319 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
1320 Administrative Rulemaking Act;

- 1321 (f)(i) [for each pharmacy license, ensure that the pharmacist-in-charge, as defined by
1322 the division consents to, and completes, a criminal background check, described in
1323 Section 58-1-301.5] for each pharmacy license, ensure that the
1324 pharmacist-in-charge, or the pharmacy manager if the pharmacy is not required to
1325 have a pharmacist-in-charge, consents to and completes a criminal background
1326 check as described in Section 58-1-301.5;
- 1327 (ii) [meets-] meet any other standard related to the criminal background check
1328 described in Subsection (1)(f)(i), that the division [establishes] makes by rule in
1329 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
1330 (iii) [discloses-] disclose any criminal history the division requests on a form the
1331 division approves; and
- 1332 (g) acknowledge the division's authority to inspect the licensee's business premises [
1333 pursuant to] in accordance with Section 58-17b-103.
- 1334 (2) Each applicant applying for a class D license shall:
- 1335 (a) submit a written application in the form the division approves;
- 1336 (b) pay a fee as [determined by the department under] the department determines in
1337 accordance with Section 63J-1-504;
- 1338 (c) present to the division verification of licensure in the state where physically located
1339 and verification that such license is in good standing;
- 1340 (d) satisfy the division that the applicant and each of the applicant's pharmacy managers
1341 has not engaged in any act, practice, or omission, which when considered with the
1342 duties and responsibilities of a licensee under this section, indicates there is cause to
1343 believe that issuing a license to the applicant is inconsistent with the interest of the
1344 public's health, safety, or welfare;
- 1345 (e) for each pharmacy manager:
- 1346 (i) consent to, and complete, a criminal background check, described in Section
1347 58-1-301.5;
- 1348 (ii) meet any other standard related to the criminal background check described in
1349 Subsection (2)(e)(i), that the division [establishes] makes by rule in accordance
1350 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1351 (iii) disclose any criminal history the division requests on a form the division
1352 approves;
- 1353 (f) as the division requires by rule the division makes in accordance with Title 63G,
1354 Chapter 3, Utah Administrative Rulemaking Act, provide a statement of the scope of

pharmacy services that will be provided and a detailed description of the protocol [as described by rule by], which pharmacy care will be provided, including any collaborative practice arrangements with other health care practitioners;

- (g) sign an affidavit attesting that any healthcare practitioners employed by the applicant and physically located in Utah have the appropriate license issued by the division and in good standing;
 - (h) sign an affidavit attesting that the applicant will abide by the pharmacy laws and regulations of the jurisdiction in which the pharmacy is located; and
 - (i) if an applicant engages in compounding, submit the most recent inspection report:
 - (i) conducted within two years before the application for licensure; and
 - (ii)(A) conducted as part of the National Association of Boards of Pharmacy Verified Pharmacy Program; or
 - (B) 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.

- (3)(a) Each license issued under this section shall be associated with a single, specific address.

(b) By rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall allow a licensee to update, by request to the division, the address associated with the licensee under Subsection (3)(a), to a new address if the licensee requests the change of address at least 90 days before the day on which the licensee begins operating at the new address.

Section 25. Section **58-17b-308** is amended to read:

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

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

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

1389 Administrative Rulemaking Act.

1390 (c) ~~[Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308]~~ A license expires on the expiration date shown on the license.

1393 (2) The duration of a pharmacy intern license may be no longer than:

- 1394 (a) ~~[one year]~~ two years for a license issued under Subsection 58-17b-304(6)(b); or
1395 (b) five years for a license issued under Subsection 58-17b-304(6)(a).

1396 (3) A pharmacy intern license issued under this chapter may not be renewed, but ~~[may be extended by]~~ the division may extend the pharmacy intern license in collaboration with the board.

1399 (4) As a prerequisite for renewal of a class D pharmacy license of a pharmacy that engages in compounding, a licensee shall submit the most recent inspection report:

- 1401 (a) conducted within two years before the application for renewal; and
1402 (b)(i) conducted as part of the National Association of Boards of Pharmacy Verified
1403 Pharmacy Program; or
1404 (ii) performed by the state licensing agency of the state in which the applicant is a
1405 resident and in accordance with the National Association of Boards of Pharmacy
1406 multistate inspection blueprint program.

1407 Section 26. Section **58-17b-309** is amended to read:

1408 **58-17b-309 (Effective 07/01/26). Exemptions from licensure.**

1409 In addition to the exemptions from licensure in Section 58-1-307, the following
1410 individuals may engage in the acts or practices described in this section without being licensed
1411 under this chapter:

- 1412 (1) a person selling or providing contact lenses in accordance with Section 58-16a-801;
1413 (2) an animal shelter that:
1414 (a) under the indirect supervision of a veterinarian, stores, handles, or administers a drug
1415 used for ~~[euthanising]~~ euthanizing an animal; and
1416 (b) under the indirect supervision of a veterinarian who is under contract with the animal
1417 shelter, stores, handles, or administers a rabies vaccine;
1418 (3) an overdose outreach provider, as defined in Section 26B-4-501, that obtains, stores, or
1419 furnishes an opiate antagonist in accordance with Title 26B, Chapter 4, Part 5,
1420 Treatment Access; and
1421 (4) a dispensing practitioner, as defined in Section 58-88-201, dispensing a drug under
1422 Chapter 88, Part 2, Dispensing Practice.

1423 Section 27. Section **58-17b-501** is amended to read:

1424 **58-17b-501 (Effective 07/01/26). Unlawful conduct.**

1425 "Unlawful conduct" includes:

- 1426 (1) knowingly preventing or refusing to permit an authorized agent of the division to
1427 conduct an inspection [pursuant to] in accordance with Section 58-17b-103;
- 1428 (2) failing to deliver the license, permit, or certificate to the division upon demand, if [it] the
1429 license, permit, or certificate has been revoked, suspended, or refused;
- 1430 (3)(a) using the title "pharmacist," "druggist," "pharmacy intern," "pharmacy
1431 technician," or a term having similar meaning, except by [a person] an individual who
1432 is licensed as a pharmacist, pharmacy intern, or pharmacy technician; or
- 1433 (b) conducting or transacting business under a name that contains, as part of that name,
1434 the words "drugstore," "pharmacy," "drugs," "medicine store," "medicines," "drug
1435 shop," "apothecary," "prescriptions," or a term having a similar meaning, or in any
1436 manner advertising, otherwise describing, or referring to the place of the conducted
1437 business or profession, unless the place is a pharmacy issued a license by the
1438 division, except an establishment selling nonprescription drugs and supplies may
1439 display signs bearing the words "packaged drugs," "drug sundries," or
1440 "nonprescription drugs," and is not considered to be a pharmacy or drugstore by
1441 reason of the display;
- 1442 (4) buying, selling, causing to be sold, or offering for sale, a drug or device that bears, or
1443 the package bears or originally did bear, the inscription "sample," "not for resale," "for
1444 investigational or experimental use only," or other similar words, except when a cost is
1445 incurred in the bona fide acquisition of an investigational or experimental drug;
- 1446 (5) using to a person's own advantages or revealing to anyone other than the division,
1447 board, and its authorized representatives, or to the courts, when relevant to a judicial or
1448 administrative proceeding under this chapter, information acquired under authority of
1449 this chapter or concerning a method of process that is a trade secret;
- 1450 (6) procuring or attempting to procure a drug or to have someone else procure or attempt to
1451 procure a drug:
 - 1452 (a) by fraud, deceit, misrepresentation, or subterfuge;
 - 1453 (b) by forgery or alteration of a prescription or a written order;
 - 1454 (c) by concealment of a material fact;
 - 1455 (d) by use of a false statement in a prescription, chart, order, or report; or
 - 1456 (e) by theft;

- 1457 (7) filling, refilling, or advertising the filling or refilling of prescriptions for a consumer or
1458 patient residing in this state if the person is not licensed:
1459 (a) under this chapter; or
1460 (b) in the state from which [he] the individual is dispensing;
1461 (8) requiring an employed pharmacist, pharmacy intern, pharmacy technician, or authorized
1462 supportive personnel to engage in conduct in violation of this chapter;
1463 (9) being in possession of a prescription drug for an unlawful purpose;
1464 (10) dispensing a prescription drug to a [person who] person that does not have a
1465 prescription from a practitioner, except as permitted under Title 26B, Chapter 4, Part 5,
1466 Treatment Access;
1467 (11) dispensing a prescription drug to a [person who] person that the person dispensing the
1468 drug knows or should know is attempting to obtain drugs by fraud or misrepresentation;
1469 (12) selling, dispensing, distributing, or otherwise trafficking in prescription drugs when
1470 not licensed to do so or when not exempted from licensure; and
1471 (13) a person using a prescription drug or controlled substance that was not lawfully
1472 prescribed for the person by a practitioner.

1473 Section 28. Section **58-17b-502** is amended to read:

1474 **58-17b-502 (Effective 07/01/26). Unprofessional conduct.**

- 1475 (1) "Unprofessional conduct" includes:
1476 (a) willfully deceiving or attempting to deceive the division, the board, or their agents as
1477 to any relevant matter regarding compliance under this chapter;
1478 (b) except as provided in Subsection (2):
1479 (i) paying or offering rebates to practitioners or any other health care providers, or
1480 receiving or soliciting rebates from practitioners or any other health care provider;
1481 or
1482 (ii) paying, offering, receiving, or soliciting compensation in the form of a
1483 commission, bonus, rebate, kickback, or split fee arrangement with practitioners
1484 or any other health care provider, for the purpose of obtaining referrals;
1485 (c) misbranding or adulteration of any drug or device or the sale, distribution, or
1486 dispensing of any outdated, misbranded, or adulterated drug or device;
1487 (d) engaging in the sale or purchase of drugs or devices that are samples or packages
1488 bearing the inscription "sample" or "not for resale" or similar words or phrases;
1489 (e) except as provided in Section 58-17b-503, accepting back and redistributing any
1490 unused drug, or a part of [it] the unused drug, after [it] the unused drug has left the

premises of a pharmacy;

- (f) an act in violation of this chapter [committed by] that a person commits for any form of compensation if the act is incidental to the person's professional activities, including the activities of a pharmacist, pharmacy intern, or pharmacy technician;
 - (g) violating:
 - (i) the federal Controlled Substances Act, Title II, P.L. 91-513;
 - (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or
 - (iii) rules or regulations adopted under either act;
 - (h) requiring or permitting pharmacy interns or technicians to engage in activities outside the scope of practice for their respective license classifications, as defined in this chapter and division rules made in collaboration with the board, or beyond their scope of training and ability;
 - (i) administering:
 - (i) without appropriate training, as [defined by rule] the division defines by rule the 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

- 1525 Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid
1526 Research and Medical Cannabis; or
- 1527 (p) falsely making an entry in, or altering, a medical record with the intent to conceal:
1528 (i) a wrongful or negligent act or omission of an individual licensed under this
1529 chapter or an individual under the direction or control of an individual licensed
1530 under this chapter; or
1531 (ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1).
- 1532 (2) Subsection (1)(b) does not apply to:
1533 (a) giving or receiving a price discount based on purchase volume;
1534 (b) passing along a pharmaceutical manufacturer's rebate; or
1535 (c) providing compensation for services to a veterinarian.
- 1536 (3) "Unprofessional conduct" does not include:
1537 (a) in accordance with
1538 Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis when
1539 registered as a pharmacy medical provider, as that term is defined in Section 26B-4-201,
1540 providing pharmacy medical provider services in a medical cannabis pharmacy; or
1541 (b) if a pharmacist reasonably believes that a prescription drug will have adverse or
1542 harmful effects on an individual and warns the individual of the potential effects,
1543 filling a prescription prescribed by a health care provider who:
1544 (i) is operating within the health care provider's scope of practice; and
1545 (ii) is deviating from a medical norm or established practice in accordance with
1546 Subsection 58-1-501(2)(b)(i).
- 1547 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
1548 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
1549 define unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).
- 1550 Section 29. Section **58-17b-606** is amended to read:
- 1551 **58-17b-606 (Effective 07/01/26). Restrictive drug formulary prohibited.**
- 1552 (1) As used in this section:
1553 (a) "Generic form" means a prescription drug that is available in generic form and has an
1554 A rating in the United States Pharmacopeia and Drug Index.
1555 (b) "Legend drug" has the same meaning as prescription drug.
1556 (c) "Restrictive drug formulary" means a list of legend drugs, other than drugs for
1557 cosmetic purposes, that ~~are prohibited by~~ the Department of Health and Human
1558 Services prohibits from dispensation, but are approved by the Federal Food and Drug

Administration.

- (2) A practitioner may prescribe legend drugs in accordance with this chapter that, in [his] the practitioner's professional judgment and within the lawful scope of [his] the practitioner's practice, [he] and that the practitioner considers appropriate for the diagnosis and treatment of [his] the practitioner's patient.
 - (3) Except as provided in Subsection (4), the Department of Health and Human Services may not maintain a restrictive drug formulary that restricts a physician's ability to treat a patient with a legend drug that[~~has been approved and designated as safe and effective by~~] the Federal Food and Drug Administration approves and designates as safe and effective, except for drugs for cosmetic purposes.
 - (4) When a multisource legend drug is available in the generic form, the Department of Health and Human Services may only reimburse for the generic form of the drug unless the treating physician demonstrates to the Department of Health and Human Services a medical necessity for dispensing the nongeneric, brand-name legend drug.
 - (5) The Department of Health and Human Services pharmacists may override the generic mandate provisions of Subsection (4) if a financial benefit will accrue to the state.
 - (6) This section does not affect the state's ability to exercise the exclusion options available under the Federal Omnibus Budget Reconciliation Act of 1990.

Section 30. Section **58-17b-607** is amended to read:

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

-- Other causes of action not denied.

- (1) The substitution of any drug by a licensed pharmacist or pharmacy intern under this chapter does not constitute the practice of medicine.
 - (2) This chapter may not be construed to deny any individual a cause of action against a pharmacist, pharmacy intern, or [his] the pharmacist's or pharmacy intern's employer for violations of this chapter, including failure to observe accepted standards of care of the pharmaceutical profession.

Section 31. Section **58-17b-615** is amended to read:

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

- (1) As used in this section, "seller" means a person selling prescription drugs or devices owned or lawfully controlled by [him] the person, or a party arranging for the sale of prescription drugs or devices owned by or lawfully controlled by another person, including salvage companies that acquire prescription drugs and devices from, or act as

1593 an agent or representative for freight haulers and forwarders.

1594 (2) Any sale of prescription drugs in bankruptcy, at public auction, at freight liquidation
1595 sales, or any other sale of prescription drugs other than in the normal course of business
1596 or practice shall comply with the following:

1597 (a) a seller of prescription drugs shall be licensed by the division as a prescription drug
1598 distributor or wholesaler with a regular license, or a temporary license for that sale
1599 only, before engaging in the sale of any prescription drugs; and

1600 (b) a person licensed as a pharmacy under this chapter may not acquire by purchase or
1601 other means prescription drugs or devices outside the normal course of business
1602 within the meaning of this section unless:

1603 (i) the prescription drugs or devices are accompanied by a certificate signed by a
1604 licensed pharmacist employed or retained by the seller, as required in Subsection
1605 (3), attesting that the prescription drugs or devices have not been adversely
1606 affected by circumstances relating to their transportation, storage, or distribution;
1607 and

1608 (ii) the licensee acquiring the prescription drugs or devices employs a qualified
1609 pharmacist who is responsible for determining that all prescription drugs being
1610 acquired do not pose any threat to the public welfare if introduced into commerce
1611 than would be presented by the acquisition of those prescription drugs and devices
1612 in the normal course of business through established channels of prescription drug
1613 distribution.

1614 (3) A seller of prescription drugs outside the normal course of business shall retain the
1615 services of a qualified pharmacist licensed to practice in the state to serve as either an
1616 employee or independent consultant to determine if the:

1617 (a) prescription drugs and devices to be offered for sale have been transported, stored,
1618 and distributed in accordance with applicable federal, state, and local laws; and

1619 (b) condition of the prescription drugs and devices to be offered for sale has been
1620 adversely affected by the circumstances of transportation, storage, or distribution.

1621 (4) The written notice provided to the division prior to the sale of any prescription drugs or
1622 devices under this section shall contain written verification of the pharmacist retained by
1623 the seller, stating the drugs or devices offered for sale have not been adversely affected
1624 by the circumstances of transportation, storage, or distribution.

1625 (5) A pharmacist employed by a seller under Subsection (3) or a pharmacy, distributor, or
1626 wholesaler for whom that pharmacist may be employed or in which [he] that pharmacist

1627 may have an interest, may not purchase any prescription drugs or devices from the seller
1628 for which that pharmacist has provided verification regarding the drugs or devices.

1629 Section 32. Section **58-22-103** is amended to read:

1630 **58-22-103 (Effective 07/01/26). Education and enforcement fund.**

- 1631 (1) There is created an expendable special revenue fund known as the "Professional
1632 Engineer, Professional Structural Engineer, and Professional Land Surveyor Education
1633 and Enforcement Fund."
- 1634 (2) The fund consists of money from:
1635 (a) a surcharge fee placed on initial, renewal, and reinstatement licensure fees under this
1636 chapter in accordance with the following:
1637 (i) [the surcharge fee shall be established by] the department shall determine the
1638 surcharge in accordance with Section 63J-1-504; and
1639 (ii) the surcharge fee shall not exceed 50% of the respective initial, renewal, or
1640 reinstatement licensure fee; and
1641 (b) administrative penalties collected [pursuant to] in accordance with this chapter.
- 1642 (3) The fund shall earn interest and all interest earned on fund money shall be deposited
1643 into the fund.
- 1644 (4) The director may, with concurrence of the board, make distributions from the fund for
1645 the following purposes:
1646 (a) education and training of licensees under this chapter;
1647 (b) education and training of the public or other interested persons in matters concerning
1648 engineering, structural engineering, and land surveying laws and practices; and
1649 (c) enforcement of this chapter by:
1650 (i) investigating unprofessional or unlawful conduct; and
1651 (ii) providing legal representation to the division when the division takes legal action
1652 against a person engaging in unprofessional or unlawful conduct.

- 1653 (5) If the balance in the fund exceeds [\$100,000] \$200,000 at the close of any fiscal year,
1654 the excess shall be transferred to the General Fund.

- 1655 (6) The division shall report annually to the appropriate appropriations subcommittee of the
1656 Legislature concerning the fund.

1657 Section 33. Section **58-24b-201** is amended to read:

1658 **58-24b-201 (Effective 07/01/26). Physical and Occupational Therapy Licensing
1659 Board -- Creation -- Membership -- Duties.**

- 1660 (1) There is created the [Physical Therapies Licensing Board] Physical and Occupational

1661 Therapy Licensing Board, consisting of:

- 1662 (a) three licensed physical therapists;
- 1663 (b) one physical therapist assistant;
- 1664 (c) two licensed occupational therapists;
- 1665 (d) one occupational therapy assistant; and
- 1666 (e) one member of the general public.

1667 (2) Members of the board shall be appointed and serve in accordance with Section 58-1-201.

1668 (3) The duties and responsibilities of the board are described in Subsection (4) and Sections
1669 58-1-201 through 58-1-203 with respect to this chapter or Chapter 42a, Occupational
1670 Therapy Practice Act.

1671 (4) The board shall designate a member of the board, on a permanent or rotating basis, to:

- 1672 (a) assist the division in reviewing complaints concerning the conduct of an individual
1673 licensed under this chapter or Chapter 42a, Occupational Therapy Practice Act; and
- 1674 (b) advise the division during the division's investigation of the complaints described in
1675 Subsection (4)(a).

1676 (5) A board member who has reviewed a complaint or been involved in an investigation
1677 under Subsection (4) is disqualified from participating in an adjudicative proceeding
1678 relating to the complaint or investigation.

1679 Section 34. Section **58-26a-302** is amended to read:

1680 **58-26a-302 (Effective 07/01/26). Qualifications for licensure and registration --**

1681 **Licensure by endorsement.**

1682 (1) Each applicant for licensure under this chapter as a certified public accountant shall:

- 1683 (a) submit an application in a form the division approves by rule;
- 1684 (b) pay a fee [determined by] the department [under] determines in accordance with
1685 Section 63J-1-504;
- 1686 (c) submit a certified transcript of credits from an accredited institution acceptable to the
1687 board showing:

1688 (i) successful completion of:

1689 (A) [a bachelor's degree, master's degree,] a bachelor's degree or a master's degree
1690 in accounting at a college or university approved by the board; or

1691 (B) [the equivalent with] at least a bachelor's degree with a concentration [of] in
1692 accounting and business as the division defines by rule the division makes in
1693 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, at
1694 a college or university [approved by] the board approves; and

- 1695 (ii) compliance with any other education requirements [established by rule by] the
1696 division makes by rule made in collaboration with the board in accordance with
1697 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1698 (d) submit evidence of accounting experience in a form the division approves by rule [of
1699 at least:] made in accordance with Title 63G, Chapter 3, Utah Administrative
1700 Rulemaking Act;
- 1701 [(i) ~~one year of accounting experience for an individual with a master's degree or the~~
1702 ~~equivalent with a concentration of accounting and business; or]~~]
1703 [(ii) ~~two years of accounting experience for an individual with a bachelor's degree or~~
1704 ~~the equivalent with a concentration of accounting and business;~~]
1705 (e) submit evidence of having successfully completed the qualifying examinations in
1706 accordance with Section 58-26a-306; and
1707 (f) submit to an interview [by the board, if requested,] as the board may request for the
1708 purpose of examining the applicant's competence and qualifications for licensure.
- 1709 (2)(a) The division may issue a license under this chapter to an individual who holds a
1710 license as a certified public accountant issued by another state if the applicant for
1711 licensure by endorsement:
1712 (i) submits an application in a form the division approves by rule;
1713 (ii) pays a fee [determined by] the department [~~under~~] determines in accordance with
1714 Section 63J-1-504;
1715 (iii) submits to an interview [by the board, if requested,] as the board may request for
1716 the purpose of examining the applicant's competence and qualifications for
1717 licensure; and
1718 (iv)(A)(I) shows evidence of having passed the qualifying examinations; and
1719 (II)(Aa) meets the requirements for licensure that were applicable in this
1720 state at the time of the issuance of the applicant's license by the state
1721 from which the original licensure by satisfactorily passing the AICPA
1722 Uniform CPA Examination was issued; or
1723 (Bb) had four years of professional experience after passing the AICPA
1724 Uniform CPA Examination upon which the original license was based,
1725 within the 10 years immediately preceding the application for licensure
1726 by endorsement; or
1727 (B) shows evidence that the applicant's education, examination record, and
1728 experience are substantially equivalent to the requirements of Subsection (1),

1729 as [provided by rule] the division requires by rule made in accordance with
1730 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1731 (b) This Subsection (2) applies only to an individual seeking to obtain a license issued
1732 by this state and does not apply to an individual practicing as a certified public
1733 accountant in the state under Subsection 58-26a-305(1).

1734 (3)(a) Each applicant for registration as a [Certified Public Accountant] certified public
1735 accountant firm shall:

- 1736 (i) submit an application in a form the division approves by rule;
1737 (ii) pay a fee [determined by] the department [under] determines in accordance with
1738 Section 63J-1-504;
1739 (iii) have, notwithstanding any other provision of law, a simple majority of the
1740 ownership of the [Certified Public Accountant] certified public accountant firm, in
1741 terms of financial interests and voting rights of all partners, officers, shareholders,
1742 members, or managers, held by individuals who are certified public accountants,
1743 licensed under this chapter or another state of the United States of America, and
1744 the partners, officers, shareholders, members, or managers, whose principal place
1745 of business is in this state, and who perform professional services in this state hold
1746 a valid license issued under Subsection 58-26a-301(2) or the corresponding
1747 provisions of prior law; and
1748 (iv) meet any other requirements [established by rule by] the division makes in
1749 collaboration with the board, and in accordance with Title 63G, Chapter 3, Utah
1750 Administrative Rulemaking Act.

1751 (b) Each separate location of a qualified business entity within the state seeking
1752 registration as a [Certified Public Accountant] certified public accountant firm shall
1753 register separately.

1754 (c) A [Certified Public Accountant] certified public accountant firm may include owners
1755 who are not licensed under this chapter as outlined in Subsection (3)(a)(iii), provided
1756 that:

- 1757 (i) the firm designates a licensee of this state who is responsible for the proper
1758 registration of the [Certified Public Accountant] certified public accountant firm
1759 and identifies that individual to the division; and
1760 (ii) all nonlicensed owners are active individual participants in the [CPA] certified
1761 public accounting firm.

1762 Section 35. Section **58-31b-303** is amended to read:

1763 **58-31b-303 (Effective 07/01/26). Qualifications for licensure -- Graduates of**
1764 **nonapproved nursing programs.**

1765 An applicant for licensure as a practical nurse or registered nurse who is a graduate of a
1766 nursing education program not approved by the division in collaboration with the board must
1767 comply with the requirements of this section.

1768 (1) An applicant for licensure as a licensed practical nurse shall:

- 1769 (a) meet all requirements of Subsection 58-31b-302(2), except Subsection
1770 58-31b-302(2)(e); and
- 1771 (b) produce evidence acceptable to the division and the board that the nursing education
1772 program completed by the applicant is equivalent to the minimum standards
1773 established by the division in collaboration with the board for an approved licensed
1774 practical nursing education program.

1775 (2) An applicant for licensure as a registered nurse shall:

- 1776 (a) meet all requirements of Subsection 58-31b-302(4), except Subsection
1777 58-31b-302(4)(e); and
- 1778 (b)(i) ~~pass [the Commission on Graduates of Foreign Nursing Schools (CGFNS)~~
1779 ~~Examination] an examination the division determines by rule made in~~
1780 ~~collaboration with the board and in accordance with Title 63G, Chapter 3, Utah~~
1781 ~~Administrative Rulemaking Act, demonstrating knowledge of the practice, skills,~~
1782 ~~theory, and professional ethics related to nursing; or~~
1783 (ii) produce evidence acceptable to the division and the board that the applicant is
1784 currently licensed as a registered nurse in one of the states, territories, or the
1785 District of Columbia of the United States or in Canada and has passed the
1786 NCLEX-RN examination in English.

1787 Section 36. Section **58-31b-702** is amended to read:

1788 **58-31b-702 (Effective 07/01/26). Reporting of disciplinary action -- Immunity**
1789 **from liability.**

1790 (1) A licensed health care facility or organization or a professional society of nurses in the
1791 state that takes disciplinary action against ~~[a person]~~ an individual licensed under this
1792 chapter relating to any of the following, shall report the action in writing to the division
1793 within 30 days after the action is taken:

- 1794 (a) that ~~[person's]~~ individual's professional acts or omissions as a licensed nurse;
- 1795 (b) that ~~[person's]~~ individual's nursing competence or ability to practice nursing safely; or
- 1796 (c) that ~~[person's]~~ individual's use of alcohol or drugs in an unlawful manner or to the

1797 extent the [person] individual is impaired in [his] the ability to practice nursing safely.

- 1798 (2) Any person or organization furnishing information in accordance with this section is
1799 immune from liability to the extent that the information is furnished in good faith and
1800 without malice.

1801 Section 37. Section **58-37-2** is amended to read:

1802 **58-37-2 (Effective 07/01/26). Definitions.**

- 1803 (1) As used in this chapter:

- 1804 (a) "Administer" means the direct application of a controlled substance, whether by
1805 injection, inhalation, ingestion, or any other means, to the body of a patient or
1806 research subject by:
1807 (i) a practitioner or, in the practitioner's presence, by the practitioner's authorized
1808 agent; or
1809 (ii) the patient or research subject at the direction and in the presence of the
1810 practitioner.
1811 (b) "Agent" means an authorized [person who] person that acts on behalf of or at the
1812 direction of a manufacturer, distributor, or practitioner but does not include a motor
1813 carrier, public warehouseman, or employee of any of them.
1814 (c) "Consumption" means ingesting or having any measurable amount of a controlled
1815 substance in a person's body, but this Subsection (1)(c) does not include the
1816 metabolite of a controlled substance.
1817 (d) "Continuing criminal enterprise" means any individual, sole proprietorship,
1818 partnership, corporation, business trust, association, or other legal entity, and any
1819 union or groups of individuals associated in fact although not a legal entity, and
1820 includes illicit as well as licit entities created or maintained for the purpose of
1821 engaging in conduct which constitutes the commission of episodes of activity made
1822 unlawful by this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b,
1823 Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance
1824 Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, which episodes are not
1825 isolated, but have the same or similar purposes, results, participants, victims, methods
1826 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
1827 together, the episodes shall demonstrate continuing unlawful conduct and be related
1828 either to each other or to the enterprise.
1829 (e) "Control" means to add, remove, or change the placement of a drug, substance, or
1830 immediate precursor under Section 58-37-3.

- 1831 (f)(i) "Controlled substance" means a drug or substance:
- 1832 (A) included in Schedules I, II, III, IV, or V of Section 58-37-4;
- 1833 (B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances
- 1834 Act, Title II, P.L. 91-513;
- 1835 (C) that is a controlled substance analog; or
- 1836 (D) listed in Section 58-37-4.2.
- 1837 (ii) "Controlled substance" does not include:
- 1838 (A) distilled spirits, wine, or malt beverages, as those terms are defined in Title
- 1839 32B, Alcoholic Beverage Control Act;
- 1840 (B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,
- 1841 or prevention of disease in human or other animals, which contains ephedrine,
- 1842 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is
- 1843 lawfully purchased, sold, transferred, or furnished as an over-the-counter
- 1844 medication without prescription; or
- 1845 (C) dietary supplements, vitamins, minerals, herbs, or other similar substances
- 1846 including concentrates or extracts, which:
- 1847 (I) are not otherwise regulated by law; and
- 1848 (II) may contain naturally occurring amounts of chemical or substances listed
- 1849 in this chapter, or in rules adopted [pursuant to] in accordance with Title
- 1850 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1851 (g)(i) "Controlled substance analog" means:
- 1852 (A) a substance the chemical structure of which is substantially similar to the
- 1853 chemical structure of a controlled substance listed in Schedules I and II of
- 1854 Section 58-37-4, a substance listed in Section 58-37-4.2, or in Schedules I and
- 1855 II of the federal Controlled Substances Act, Title II, P.L. 91-513;
- 1856 (B) a substance that has a stimulant, depressant, or hallucinogenic effect on the
- 1857 central nervous system substantially similar to the stimulant, depressant, or
- 1858 hallucinogenic effect on the central nervous system of controlled substances
- 1859 listed in Schedules I and II of Section 58-37-4, substances listed in Section
- 1860 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled
- 1861 Substances Act, Title II, P.L. 91-513; or
- 1862 (C) A substance that, with respect to a particular individual, is represented or
- 1863 intended to have a stimulant, depressant, or hallucinogenic effect on the central
- 1864 nervous system substantially similar to the stimulant, depressant, or

hallucinogenic effect on the central nervous system of controlled substances listed in Schedules I and II of Section 58-37-4, substances listed in Section 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513.

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

- (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:

- 1899 (B) Chapter 37a, Utah Drug Paraphernalia Act;
- 1900 (C) Chapter 37b, Imitation Controlled Substances Act;
- 1901 (D) Chapter 37c, Utah Controlled Substance Precursor Act; or
- 1902 (E) Chapter 37d, Clandestine Drug Lab Act.
- 1903 (i) "Counterfeit substance" means:
- 1904 (i) any controlled substance or container or labeling of any controlled substance that:
- 1905 (A) without authorization bears the trademark, trade name, or other identifying
- 1906 mark, imprint, number, device, or any likeness of them, of a manufacturer,
- 1907 distributor, or dispenser other than the person ~~[or persons who]~~ that in fact
- 1908 manufactured, distributed, or dispensed the substance which falsely purports to
- 1909 be a controlled substance distributed by any other manufacturer, distributor, or
- 1910 dispenser; and
- 1911 (B) a reasonable person would believe to be a controlled substance distributed by
- 1912 an authorized manufacturer, distributor, or dispenser based on the appearance
- 1913 of the substance as described under Subsection (1)(i)(i)(A) or the appearance of
- 1914 the container of that controlled substance; or
- 1915 (ii) any substance other than under Subsection (1)(i)(i) that:
- 1916 (A) is falsely represented to be any legally or illegally manufactured controlled
- 1917 substance; and
- 1918 (B) a reasonable person would believe to be a legal or illegal controlled substance.
- 1919 (j) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a
- 1920 controlled substance or a listed chemical, whether or not an agency relationship exists.
- 1921 (k) "Department" means the Department of Commerce.
- 1922 (l) "Depressant or stimulant substance" means:
- 1923 (i) a drug which contains any quantity of barbituric acid or any of the salts of
- 1924 barbituric acid;
- 1925 (ii) a drug which contains any quantity of:
- 1926 (A) amphetamine or any of its optical isomers;
- 1927 (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or
- 1928 (C) any substance which the Secretary of Health and Human Services or the
- 1929 Attorney General of the United States after investigation has found and by
- 1930 regulation designated habit-forming because of its stimulant effect on the
- 1931 central nervous system;
- 1932 (iii) lysergic acid diethylamide; or

- 1933 (iv) any drug which contains any quantity of a substance which the Secretary of
1934 Health and Human Services or the Attorney General of the United States after
1935 investigation has found to have, and by regulation designated as having, a
1936 potential for abuse because of its depressant or stimulant effect on the central
1937 nervous system or its hallucinogenic effect.
- 1938 (m) "Dispense" means the delivery of a controlled substance by a pharmacist to an
1939 ultimate user ~~[pursuant to]~~ in accordance with the lawful order or prescription of a
1940 practitioner, and includes distributing to, leaving with, giving away, or disposing of
1941 that substance as well as the packaging, labeling, or compounding necessary to
1942 prepare the substance for delivery.
- 1943 (n) "Dispenser" means a pharmacist who dispenses a controlled substance.
- 1944 (o) "Distribute" means to deliver other than by administering or dispensing a controlled
1945 substance or a listed chemical.
- 1946 (p) "Distributor" means a ~~[person who]~~ person that distributes controlled substances.
- 1947 (q) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 1948 (r)(i) "Drug" means:
1949 (A) a substance recognized in the official United States Pharmacopoeia, Official
1950 Homeopathic Pharmacopoeia of the United States, or Official National
1951 Formulary, or any supplement to any of them, intended for use in the
1952 diagnosis, cure, mitigation, treatment, or prevention of disease in humans or
1953 animals;
1954 (B) a substance that is required by any applicable federal or state law or rule to be
1955 dispensed by prescription only or is restricted to administration by practitioners
1956 only;
1957 (C) a substance other than food intended to affect the structure or any function of
1958 the body of humans or other animals; and
1959 (D) substances intended for use as a component of any substance specified in
1960 Subsections (1)(r)(i)(A), (B), and (C).
1961 (ii) "Drug" does not include dietary supplements.
1962 (iii) "Drug" includes a food intended for human consumption that intentionally
1963 contains a vaccine or vaccine material as provided in Section 4-5-107.
- 1964 (s) "Drug dependent person" means any individual who unlawfully and habitually uses
1965 any controlled substance to endanger the public morals, health, safety, or welfare, or
1966 who is so dependent upon the use of controlled substances as to have lost the power

1967 of self-control with reference to the individual's dependency.

1968 (t)(i) "Food" means:

1969 (A) any nutrient or substance of plant, mineral, or animal origin other than a drug
1970 as specified in this chapter, and normally ingested by human beings; and
1971 (B) foods for special dietary uses as exist by reason of a physical, physiological,
1972 pathological, or other condition including the conditions of disease,
1973 convalescence, pregnancy, lactation, allergy, hypersensitivity to food,
1974 underweight, and overweight; uses for supplying a particular dietary need
1975 which exist by reason of age including the ages of infancy and childbirth, and
1976 also uses for supplementing and for fortifying the ordinary or unusual diet with
1977 any vitamin, mineral, or other dietary property for use of a food.

1978 (ii) Any particular use of a food is a special dietary use regardless of the nutritional
1979 purposes.

1980 (u) "Immediate precursor" means a substance which the Attorney General of the United
1981 States has found to be, and by regulation designated as being, the principal compound
1982 used or produced primarily for use in the manufacture of a controlled substance, or
1983 which is an immediate chemical intermediary used or likely to be used in the
1984 manufacture of a controlled substance, the control of which is necessary to prevent,
1985 curtail, or limit the manufacture of the controlled substance.

1986 (v) "Indian" means a member of an Indian tribe.

1987 (w) "Indian religion" means a religion:

1988 (i) the origin and interpretation of which is from within a traditional Indian culture or
1989 community; and

1990 (ii) that is practiced by Indians.

1991 (x) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or
1992 community of Indians, including any Alaska Native village, which is legally
1993 recognized as eligible for and is consistent with the special programs, services, and
1994 entitlements provided by the United States to Indians because of their status as
1995 Indians.

1996 (y) "Manufacture" means the production, preparation, propagation, compounding, or
1997 processing of a controlled substance, either directly or indirectly by extraction from
1998 substances of natural origin, or independently by means of chemical synthesis or by a
1999 combination of extraction and chemical synthesis.

2000 (z) "Manufacturer" includes any person who person that packages, repackages, or

2001 labels any container of any controlled substance, except pharmacists who dispense or
2002 compound prescription orders for delivery to the ultimate consumer.

2003 (aa)(i) "Marijuana" means all species of the genus cannabis and all parts of the genus,
2004 whether growing or not, including:

- 2005 (A) seeds;
- 2006 (B) resin extracted from any part of the plant, including the resin extracted from
2007 the mature stalks;
- 2008 (C) every compound, manufacture, salt, derivative, mixture, or preparation of the
2009 plant, seeds, or resin;
- 2010 (D) any synthetic equivalents of the substances contained in the plant cannabis
2011 sativa or any other species of the genus cannabis which are chemically
2012 indistinguishable and pharmacologically active; and
- 2013 (E) any component part or cannabinoid extracted or isolated from the plant,
2014 including extracted or isolated tetrahydrocannabinols.

2015 (ii) "Marijuana" does not include:

- 2016 (A) the mature stalks of the plant;
- 2017 (B) fiber produced from the stalks;
- 2018 (C) oil or cake made from the seeds of the plant;
- 2019 (D) except as provided in Subsection (1)(aa)(i), any other compound,
2020 manufacture, salt, derivative, mixture, or preparation of the mature stalks,
2021 fiber, oil or cake;
- 2022 (E) the sterilized seed of the plant which is incapable of germination;
- 2023 (F) any compound, mixture, or preparation approved by the federal Food and
2024 Drug Administration under the federal Food, Drug, and Cosmetic Act, 21
2025 U.S.C. Sec. 301 et seq. that is not listed in a schedule of controlled substances
2026 in Section 58-37-4 or in the federal Controlled Substances Act, Title II, P.L.
2027 91-513; or
- 2028 (G) transportable industrial hemp concentrate as that term is defined in Section
2029 4-41-102.

2030 (bb) "Money" means officially issued coin and currency of the United States or any
2031 foreign country.

2032 (cc) "Narcotic drug" means any of the following, whether produced directly or indirectly
2033 by extraction from substances of vegetable origin, or independently by means of
2034 chemical synthesis, or by a combination of extraction and chemical synthesis:

- 2035 (i) opium, coca leaves, and opiates;
- 2036 (ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves,
- 2037 or opiates;
- 2038 (iii) opium poppy and poppy straw; or
- 2039 (iv) a substance, and any compound, manufacture, salt, derivative, or preparation of
- 2040 the substance, which is chemically identical with any of the substances referred to
- 2041 in Subsection (1)(cc)(i), (ii), or (iii), except narcotic drug does not include
- 2042 decocainized coca leaves or extracts of coca leaves which do not contain cocaine
- 2043 or ecgonine.
- 2044 (dd) "Negotiable instrument" means documents, containing an unconditional promise to
- 2045 pay a sum of money, which are legally transferable to another party by endorsement
- 2046 or delivery.
- 2047 (ee) "Opiate" means any drug or other substance having an addiction-forming or
- 2048 addiction-sustaining liability similar to morphine or being capable of conversion into
- 2049 a drug having addiction-forming or addiction-sustaining liability.
- 2050 (ff) "Opium poppy" means the plant of the species papaver somniferum L., except the
- 2051 seeds of the plant.
- 2052 (gg) "Person" means any corporation, association, partnership, trust, other institution or
- 2053 entity or one or more individuals.
- 2054 (hh) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- 2055 (ii) "Possession" or "use" means the joint or individual ownership, control, occupancy,
- 2056 holding, retaining, belonging, maintaining, or the application, inhalation, swallowing,
- 2057 injection, or consumption, as distinguished from distribution, of controlled
- 2058 substances and includes individual, joint, or group possession or use of controlled
- 2059 substances. For a person to be a possessor or user of a controlled substance, it is not
- 2060 required that the person be shown to have individually possessed, used, or controlled
- 2061 the substance, but it is sufficient if it is shown that the person jointly participated with
- 2062 one or more persons in the use, possession, or control of any substances with
- 2063 knowledge that the activity was occurring, or the controlled substance is found in a
- 2064 place or under circumstances indicating that the person had the ability and the intent
- 2065 to exercise dominion and control over the controlled substance.
- 2066 (jj) "Practitioner" means a physician, dentist, naturopathic physician, veterinarian,
- 2067 pharmacist, scientific investigator, pharmacy, hospital, or other person licensed,
- 2068 registered, or otherwise permitted to distribute, dispense, conduct research with

2069 respect to, administer, or use in teaching or chemical analysis a controlled substance
2070 in the course of professional practice or research in this state.

2071 (kk) "Prescribe" means to issue a prescription:

2072 (i) orally or in writing; or

2073 (ii) by telephone, facsimile transmission, computer, or other electronic means of
2074 communication as defined by division rule.

2075 (ll) "Prescription" means an order issued:

2076 (i) by a licensed practitioner, in the course of that practitioner's professional practice
2077 or by collaborative pharmacy practice agreement; and

2078 (ii) for a controlled substance or other prescription drug or device for use by a patient
2079 or an animal.

2080 (mm) "Production" means the manufacture, planting, cultivation, growing, or harvesting
2081 of a controlled substance.

2082 (nn) "Securities" means any stocks, bonds, notes, or other evidences of debt or of
2083 property.

2084 (oo) "State" means the state of Utah.

2085 (pp) "Ultimate user" means ~~[any person who]~~ a person that lawfully possesses a
2086 controlled substance for the person's own use, for the use of a member of the person's
2087 household, or for administration to an animal owned by the person or a member of
2088 the person's household.

2089 (2) If a term used in this chapter is not defined, the definition and terms of Title 76, Utah
2090 Criminal Code, shall apply.

2091 Section 38. Section **58-37-10** is amended to read:

2092 **58-37-10 (Effective 07/01/26). Search warrants -- Administrative inspection
2093 warrants -- Inspections and seizures of property without warrant.**

2094 (1) Search warrants relating to offenses involving controlled substances may be authorized [
2095 ~~pursuant~~] in accordance with to the Utah Rules of Criminal Procedure.

2096 (2) Issuance and execution of administrative inspection warrants shall be as follows:

2097 (a)(i) ~~[Any]~~ any judge or magistrate of this state ~~[within his]~~ with jurisdiction upon
2098 proper oath or affirmation showing probable cause, may issue ~~[warrants]~~ a warrant
2099 for the purpose of conducting an administrative ~~[inspections]~~ inspection authorized
2100 by this act or regulations thereunder and seizures of property appropriate to such ~~[~~
2101 ~~inspections.]~~ an inspection; and

2102 (ii) ~~[Probable]~~ probable cause for purposes of this act exists upon showing a valid

2103 public interest in the effective enforcement of the act or rules promulgated
2104 thereunder sufficient to justify administrative inspection of the area, premises,
2105 building, or conveyance in the circumstances specified in the application for the
2106 warrant[.] ;

- 2107 (b)(i) [A-] a warrant shall issue only upon an affidavit of an officer or employee duly
2108 designated and having knowledge of the facts alleged sworn to before a judge or
2109 magistrate which establish the grounds for issuing the warrant[.] ;
- 2110 (ii) [If] if the judge or magistrate is satisfied that grounds for the application exist or
2111 that there is probable cause to believe [they] that grounds for the application exist, [
2112 he] the judge or magistrate shall issue a warrant identifying the area, premises,
2113 building, or conveyance to be inspected, the purpose of the inspection, and if
2114 appropriate, the type of property to be inspected^[, if any.] ; and
- 2115 (iii) [The-] the warrant shall:
- 2116 (i) (A) state the grounds for [its] the warrant's issuance and the name of each [
2117 person] individual whose affidavit has been taken to support [it] the warrant;
- 2118 (ii) (B) be directed to a person authorized by Section 58-37-9 of this act to
2119 execute [it] the warrant;
- 2120 (iii) (C) command the person to whom [it] the warrant is directed to inspect the
2121 area, premises, building, or conveyance identified for the purpose specified and
2122 if appropriate, direct the seizure of the property [specified] the warrant specifies;
- 2123 (iv) (D) identify the item or types of property to be seized, if any; and
- 2124 (v) (E) direct that [it] the warrant be served during normal business hours and
2125 designate the judge or magistrate to whom [it] the warrant shall be returned[.] ;
- 2126 (c)(i) [A-] a warrant issued [pursuant to] in accordance with this section [must] shall
2127 be executed and returned within 10 days after [its] the warrant's date unless, upon a
2128 showing of a need for additional time, the court instructs otherwise in the warrant[.] ;
- 2129 (ii) [If] if property is seized [pursuant to] in accordance with a warrant, the person
2130 executing the warrant shall give to the person from whom or from whose premises
2131 the property was taken a copy of the warrant and a receipt for the property taken
2132 or leave the copy of the warrant and a receipt for the property taken at the place [
2133 where] from which the property was taken[.] ;
- 2134 (iii) [Return] return of the warrant shall be made promptly and be accompanied by a
2135 written inventory of any property taken[.] ;
- 2136 (iv) [The] the inventory shall be made in the presence of the [person] individual

2137 executing the warrant and of the [person] individual from whose possession or
2138 premises the property was taken, if [they are] that individual is present, or in the
2139 presence of at least one credible [person] individual other than the [person]
2140 executing the warrant[.] ; and

2141 (v) [A] a copy of the inventory shall be delivered to the [person] individual from
2142 whom or from whose premises the property was taken and to the applicant for the
2143 warrant[.] ;

2144 (d) [The] the judge or magistrate who [issued] issues the warrant under this section shall
2145 attach a copy of the return and all other papers to the warrant and file [them] the
2146 papers and warrant with the court.

2147 (3) The department is authorized to make administrative inspections of controlled premises
2148 in accordance with the following provisions:

2149 (a) For purposes of this section only, "controlled premises" means:

2150 (i) [Places] places where persons licensed or exempted from licensing requirements
2151 under this act are required to keep records.

2152 (ii) [Places] places including factories, warehouses, establishments, and conveyances
2153 where persons licensed or exempted from licensing requirements are permitted to
2154 possess, manufacture, compound, process, sell, deliver, or otherwise dispose of
2155 any controlled substance.

2156 (b) When authorized by an administrative inspection warrant a law enforcement officer
2157 or employee designated in Section 58-37-9, upon presenting the warrant and
2158 appropriate credentials to the owner, operator, or agent in charge, has the right to
2159 enter controlled premises for the purpose of conducting an administrative inspection.

2160 (c) When authorized by an administrative inspection warrant, a law enforcement officer
2161 or employee designated in Section 58-37-9 has the right:

2162 (i) [To] to inspect and copy records required by this chapter.

2163 (ii) [To] to inspect within reasonable limits and a reasonable manner, the controlled
2164 premises and all pertinent equipment, finished and unfinished material, containers,
2165 and labeling found, and except as provided in Subsection (3)(e), all other things
2166 including records, files, papers, processes, controls, and facilities subject to
2167 regulation and control by this chapter or by rules promulgated by the department.

2168 (iii) [To] to inventory and take stock of any controlled substance and obtain samples
2169 of any substance.

2170 (d) This section shall not be construed to prevent the inspection of books and records

2171 without a warrant [~~pursuant to~~] in accordance with an administrative subpoena issued
2172 by a court or the department nor shall [it] this section be construed to prevent entries
2173 and administrative inspections including seizures of property without a warrant:
2174 (i) with the consent of the owner, operator, or agent in charge of the controlled
2175 premises;
2176 (ii) in situations presenting imminent danger to health or safety;
2177 (iii) in situations involving inspection of conveyances where there is reasonable cause
2178 to believe that the mobility of the conveyance makes [it] obtaining a warrant
2179 impracticable[to obtain a warrant];
2180 (iv) in any other exceptional or emergency circumstance where time or opportunity to
2181 apply for a warrant is lacking; and
2182 (v) in all other situations where a warrant is not constitutionally required.

2183 (e) No inspection authorized by this section shall extend to financial data, sales data,
2184 other than shipment data, or pricing data unless the owner, operator, or agent in
2185 charge of the controlled premises consents in writing.

2186 Section 39. Section **58-37c-8** is amended to read:

2187 **58-37c-8 (Effective 07/01/26). License -- Exceptions from licensure or regulation.**

2188 (1) A person engaged in a regulated transaction under this chapter shall hold a controlled
2189 substance precursor license issued under Section 58-37c-7, unless excepted from
2190 licensure under this chapter.

2191 (2) The division shall:

2192 (a) establish the form of application for a license, the requirements for licensure, and
2193 fees for initial licensure and renewal; and

2194 (b) identify required information to be contained in the application as a condition of
2195 licensure.

2196 (3) A practitioner who holds a Utah Controlled Substance License and a Controlled
2197 Substance Registration issued by the Drug Enforcement Administration of the [U.S.]
2198 United States [Government] government is excepted from licensure under this chapter.

2199 (4) The purchase, sale, transfer, furnishing, or receipt of a drug intended for lawful use in
2200 the diagnosis, cure, mitigation, treatment, or prevention of disease in [man] humans or
2201 other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or
2202 phenylpropanolamine, if the drug is lawfully purchased, sold, transferred, or furnished
2203 as an over-the-counter medication without prescription [~~pursuant to~~] in accordance with
2204 the federal Food, Drug and Cosmetic Act, 21 USC, Sec. 301 et seq., or regulations

2205 adopted under that act, are excepted from licensure, reporting, and recordkeeping under
2206 this chapter, except that products containing ephedrine, pseudoephedrine, or
2207 phenylpropanolamine are subject to Section 58-37c-20.5.

- 2208 (5) The purchase, sale, transfer, receipt, or manufacture of dietary supplements, vitamins,
2209 minerals, herbs, or other similar substances, including concentrates or extracts, which
2210 are not otherwise prohibited by law, and which may contain naturally occurring amounts
2211 of chemicals or substances listed in this chapter, or in rules adopted [pursuant to] in
2212 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, are exempt
2213 from licensure under this chapter.
- 2214 (6) A purchaser of two ounces or less of crystal iodine in a single transaction is not required
2215 to be licensed as a regulated purchaser if the transaction complies with Section 58-37c-18.
- 2216 (7) The purchase, sale, transfer, receipt, or manufacture of a product that contains a
2217 precursor chemical listed in Subsection 58-37c-3(1)(ff) or (gg) and that is not intended
2218 for human consumption is exempt from licensure or regulation and is not subject to
2219 criminal penalties under this chapter.

2220 Section 40. Section **58-37c-17** is amended to read:

2221 **58-37c-17 (Effective 07/01/26). Inspection authority.**

2222 For the purpose of inspecting, copying, and auditing records and reports required under
2223 this chapter and rules adopted pursuant thereto, and for the purpose of inspecting and auditing
2224 inventories of listed controlled substance precursors, the director, or [his] the director's
2225 authorized agent, and law enforcement personnel of any federal, state, or local law
2226 enforcement agency is authorized to enter the premises of regulated distributors and regulated
2227 purchasers during normal business hours to conduct administrative inspections.

2228 Section 41. Section **58-37f-301** is amended to read:

2229 **58-37f-301 (Effective 07/01/26). Access to database.**

- 2230 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2231 Administrative Rulemaking Act, to:
2232 (a) effectively enforce the limitations on access to the database as described in this part;
2233 and
2234 (b) establish standards and procedures to ensure accurate identification of individuals
2235 requesting information or receiving information without request from the database.
- 2236 (2) The division shall make information in the database and information obtained from
2237 other state or federal prescription monitoring programs by means of the database
2238 available only to the following individuals, in accordance with the requirements of this

2239 chapter and division rules:

- 2240 (a)(i) personnel of the division specifically assigned to conduct investigations related
2241 to controlled substance laws under the jurisdiction of the division; and
2242 (ii) the following law enforcement officers, but the division may only provide
2243 nonidentifying information, limited to gender, year of birth, and postal ZIP code,
2244 regarding individuals for whom a controlled substance has been prescribed or to
2245 whom a controlled substance has been dispensed:
2246 (A) a law enforcement agency officer who is engaged in a joint investigation with
2247 the division; and
2248 (B) a law enforcement agency officer to whom the division has referred a
2249 suspected criminal violation of controlled substance laws;
2250 (b) authorized division personnel engaged in analysis of controlled substance
2251 prescription information as a part of the assigned duties and responsibilities of their
2252 employment;
2253 (c) a board member if:
2254 (i) the board member is assigned to monitor a licensee on probation; and
2255 (ii) the board member is limited to obtaining information from the database regarding
2256 the specific licensee on probation;
2257 (d) a person the division authorizes to obtain that information on behalf of the Utah
2258 Professionals Health Program established in Subsection 58-4a-103(1) if:
2259 (i) the person the division authorizes is limited to obtaining information from the
2260 database regarding the [person whose] individual whose conduct is the subject of
2261 the division's consideration; and
2262 (ii) the conduct that is the subject of the division's consideration includes a violation
2263 or a potential violation of Chapter 37, Utah Controlled Substances Act, or another
2264 relevant violation or potential violation under this title;
2265 (e) in accordance with a written agreement entered into with the department, employees
2266 of the Department of Health and Human Services:
2267 (i) whom the director of the Department of Health and Human Services assigns to
2268 conduct scientific studies regarding the use or abuse of controlled substances, if
2269 the identity of the individuals and pharmacies in the database are confidential and
2270 are not disclosed in any manner to any individual who is not directly involved in
2271 the scientific studies;
2272 (ii) when the information is requested by the Department of Health and Human

Services in relation to a person or provider whom the Department of Health and Human Services suspects may be improperly obtaining or providing a controlled substance; or

(iii) in the medical examiner's office;

(f) in accordance with a written agreement entered into with the department, a designee of the director of the Department of Health and Human Services, who is not an employee of the Department of Health and Human Services, whom the director of the Department of Health and Human Services assigns to conduct scientific studies regarding the use or abuse of controlled substances [pursuant to] in accordance with an application process established in rule by the Department of Health and Human Services, if:

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

(ii) the scientific studies to be conducted by the designee:

(A) fit within the responsibilities of the Department of Health and Human Services for health and welfare;

(B) are reviewed and approved by an Institutional Review Board that is approved for human subject research by the United States Department of Health and Human Services;

- (C) are not conducted for profit or commercial gain; and
- (D) are conducted in a research facility, as defined by division rule, that is associated with a university or college accredited by one or more regional or national accrediting agencies recognized by the United States Department of Education;

(iii) the designee protects the information as a business associate of the Department of Health and Human Services; and

(iv) the identity of the prescribers, patients, and pharmacies in the database are de-identified, confidential, and not disclosed in any manner to the designee or to any individual who is not directly involved in the scientific studies;

(g) in accordance with a written agreement entered into with the department and the Department of Health and Human Services, authorized employees of a managed care organization, as defined in 42 C.F.R. Sec. 438, if:

(i) the managed care organization contracts with the Department of Health and Human Services under the provisions of Section 26B-3-202 and the contract

2307 includes provisions that:

2308 (A) require a managed care organization employee who will have access to
2309 information from the database to submit to a criminal background check; and
2310 (B) limit the authorized employee of the managed care organization to requesting
2311 either the division or the Department of Health and Human Services to conduct
2312 a search of the database regarding a specific Medicaid enrollee and to report
2313 the results of the search to the authorized employee; and

2314 (ii) the information is requested by an authorized employee of the managed care
2315 organization in relation to ~~[a person who]~~ an individual who is enrolled in the
2316 Medicaid program with the managed care organization, and the managed care
2317 organization suspects the ~~[person]~~ individual may be improperly obtaining or
2318 providing a controlled substance;

2319 (h) a licensed practitioner having authority to prescribe controlled substances, to the
2320 extent the information:

2321 (i)(A) relates specifically to a current or prospective patient of the practitioner; and
2322 (B) is provided to or sought by the practitioner for the purpose of:

2323 (I) prescribing or considering prescribing any controlled substance to the
2324 current or prospective patient;

2325 (II) diagnosing the current or prospective patient;

2326 (III) providing medical treatment or medical advice to the current or
2327 prospective patient; or

2328 (IV) determining whether the current or prospective patient:

2329 (Aa) is attempting to fraudulently obtain a controlled substance from the
2330 practitioner; or

2331 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a
2332 controlled substance from the practitioner;

2333 (ii)(A) relates specifically to a former patient of the practitioner; and

2334 (B) is provided to or sought by the practitioner for the purpose of determining
2335 whether the former patient has fraudulently obtained, or has attempted to
2336 fraudulently obtain, a controlled substance from the practitioner;

2337 (iii) relates specifically to an individual who has access to the practitioner's Drug
2338 Enforcement Administration identification number, and the practitioner suspects
2339 that the individual may have used the practitioner's Drug Enforcement
2340 Administration identification number to fraudulently acquire or prescribe a

2341 controlled substance;

2342 (iv) relates to the practitioner's own prescribing practices, except when specifically
2343 prohibited by the division by administrative rule;

2344 (v) relates to the use of the controlled substance database by an employee of the
2345 practitioner, described in Subsection (2)(i); or

2346 (vi) relates to any use of the practitioner's Drug Enforcement Administration
2347 identification number to obtain, attempt to obtain, prescribe, or attempt to
2348 prescribe, a controlled substance;

2349 (i) in accordance with Subsection (3)(a), an employee of a practitioner described in
2350 Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:

2351 (i) the employee is designated by the practitioner as an individual authorized to
2352 access the information on behalf of the practitioner;

2353 (ii) the practitioner provides written notice to the division of the identity of the
2354 employee; and

2355 (iii) the division[:] grants the employee access to the database;

2356 [(A) grants the employee access to the database; and]

2357 [(B) ~~provides the employee with a password that is unique to that employee to
2358 access the database in order to permit the division to comply with the
2359 requirements of Subsection 58-37f-203(7) with respect to the employee;~~]

2360 (j) an employee of the same business that employs a licensed practitioner under
2361 Subsection (2)(h) if:

2362 (i) the employee is designated by the practitioner as an individual authorized to
2363 access the information on behalf of the practitioner;

2364 (ii) the practitioner and the employing business provide written notice to the division
2365 of the identity of the designated employee; and

2366 (iii) the division[:] grants the employee access to the database;

2367 [(A) grants the employee access to the database; and]

2368 [(B) ~~provides the employee with a password that is unique to that employee to
2369 access the database in order to permit the division to comply with the
2370 requirements of Subsection 58-37f-203(7) with respect to the employee;~~]

2371 (k) a licensed pharmacist having authority to dispense a controlled substance, or a
2372 licensed pharmacy intern or pharmacy technician working under the general
2373 supervision of a licensed pharmacist, to the extent the information is provided or
2374 sought for the purpose of:

- 2375 (i) dispensing or considering dispensing any controlled substance;
- 2376 (ii) determining whether a person:
 - 2377 (A) is attempting to fraudulently obtain a controlled substance from the pharmacy,
2378 practitioner, or health care facility; or
 - 2379 (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled
2380 substance from the pharmacy, practitioner, or health care facility;
- 2381 (iii) reporting to the controlled substance database; or
- 2382 (iv) verifying the accuracy of the data submitted to the controlled substance database
2383 on behalf of a pharmacy where the licensed pharmacist, pharmacy intern, or
2384 pharmacy technician is employed;
- 2385 (l) [pursuant to] in accordance with a valid search warrant, federal, state, and local law
2386 enforcement officers and state and local prosecutors who are engaged in an
2387 investigation related to:
 - 2388 (i) one or more controlled substances; and
 - 2389 (ii) a specific [person who] person that is a subject of the investigation;
- 2390 (m) subject to Subsection (7), a probation or parole officer, employed by the Division of
2391 Adult Probation and Parole created in Section 64-14-202 or by a political
2392 subdivision, to gain access to database information necessary for the officer's
2393 supervision of a specific probationer or parolee who is under the officer's direct
2394 supervision;
- 2395 (n) employees of the Office of Internal Audit within the Department of Health and
2396 Human Services who are engaged in their specified duty of ensuring Medicaid
2397 program integrity under Section 26B-3-104;
- 2398 (o) a mental health therapist, if:
 - 2399 (i) the information relates to a patient who is:
 - 2400 (A) enrolled in a licensed substance abuse treatment program; and
 - 2401 (B) receiving treatment from, or under the direction of, the mental health therapist
2402 as part of the patient's participation in the licensed substance abuse treatment
2403 program described in Subsection (2)(o)(i)(A);
 - 2404 (ii) the information is sought for the purpose of determining whether the patient is
2405 using a controlled substance while the patient is enrolled in the licensed substance
2406 abuse treatment program described in Subsection (2)(o)(i)(A); and
 - 2407 (iii) the licensed substance abuse treatment program described in Subsection
2408 (2)(o)(i)(A) is associated with a practitioner who:

- 2409 (A) is a physician, a physician assistant, an advance practice registered nurse, or a
2410 pharmacist; and
2411 (B) is available to consult with the mental health therapist regarding the
2412 information obtained by the mental health therapist, under this Subsection
2413 (2)(o), from the database;
- 2414 (p) an individual who is the recipient of a controlled substance prescription entered into
2415 the database, upon providing evidence satisfactory to the division that the individual
2416 requesting the information is in fact the individual about whom the data entry was
2417 made;
- 2418 (q) an individual under Subsection (2)(p) for the purpose of obtaining a list of the
2419 persons and entities that have requested or received any information from the
2420 database regarding the individual, except if the individual's record is subject to a
2421 pending or current investigation as authorized under this Subsection (2);
- 2422 (r) the inspector general, or a designee of the inspector general, of the Office of
2423 Inspector General of Medicaid Services, for the purpose of fulfilling the duties
2424 described in Title 63A, Chapter 13, Part 2, Office and Powers;
- 2425 (s) the following licensed physicians for the purpose of reviewing and offering an
2426 opinion on an individual's request for workers' compensation benefits under Title
2427 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah
2428 Occupational Disease Act:
2429 (i) a member of the medical panel described in Section 34A-2-601;
2430 (ii) a physician employed as medical director for a licensed workers' compensation
2431 insurer or an approved self-insured employer; or
2432 (iii) a physician offering a second opinion regarding treatment;
- 2433 (t) members of Utah's Opioid Fatality Review Committee, for the purpose of reviewing a
2434 specific fatality due to opioid use and recommending policies to reduce the frequency
2435 of opioid use fatalities;
- 2436 (u) a licensed pharmacist who is authorized by a managed care organization as defined
2437 in Section 31A-1-301 to access the information on behalf of the managed care
2438 organization, if:
2439 (i) the managed care organization believes that an enrollee of the managed care
2440 organization has obtained or provided a controlled substance in violation of a
2441 medication management program contract between the enrollee and the managed
2442 care organization; and

- 2443 (ii) the managed care organization included a description of the medication
2444 management program in the enrollee's outline of coverage described in Subsection
2445 31A-22-605(7); and
- 2446 (v) the Utah Medicaid Fraud Control Unit of the attorney general's office for the purpose
2447 of investigating active cases, in exercising the unit's authority to investigate and
2448 prosecute Medicaid fraud, abuse, neglect, or exploitation under 42 U.S.C. Sec.
2449 1396b(q).
- 2450 (3)(a) A practitioner described in Subsection (2)(h) may designate one or more
2451 employees to access information from the database under Subsection (2)(i), (2)(j), or
2452 (4)(c).
- 2453 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2454 Administrative Rulemaking Act, to:
- 2455 (i) establish background check procedures to determine whether an employee
2456 designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the
2457 database;
- 2458 (ii) establish the information to be provided by an emergency department employee
2459 under Subsection (4); and
- 2460 (iii) facilitate providing controlled substance prescription information to a third party
2461 under Subsection (5).
- 2462 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or
2463 (4)(c) access to the database, unless the division determines, based on a background
2464 check, that the employee poses a security risk to the information contained in the
2465 database.
- 2466 (4)(a) An individual who is employed in the emergency department of a hospital may
2467 exercise access to the database under this Subsection (4) on behalf of a licensed
2468 practitioner if the individual is designated under Subsection (4)(c) and the licensed
2469 practitioner:
- 2470 (i) is employed or privileged to work in the emergency department;
2471 (ii) is treating an emergency department patient for an emergency medical condition;
2472 and
- 2473 (iii) requests that an individual employed in the emergency department and
2474 designated under Subsection (4)(c) obtain information regarding the patient from
2475 the database as needed in the course of treatment.
- 2476 (b) The emergency department employee obtaining information from the database shall,

2477 when gaining access to the database, provide to the database the name and any
2478 additional identifiers regarding the requesting practitioner as required by division
2479 administrative rule established under Subsection (3)(b).

- 2480 (c) An individual employed in the emergency department under this Subsection (4) may
2481 obtain information from the database as provided in Subsection (4)(a) if:
2482 (i) the employee is designated by the hospital as an individual authorized to access
2483 the information on behalf of the emergency department practitioner;
2484 (ii) the hospital operating the emergency department [provide] provides written notice
2485 to the division of the identity of the designated employee; and
2486 (iii) the division:
2487 (A) grants the employee access to the database; and
2488 (B) provides the employee with a password that is unique to that employee to
2489 access the database.

- 2490 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a
2491 practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to
2492 pay for the costs incurred by the division to conduct the background check and make
2493 the determination described in Subsection (3)(b).

- 2494 (5)(a)(i) An individual may request that the division provide the information under
2495 Subsection (5)(b) to a third party who is designated by the individual each time a
2496 controlled substance prescription for the individual is dispensed.
2497 (ii) The division shall upon receipt of the request under this Subsection (5)(a) advise
2498 the individual in writing that the individual may direct the division to discontinue
2499 providing the information to a third party and that notice of the individual's
2500 direction to discontinue will be provided to the third party.

- 2501 (b) The information the division shall provide under Subsection (5)(a) is:
2502 (i) the fact a controlled substance has been dispensed to the individual, but without
2503 identifying the controlled substance; and
2504 (ii) the date the controlled substance was dispensed.

- 2505 (c)(i) An individual who has made a request under Subsection (5)(a) may direct that
2506 the division discontinue providing information to the third party.
2507 (ii) The division shall:
2508 (A) notify the third party that the individual has directed the division to no longer
2509 provide information to the third party; and
2510 (B) discontinue providing information to the third party.

- 2511 (6)(a) An individual who is granted access to the database based on the fact that the
2512 individual is a licensed practitioner or a mental health therapist shall be denied access
2513 to the database when the individual is no longer licensed.
- 2514 (b) An individual who is granted access to the database based on the fact that the
2515 individual is a designated employee of a licensed practitioner shall be denied access
2516 to the database when the practitioner is no longer licensed.
- 2517 (7) A probation or parole officer is not required to obtain a search warrant to access the
2518 database in accordance with Subsection (2)(m).
- 2519 (8) The division shall review and adjust the database programming which automatically
2520 logs off an individual who is granted access to the database under Subsections (2)(h),
2521 (2)(i), (2)(j), and (4)(c) to maximize the following objectives:
2522 (a) to protect patient privacy;
2523 (b) to reduce inappropriate access; and
2524 (c) to make the database more useful and helpful to a person accessing the database
2525 under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations
2526 such as an emergency department.
- 2527 (9) [Any person who] A person that knowingly and intentionally accesses the database
2528 without express authorization under this section is guilty of a class A misdemeanor.
2529 Section 42. Section **58-37f-303** is amended to read:
2530 **58-37f-303 (Effective 07/01/26). Access to controlled substance prescription
2531 information via an electronic data system.**
2532 (1) As used in this section:
2533 (a) "Controlled substance" means any substance listed in Subsection 58-37-4(2)(b)
2534 through (4)(2)(e).
2535 (b) "Dispense" means the same as that term is defined in Section 58-17b-102.
2536 [(b)] (c) "EDS user":
2537 (i) means:
2538 (A) a prescriber;
2539 (B) a pharmacist;
2540 (C) a pharmacy intern;
2541 (D) a pharmacy technician; or
2542 (E) an individual granted access to the database under Subsection 58-37f-301(3)(c);
2543 and
2544 (ii) does not mean an individual whose access to the database has been revoked by

2545 the division [pursuant to] in accordance with Subsection 58-37f-301(5)(c).

2546 [(e)] (d) "Electronic data system" means a software product or an electronic service used
2547 by:

- (i) a prescriber to manage electronic health records; or
- (ii) a pharmacist, pharmacy intern, or pharmacy technician working under the general
2549 supervision of a licensed pharmacist, for the purpose of:
 - (A) managing the dispensing of prescription drugs; or
 - (B) providing pharmaceutical care as defined in Section 58-17b-102 to a patient.

2553 [(d) "Opioid" means any substance listed in Subsection 58-37-4(2)(b)(i) or (2)(b)(ii).]

2554 (e) "Pharmacist" means the same as that term is defined in Section 58-17b-102.

2555 (f) "Prescriber" means a practitioner, as that term is defined in Section 58-37-2, who is
2556 licensed under Section 58-37-6 to prescribe [an opioid] a controlled substance.

2557 (g) "Prescription drug" means the same as that term is defined in Section 58-17b-102.

2558 (2) Subject to Subsections (3) through (6), no later than January 1, 2017, the division shall
2559 make [opioid] controlled substance prescription information in the database available to
2560 an EDS user via the user's electronic data system.

2561 (3) An electronic data system may be used to make [opioid] controlled substance
2562 prescription information in the database available to an EDS user only if the electronic
2563 data system complies with rules [established by the division under] the division makes in
2564 accordance with Subsection (4).

2565 (4)(a) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2566 Administrative Rulemaking Act, specifying:

2567 (i) an electronic data system's:

- (A) allowable access to and use of [opioid] controlled substance prescription
2568 information in the database; and
- (B) minimum actions that [must] shall be taken to ensure that [opioid] controlled
2569 substance prescription information accessed from the database is protected
2570 from inappropriate disclosure or use; and

2571 (ii) an EDS user's:

- (A) allowable access to [opioid] controlled substance prescription information in
2572 the database via an electronic data system; and
- (B) allowable use of the information.

2573 (b) The rules shall establish:

- (i) minimum user identification requirements that in substance are the same as the

- 2579 database identification requirements in Section 58-37f-301;
- 2580 (ii) user access restrictions that in substance are the same as the database
- 2581 identification requirements in Section 58-37f-301; and
- 2582 (iii) any other requirements necessary to ensure that in substance the provisions of
- 2583 Sections 58-37f-301 and 58-37f-302 apply to [opiod] controlled substance
- 2584 prescription information in the database that has been made available to an EDS
- 2585 user via an electronic data system.
- 2586 (5) The division may not make [opiod] controlled substance prescription information in the
- 2587 database available to an EDS user via the user's electronic data system if:
- 2588 (a) the electronic data system does not comply with the rules [established by the division
- 2589 under] the division makes in accordance with Subsection (4); or
- 2590 (b) the EDS user does not comply with the rules established by the division under
- 2591 Subsection (4).
- 2592 (6)(a) The division shall periodically audit the use of [opiod] controlled substance
- 2593 prescription information made available to an EDS user via the user's electronic data
- 2594 system.
- 2595 (b) The audit shall review compliance by:
- 2596 (i) the electronic data system with rules established by the division under Subsection
- 2597 (4); and
- 2598 (ii) the EDS user with rules established by the division under Subsection (4).
- 2599 (c)(i) If the division determines by audit or other means that an electronic data system
- 2600 is not in compliance with rules [established by the division under] the division
- 2601 makes in accordance with Subsection (4), the division shall immediately suspend
- 2602 or revoke the electronic data system's access to [opiod] controlled substance
- 2603 prescription information in the database.
- 2604 (ii) If the division determines by audit or other means that an EDS user is not in
- 2605 compliance with rules [established by the division under] the division makes in
- 2606 accordance with Subsection (4), the division shall immediately suspend or revoke
- 2607 the EDS user's access to [opiod] controlled substance prescription information in
- 2608 the database via an electronic data system.
- 2609 (iii) If the division suspends or revokes access to [opiod] controlled substance
- 2610 prescription information in the database under Subsection (6)(c)(i) or (6)(c)(ii),
- 2611 the division shall also take any other appropriate corrective or disciplinary action [
- 2612 authorized by] this chapter or title authorizes.

Section 43. Section **58-37f-304** is amended to read:

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

(1) As used in this section:

(a) "Dispenser" means a licensed pharmacist, as described in Section 58-17b-303, the pharmacist's licensed intern, as described in Section 58-17b-304, or licensed pharmacy technician, as described in Section 58-17b-305, working under the supervision of a licensed pharmacist who is also licensed to dispense a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.

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

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

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

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

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

(b) If a prescriber is repeatedly prescribing a Schedule II opioid or Schedule III opioid to a patient, the prescriber shall periodically review information about the patient in:

- (i) the database; or
- (ii) a prescription monitoring program.

(c) A prescriber may assign the access and review required under Subsection (2)(a) to
the patient and with Subsection 58.275(2)(i) and (ii)

(d)(i) A prescriber may comply with the requirements in Subsections (2)(a) and (b) by checking an electronic health record system if the electronic health record system:

(A) is connected to the database through a connection that [has been approved by the division] the division approves; and

(B) displays the information from the database in a prominent manner for the prescriber.

(ii) The division may not approve a connection to the database if the connection does

2647 not satisfy the requirements [established by the division under] the division makes
2648 in accordance with Section 58-37f-301.

- 2649 (e) A prescriber is not in violation of the requirements of Subsection (2)(a) or (b) if the
2650 failure to comply with Subsection (2)(a) or (b):
2651 (i) is necessary due to an emergency situation as the division defines by rule the
2652 division makes in collaboration with the board and in accordance with Title 63G,
2653 Chapter 3, Utah Administrative Rulemaking Act;
2654 (ii) is caused by a suspension or disruption in the operation of the database; or
2655 (iii) is caused by a failure in the operation or availability of the [Internet] internet.
2656 (f) The division may not take action against the license of a prescriber for failure to
2657 comply with this Subsection (2) unless the failure occurs after the earlier of:
2658 (i) December 31, 2018; or
2659 (ii) the date that the division has the capability to establish a connection that meets
2660 the requirements [established by the division under] the division makes in
2661 accordance with Section 58-37f-301 between the database and an electronic health
2662 record system.
2663 (3) The division shall, in collaboration with the licensing boards for prescribers and
2664 dispensers:
2665 (a) develop a system that gathers and reports to prescribers and dispensers the progress
2666 and results of the prescriber's and dispenser's individual access and review of the
2667 database, as provided in this section; and
2668 (b) reduce or waive the division's continuing education requirements regarding opioid
2669 prescriptions, described in Section 58-37-6.5, including the online tutorial and test
2670 relating to the database, for prescribers and dispensers whose individual utilization of
2671 the database, as [determined by the division] the division determines, demonstrates
2672 substantial compliance with this section.
2673 (4) If the dispenser's access and review of the database suggest that the individual seeking
2674 an opioid may be obtaining opioids in quantities or frequencies inconsistent with
2675 generally recognized standards as provided in this section and Section 58-37f-201, the
2676 dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's
2677 informed, current, and professional decision regarding whether the prescribed opioid is
2678 medically justified, notwithstanding the results of the database search.
2679 (5)(a) The division shall review the database to identify any prescriber who has a pattern
2680 of prescribing opioids not in accordance with the recommendations of:

- 2681 (i) the CDC Guideline for Prescribing Opioids for Chronic Pain, published by the
2682 Centers for Disease Control and Prevention;
- 2683 (ii) the Utah Clinical Guidelines on Prescribing Opioids for Treatment of Pain,
2684 published by the Department of Health and Human Services; or
- 2685 (iii) other publications describing best practices related to prescribing opioids as [
2686 ~~identified by division~~] the division identifies in rule the division makes in
2687 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
2688 in consultation with the Medical Licensing Board.
- 2689 (b) The division shall offer education to a prescriber identified under this Subsection (5)
2690 regarding best practices in the prescribing of opioids.
- 2691 (c) A decision by a prescriber to accept or not accept the education [~~offered by the~~ the
2692 division] the division offers under this Subsection (5) is voluntary.
- 2693 (d) The division may not use an identification the division has made under this
2694 Subsection (5) or the decision by a prescriber to accept or not accept education [
2695 ~~offered by the division~~] the division offers under this Subsection (5) in a licensing
2696 investigation or action by the division.
- 2697 (e) Any record [~~created by the division~~] the division creates as a result of this Subsection
2698 (5) is a protected record under Section 63G-2-305.
- 2699 (6) The division may consult with a prescriber or health care system to assist the prescriber
2700 or health care system in following evidence-based guidelines regarding the prescribing
2701 of controlled substances, including the recommendations listed in Subsection (5)(a).
- 2702 Section 44. Section **58-37f-402** is amended to read:
- 2703 **58-37f-402 (Effective 07/01/26). Online tutorial and test relating to the database**
- 2704 **-- Fees -- Rulemaking authority -- Continuing professional education credit.**
- 2705 (1) The division shall develop an online tutorial and an online test for registration to use the
2706 database that provides instruction regarding, and tests, the following:
- 2707 (a) the purpose of the database;
- 2708 (b) how to access and use the database; and
- 2709 (c) the law relating to:
- 2710 (i) the use of the database; and
- 2711 (ii) the information submitted to, and obtained from, the database[; and].
- 2712 [(d) ~~basic knowledge that is important for all people who preseribe controlled substanees~~
2713 ~~to know in order to help ensure the health and safety of an individual to whom a~~
2714 ~~controlled substancce is prescribed.~~]

- 2715 (2) The division shall design the test described in this section as follows:
- 2716 (a) an individual shall answer all of the questions correctly in order to pass the test;
- 2717 (b) an individual shall be permitted to immediately retake the portion of the test that the
2718 individual answers incorrectly as many times as necessary for the individual to pass
2719 the test; and
- 2720 (c) after an individual takes the test, the test software shall:
- 2721 (i) immediately inform the individual of the number of questions that were answered
2722 incorrectly;
- 2723 (ii) provide the correct answers;
- 2724 (iii) replay the portion of the tutorial that relates to the incorrectly answered
2725 questions; and
- 2726 (iv) ask the individual the incorrectly answered questions again.
- 2727 (3) The division shall design the tutorial and test so that ~~it is possible to take the tutorial
2728 and complete the test in 20 minutes or less~~ an individual may complete the tutorial and
2729 test within 20 minutes, if the individual answers all of the questions correctly on the first
2730 attempt.
- 2731 (4) The division shall ensure that the tutorial and test described in this section are fully
2732 functional and available for use online on or before November 1, 2010.
- 2733 (5) The division shall impose a fee, in accordance with Section 63J-1-504, on an individual
2734 who takes the test described in this section, to pay the costs ~~[incurred by the division]~~ the
2735 division incurs to:
- 2736 (a) develop, implement, and administer the tutorial and test described in this section; and
- 2737 (b) fulfill the other duties imposed on the division under this part.
- 2738 (6) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
2739 Administrative Rulemaking Act, to:
- 2740 (a) develop, implement, and administer the tutorial and test described in this section; and
- 2741 (b) fulfill the other duties imposed on the division under this part.
- 2742 (7) The Department of Health and Human Services shall assist the division in developing
2743 the portion of the test described in Subsection (1)(d).
- 2744 Section 45. Section **58-37f-702** is amended to read:
- 2745 **58-37f-702 (Effective 07/01/26). Reporting prescribed controlled substance**
2746 **poisoning or overdose to a practitioner.**
- 2747 (1)(a) The division shall take the actions described in Subsection (1)(b) if the division
2748 receives a report from a general acute hospital under Section 26B-2-225 regarding

2749 admission to a general acute hospital for poisoning or overdose involving a
2750 prescribed controlled substance.

2751 (b) The division shall, within [three] five business days after the day on which a report in
2752 Subsection (1)(a) is received:

2753 (i) attempt to identify, through the database, each practitioner who may have
2754 prescribed the controlled substance to the patient; and

2755 (ii) [provide] alert each practitioner identified under Subsection (1)(b)(i) [with:]
2756 concerning the information described in this Subsection (1).

2757 [(A) ~~a copy of the report provided by the general acute hospital under Section~~
2758 ~~26B-2-225; and]~~

2759 [(B) ~~the information obtained from the database that led the division to determine~~
2760 ~~that the practitioner receiving the information may have prescribed the~~
2761 ~~controlled substance to the person named in the report.~~]

2762 (2)(a) When the division receives a report from the medical examiner under Section
2763 26B-8-210 regarding a death caused by poisoning or overdose involving a prescribed
2764 controlled substance, for each practitioner [identified by the medical examiner] the
2765 medical examiner identifies under Subsection 26B-8-210(1)(c), the division:

2766 (i) shall, within five business days after the day on which the division receives the
2767 report, provide the practitioner with a copy of the report; and

2768 (ii) may offer the practitioner an educational visit to review the report.

2769 (b) A practitioner may decline an educational visit described in Subsection (2)(a)(ii).

2770 (c) The division may not use, in a licensing investigation or action by the division:

2771 (i) information from an educational visit described in Subsection (2)(a)(ii); or

2772 (ii) a practitioner's decision to decline an educational visit described in Subsection
2773 (2)(a)(ii).

2774 (3) It is the intent of the Legislature that the information provided under Subsection (1) or
2775 (2) is provided for the purpose of assisting the practitioner in:

2776 (a) discussing with the patient or others issues relating to the poisoning or overdose;

2777 (b) advising the patient or others of measures that may be taken to avoid a future
2778 poisoning or overdose; and

2779 (c) making decisions regarding future prescriptions written for the patient or others.

2780 (4) Any record [created by the division] the division creates as a result of an educational
2781 visit described in Subsection (2)(a)(ii) is a protected record for purposes of Title 63G,
2782 Chapter 2, Government Records Access and Management Act.

2783 (5) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,
2784 increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup and
2785 ongoing costs of the division for complying with the requirements of this section.

2786 Section 46. Section **58-37f-703** is amended to read:

2787 **58-37f-703 (Effective 07/01/26). Entering certain convictions into the database
2788 and reporting them to practitioners.**

2789 (1) When the division receives a report from a court under Subsection 41-6a-502(5) or
2790 41-6a-502.5(5)(b) relating to a conviction for driving under the influence of, or while
2791 impaired by, a prescribed controlled substance, the division shall:

- 2792 (a) [daily] within five business days enter into the database the information supplied in
2793 the report, including the date on which the person was convicted;
2794 (b) attempt to identify, through the database, each practitioner who may have prescribed
2795 the controlled substance to the convicted person; and
2796 (c) [provide] alert each practitioner identified under Subsection (1)(b) [with:] concerning
2797 the information described in this Subsection (1).

2798 [(i) a copy of the information provided by the court; and]
2799 [(ii) the information obtained from the database that led the division to determine that
2800 the practitioner receiving the information may have prescribed the controlled
2801 substance to the convicted person.]

2802 (2) It is the intent of the Legislature that the information provided under Subsection (1)(b)
2803 is provided for the purpose of assisting the practitioner in:

- 2804 (a) discussing the manner in which the controlled substance may impact the convicted
2805 person's driving;
2806 (b) advising the convicted person on measures that may be taken to avoid adverse
2807 impacts of the controlled substance on future driving; and
2808 (c) making decisions regarding future prescriptions written for the convicted person.

2809 (3) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,
2810 increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup and
2811 ongoing costs of the division for complying with the requirements of this section.

2812 Section 47. Section **58-40a-305** is amended to read:

2813 **58-40a-305 (Effective 07/01/26). Exemptions from licensure.**

2814 In addition to the exemptions from licensure in Section 58-1-307, this chapter does not
2815 require the licensure of a medical assistant as defined in Section 58-67-102 or 58-68-102 or an
2816 individual who assists in an emergency or in providing services for which no fee is

2817 contemplated, charged, or received, provided the individual does not [hold himself out as]
2818 represent that the individual is an athletic trainer.

2819 Section 48. Section **58-49-4** is amended to read:

2820 **58-49-4 (Effective 07/01/26). Qualifications for certification -- Fee.**

2821 (1) Each applicant for certification under this chapter shall provide proof satisfactory
2822 to the division that the applicant:

2823 [¶] (a) holds a baccalaureate or post-baccalaureate degree conferred by a college or
2824 university approved by the division at the time the degree was conferred with a major
2825 course of study in the sciences of food, dietetics, food systems management, or an
2826 equivalent major course of study;

2827 [¶] (b) has completed an internship or preplanned professional baccalaureate or
2828 post-baccalaureate experience in a dietetic program under the supervision of a
2829 certified dietitian who is certified under this chapter or certified, registered, or
2830 licensed under the laws of another state or territory of the United States;

2831 [¶] (c) has satisfactorily passed a competency examination, approved by or given at the
2832 direction of the division; and

2833 [¶] (d) has paid the appropriate fees determined by the Department of Commerce. The
2834 fee assessed by the Department of Commerce shall be fair and reasonable and shall
2835 reflect the cost of services provided.

2836 (2) In addition to the requirements of Subsection 58-49-4(1), an applicant seeking to
2837 exercise the compact privilege in accordance with Chapter 89, Dietitian Licensure
2838 Compact, shall:

2839 (a) complete a criminal background check in accordance with Section 58-1-301.5;
2840 (b) meet any other standard related to the criminal background check described in
2841 Chapters 58 through 89, that the division establishes by rule in accordance with Title
2842 63G, Chapter 3, Utah Administrative Rulemaking Act; and
2843 (c) disclose any criminal history the division requests on a form the division approves.

2844 Section 49. Section **58-60-102** is amended to read:

2845 **58-60-102 (Effective 07/01/26). Definitions.**

2846 As used in this chapter, unless a [different meaning is established by definition]
2847 definition establishes a different meaning under a specific section or part:

2848 (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

2849 (2) "Client" or "patient" means an individual who [e]consults or is examined or interviewed
2850 by] an individual licensed under this chapter who is acting in the individual's

2851 professional capacity consults, examines, or interviews.

- 2852 (3) "Clinical supervision" means work experience conducted under the supervision of a
2853 clinical supervisor, including the practice of mental health therapy, direct client care,
2854 direct clinical supervision, direct observation, and other duties and activities completed
2855 in the course of the day-to-day job functions and work of:
2856 (a) a certified social worker;
2857 (b) an associate marriage and family therapist;
2858 (c) an associate clinical mental health counselor; or
2859 (d) an associate master addiction counselor, wherein the supervisor is available to the
2860 supervisee for consultation ~~[with the supervisee]~~ by personal face-to-face contact, or
2861 by direct voice contact by telephone, ~~[radio]~~ video conference, or other means within
2862 a reasonable ~~[time-]~~ timeframe consistent with the acts and practices in which the
2863 supervisee is engaged.

- 2864 (4) "Clinical supervisor" means an individual who oversees and mentors one or more
2865 mental health therapists licensed under this chapter, and who:

- 2866 (a)(i) is licensed, in good standing, as a mental health therapist;
2867 (ii) is approved or certified in good standing as a supervisor by a national
2868 professional organization for social work, mental health counseling, addiction
2869 counseling, marriage and family therapy, psychology, medicine, or nursing, or
2870 other organization as ~~[approved by the division]~~ the division approves;
2871 (iii)(A) has completed eight or more hours of supervision instruction that meets
2872 minimum standards ~~[established by the division in rule]~~ the division makes in
2873 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
2874 (B) has completed a graduate course on clinical supervision from an accredited
2875 program;
2876 (iv) completes continuing education in clinical supervision, as ~~[established by the~~
2877 ~~division in rule]~~ the division requires by rule the division makes in accordance
2878 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
2879 (v) provides supervision to no more than the number of individuals to whom the
2880 supervisor can reasonably provide clinical supervision by performing the duties
2881 and responsibilities of a supervisor, including:
2882 (A) being available to the supervisee for consultation by personal face-to-face
2883 contact, or by direct voice contact by telephone, video conference, or other
2884 means within a reasonable time frame;

2885 (B) providing instruction, direction, oversight, observation, evaluation, and
2886 feedback, to enable the supervisee to acquire the knowledge, skills, techniques,
2887 and abilities necessary to engage in the practice of behavioral health care
2888 ethically, safely, and competently; and

2889 (C) maintaining routine personal contact with the supervisee; and

2890 (b)(i) is qualified and acting as a valid supervisor, in accordance with applicable law
2891 and division rules, as of April 30, 2024; and

2892 (ii) has satisfied the requirements of Subsection (4)(a), as of January 1, 2027.

2893 (5) "Confidential communication" means information obtained by an individual licensed
2894 under this chapter, including information obtained by the individual's examination of the
2895 client or patient, which is:

2896 (a)(i) transmitted between the client or patient and an individual licensed under this
2897 chapter in the course of that relationship; or

2898 (ii) transmitted among the client or patient, an individual licensed under this chapter,
2899 and individuals who are participating in the diagnosis or treatment under the
2900 direction of an individual licensed under this chapter, including members of the
2901 client's or patient's family; and

2902 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
2903 individual licensed under this chapter, and by a means not intended to be disclosed to
2904 third persons other than those individuals:

2905 (i) present to further the interest of the client or patient in the consultation,
2906 examination, or interview;

2907 (ii) reasonably necessary for the transmission of the communications; or

2908 (iii) participating in the diagnosis and treatment of the client or patient under the
2909 direction of the mental health therapist.

2910 (6) "Designated examiner" means the same as that term is defined in Section 26B-5-301.

2911 (7)(a) "Direct client care" means the practice of mental health therapy performed as an
2912 applicant for licensure.

2913 (b) "Direct client care" includes:

2914 (i) the practice of mental health therapy;

2915 (ii) the utilization of patient-reported progress and outcomes to inform care; and

2916 (iii) direct observation.

2917 (8)(a) "Direct clinical supervision" means an applicant for licensure and the applicant's
2918 direct clinical supervisor meeting in real time and in accordance with the applicant

2919 for licensure's supervision contract as [defined by division rule] the division defines
2920 by rule the division makes in accordance with Title 63G, Chapter 3, Utah
2921 Administrative Rulemaking Act.

2922 (b) "Direct clinical supervision" includes group supervision.

2923 (9) "Direct clinical supervisor" means the clinical supervisor who has signed the
2924 supervision contract with the applicant for licensure.

2925 (10) "Direct observation" means observation of an applicant for licensure's live or recorded
2926 direct client care:

2927 (a)(i) by the applicant for licensure's clinical supervisor; or

2928 (ii) by a licensee under Subsection (4)(a) who the applicant for licensure's direct
2929 clinical supervisor approves; and

2930 (b) after which the applicant for licensure and the observer under Subsection (10)(a)
2931 meet, in-person or electronically, to discuss the direct client care for the purpose of
2932 developing the applicant for licensure's clinical knowledge and skill.

2933 (11) "FBI Rap Back System" means the same as that term is defined in Section 53-10-108.

2934 (12) "Group supervision" means an applicant for licensure meeting with the applicant's
2935 direct clinical supervisor and at least one of the direct clinical supervisor's other
2936 supervised applicants for licensure:

2937 (a) while the clinical supervisor and the applicants:

2938 (i) can see and openly communicate with each other; and
2939 (ii) are present in the same room or via electronic video; and

2940 (b) for the purpose of developing the applicants' clinical knowledge and skill.

2941 (13) "Hypnosis" means, when referring to individuals exempted from licensure under this
2942 chapter, a process by which an individual induces or assists another individual into a
2943 hypnotic state without the use of drugs or other substances and for the purpose of
2944 increasing motivation or to assist the individual to alter lifestyles or habits.

2945 (14) "Individual" means a natural person.

2946 (15) "Mental health therapist" means an individual who is practicing within the scope of
2947 practice defined in the individual's respective licensing act and is licensed under this title
2948 as:

2949 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental
2950 health therapy;

2951 (b) an advanced practice registered nurse, specializing in psychiatric mental health
2952 nursing;

- 2953 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health
2954 nursing;
 - 2955 (d) a psychologist qualified to engage in the practice of mental health therapy;
 - 2956 (e) a certified psychology resident qualifying to engage in the practice of mental health
2957 therapy;
 - 2958 (f) a physician assistant specializing in mental health care under Section 58-70a-501.1;
 - 2959 (g) a clinical social worker;
 - 2960 (h) a certified social worker;
 - 2961 (i) a marriage and family therapist;
 - 2962 (j) an associate marriage and family therapist;
 - 2963 (k) a clinical mental health counselor;
 - 2964 (l) an associate clinical mental health counselor;
 - 2965 (m) a master addiction counselor; or
 - 2966 (n) an associate master addiction counselor.
- 2967 (16) "Mental illness" means a mental or emotional condition defined in an approved
2968 diagnostic and statistical manual for mental disorders generally recognized in the
2969 professions of mental health therapy listed under Subsection (15).
 - 2970 (17) "Practice of mental health therapy" means treatment or prevention of another
2971 individual's mental illness or emotional disorder, whether in person or remotely,
2972 including:
 - 2973 (a) conducting a professional evaluation of an individual's condition of mental health,
2974 mental illness, or emotional disorder consistent with standards generally recognized
2975 in the professions of mental health therapy listed under Subsection (15);
 - 2976 (b) establishing a diagnosis in accordance with established written standards generally
2977 recognized in the professions of mental health therapy listed under Subsection (15);
 - 2978 (c) conveying an opinion as to the validity of an individual's established diagnosis;
 - 2979 (d) prescribing a plan for the prevention or treatment of a condition of mental illness or
2980 emotional disorder; and
 - 2981 (e) engaging in the conduct of professional intervention, including:
 - 2982 (i) psychotherapy by the application of established methods and procedures generally
2983 recognized in the professions of mental health therapy listed under Subsection (15);
2984 and
 - 2985 (ii) modes of treatment designed to treat interpersonal dysfunction; and
 - 2986 (f) holding oneself out as providing, or has having the skills, experience, or training to

2987 competently provide, any of the services described in Subsections (17)(a) through (e).

2988 (18) "Remotely" means communicating via [Internet] internet, telephone, or other electronic
2989 means that facilitate real-time audio or visual interaction between individuals when they
2990 are not physically present in the same room at the same time.

2991 (19) "Unlawful conduct" [is-as] means the same as that term is defined in Sections 58-1-501
2992 and 58-60-109.

2993 (20) "Unprofessional conduct" [is-as] means the same as that term is defined in Sections
2994 58-1-501 and 58-60-110, and [may be further defined by division rule] as the division
2995 defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah
2996 Administrative Rulemaking Act.

2997 Section 50. Section **58-60-102.5** is amended to read:

2998 **58-60-102.5 (Effective 07/01/26). Behavioral Health Board -- Advisory
2999 committees.**

3000 (1) There is created the Behavioral Health Board consisting of:

3001 (a) no less than six behavioral health care providers licensed in Utah to practice as a:
3002 (i) clinical social worker;
3003 (ii) marriage and family therapist;
3004 (iii) clinical mental health counselor;
3005 (iv) master addiction counselor;
3006 (v) psychologist under Chapter 61, Psychologist Licensing Act; or
3007 (vi) behavior analyst or specialist;

3008 (b) no less than two other behavioral health care providers licensed in Utah to practice as:
3009 (i) a certified social worker;
3010 (ii) a social service worker;
3011 (iii) an associate marriage and family therapist;
3012 (iv) an associate clinical mental health counselor;
3013 (v) an associate master addiction counselor;
3014 (vi) an advanced substance use disorder counselor;
3015 (vii) a substance use disorder counselor;
3016 (viii) a certified psychology resident; or
3017 (ix) an assistant behavior analyst or specialist;

3018 (c) no less than four public members:
3019 (i) who comprise no less than 1/3 of the total membership of the board;
3020 (ii) who are not licensed to practice under:

- 3021 (A) this chapter; or
3022 (B) Chapter 61, Psychologist Licensing Act;
3023 (iii) two of whom shall, at the time of appointment to the board, hold a leadership
3024 position with:
3025 (A) a behavioral health consumer advocacy organization;
3026 (B) a behavioral health employer;
3027 (C) a behavioral health payor;
3028 (D) an academic institution conducting research related to the behavioral health
3029 licenses under Subsection (3)(b), including public health, epidemiology,
3030 economics, and the health care workforce;
3031 (E) a training institution providing education credentials required for a license
3032 under Subsection (3)(b);
3033 (F) a licensed health care facility as defined in Section 26B-2-201; or
3034 (G) a licensed human services program as defined in Section 26B-2-101;
3035 (iv) one of whom the executive director of the Department of Health and Human
3036 Services appoints; and
3037 (v) one of whom is licensed in Utah to practice as a:
3038 (A) physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
3039 Osteopathic Medical Practice Act;
3040 (B) physician assistant under Chapter 70a, Utah Physician Assistant Act; or
3041 (C) nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure
3042 Compact - Revised.
- 3043 (2) Board members shall be appointed, serve terms, and be compensated in accordance with
3044 Section 58-1-201.
- 3045 (3) The board shall:
3046 (a) operate in accordance with Section 58-1-202, unless otherwise provided in this
3047 section;
3048 (b) oversee licenses under:
3049 (i) this chapter; and
3050 (ii) Chapter 61, [Psychologist] Psychologist Licensing Act;
3051 (c) recommend to the appropriate legislative committee statutory changes to:
3052 (i) ensure that regulation supports an adequate workforce to meet consumer demand
3053 for behavioral health services; and
3054 (ii) prevent harm to the health, safety, and financial welfare of the public;

- 3055 (d) recommend to the appropriate legislative committee statutory changes to remove
3056 regulations that are no longer necessary or effective in protecting the public and
3057 enhancing commerce; and
3058 (e) disqualify any member from acting as a presiding officer in any administrative
3059 procedure in which that member has previously reviewed the complaint or advised
3060 the division.
- 3061 (4)(a) There are created the following advisory committees to the board:
3062 (i) the Qualifications and Professional Development Advisory Committee;
3063 (ii) the Background and Investigations Advisory Committee; and
3064 (iii) the Probation and Compliance Advisory Committee.
- 3065 (b) Each advisory committee shall consist of:
3066 (i) a committee chair who is a member of the Behavioral Health Board; and
3067 ~~[(ii) a member of each profession regulated under this chapter;]~~
3068 ~~[(iii) Chapter 61, Psychologist Licensing Act; and]~~
3069 ~~[(iv)] (ii) [as determined by the division in rule, additional members from the~~
3070 ~~professions licensed under this chapter or Chapter 61, Psychologist Licensing Act.]~~
3071 ~~additional members from the professions licensed under this chapter or Chapter~~
3072 ~~61, Psychologist Licensing Act, that the division appoint by rule the division~~
3073 ~~makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~
3074 ~~Act.~~
- 3075 (c) In addition to the requirements of Subsection (4)(b):
3076 (i) the Qualifications and Professional Development Advisory Committee shall also
3077 consist of an educator for each profession regulated under this chapter and
3078 Chapter 61, Psychologist Licensing Act; and
3079 (ii) the Background and Investigations Advisory Committee shall also consist of a
3080 criminal justice professional.
- 3081 (d) The Qualifications and Professional Development Advisory Committee shall:
3082 (i) advise the division regarding qualifications for licensure, including passing scores
3083 for applicant examinations and standards of supervision for students or persons in
3084 training to become licensed;
3085 (ii) recommend evidence-based ongoing professional development requirements for
3086 licensure that:
3087 (A) ensure an adequate workforce to meet consumer demand; and
3088 (B) prevent harm to the health, safety, and financial welfare of the public;

- 3089 (iii) advise the division on the licensing, renewal, reinstatement, and relicensure of:
3090 (A) internationally trained applicants;
3091 (B) applicants applying via licensure by endorsement; and
3092 (C) applicants applying using an alternate pathway to licensure including a
3093 non-exam or equivalent field degree path;
- 3094 (iv) draw on additional profession-specific advisors as needed;
- 3095 (v) make policy recommendations to the board regarding qualifications for licensure
3096 or renewal for a specific profession, including the committee chair assigning at
3097 least one committee member licensed under that profession to serve as a subject
3098 matter expert; and
- 3099 (vi) make recommendations to the board related to an individual applicant for a
3100 specific license, including the committee chair assigning at least one committee
3101 member licensed under the same profession as the applicant to serve as a subject
3102 matter expert.

- 3103 (e) The Background and Investigations Advisory Committee shall:
- 3104 (i) advise the division on establishing criteria for licensure for those with a criminal
3105 conviction according to Section 58-1-401;
- 3106 (ii) advise the division on establishing criteria for referral to the Utah Professionals
3107 Health Program under Chapter 4a, Utah Professionals Health Program;
- 3108 (iii) screen applicants with a criminal history for licensing, renewal, reinstatement,
3109 and relicensure and recommending licensing, renewal, reinstatement, and
3110 relicensure actions to the division;
- 3111 (iv) advise the division on investigative practices and procedures and administrative
3112 sanctions for consistency and fairness across relevant occupations;
- 3113 (v) make recommendations to the board for sanctions against individual licensees [
3114 and certificate holders] and referral to the Utah Professionals Health Program
3115 under Chapter 4a, Utah Professionals Health Program;
- 3116 (vi) draw on additional profession-specific advisors as needed; and
- 3117 (vii) make recommendations to the board related to the disposition for any specific
3118 applicant or licensee, including the committee chair assigning at least one
3119 committee member licensed under the same profession as the applicant or licensee
3120 to serve as a subject matter expert.

- 3121 (f) The Probation and Compliance Advisory Committee shall:
- 3122 (i) review compliance with probationary orders;

- (ii) review early termination and make any recommendations [as requested by the board] the board may request;
 - (iii) advise the board regarding the screening of applicants previously sanctioned for licensing, renewal, reinstatement, and relicensure, including recommending licensing, renewal, reinstatement, and relicensure actions to the board;
 - (iv) establish procedures for monitoring sanctioned licensees or certificate holders;
 - (v) draw on additional profession-specific advisors as needed; and
 - (vi) make recommendations to the board related to the disposition for any specific licensee or certification holder, including the committee chair assigning a committee member licensed under the same profession as the licensee or certification holder to serve as a subject-matter expert related to that disposition.

(5) The division, in consultation with the board, may establish one or more standing or ad hoc subcommittees to consider and advise the board regarding any aspect of licensing, including:

 - (a) client or patient access to qualified licensees;
 - (b) education, examination, and supervision of applicants for licensure;
 - (c) verification of applicant for licensure qualifications;
 - (d) continuing education requirements;
 - (e) alternate pathways to licensure; and
 - (f) probation and recovery assistance.

(6) The division may consult with licensed psychologists on matters specific to the oversight of doctoral-level licensed psychologists.

(7) Members of the board and any subcommittees created under this section may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(8) The division shall consult with the Physicians Licensing Board created in Section 58-67-201 on any matters relating to:

 - (a) the licensing of individual certified prescribing psychologists and provisional prescribing psychologists; and
 - (b) rulemaking related to the occupation of prescribing psychology.

3157 **58-60-108 (Effective 07/01/26). Grounds for denial of licensure or certification --**

3158 **Disciplinary proceedings.**

3159 [(1) Subject to Subsection (2), the division's grounds for refusing to issue a license to an
3160 applicant, for refusing to renew the license of a licensee, for revoking, suspending,
3161 restricting, or placing on probation the license of a licensee, for issuing a public or
3162 private reprimand to a licensee, and for issuing a cease and desist order are under
3163 Section 58-1-401.]

3164 [(2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or
3165 licensee's license under this chapter solely because the applicant or licensee seeks or
3166 participates in mental health or substance abuse treatment.]

3167 (1) As used in this section:

3168 (a) "License" includes a certification issued under this chapter.

3169 (b) "Licensed" includes a person certified under this chapter.

3170 (c) "Licensee" includes a certificate holder under this chapter.

3171 (2) Subject to Subsection (7), the division may take an action described in Section 58-1-401
3172 and in accordance with that section, including refusing to issue or renew a license, or
3173 revoking, suspending, restricting, or placing a license on probation, issuing a public or
3174 private reprimand, or issuing a cease and desist order.

3175 (3)(a)(i) Subject to Subsection (7), if a court with jurisdiction determines a licensee is
3176 incapacitated as defined in Section 75-1-20, or that the licensee has a mental
3177 illness as defined in Section 26B-5-301, and is unable to safely engage in practice
3178 under this chapter, the director shall immediately suspend the license of the
3179 licensee upon the entry of the judgment of the court, without further proceedings
3180 under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether
3181 an appeal from the court's ruling is pending.

3182 (ii) The director shall promptly notify the licensee in writing of a suspension under
3183 Subsection (3)(a)(i).

3184 (b)(i) If the division and a majority of the board find reasonable cause to believe that
3185 a licensee cannot practice under this chapter with reasonable skill and safety to
3186 protect a patient due to illness, excessive use of drugs or alcohol, or another
3187 mental or physical condition, and a court has not determined that the licensee is
3188 incapacitated or has a mental illness, the board shall:

3189 (A) recommend that the director file a petition with the division; and

3190 (B) ensure service of the petition on the licensee together with a notice of hearing

limited to the licensee's capacity to competently and safely practice under this chapter.

(ii) Except as provided in Subsection (4), the hearing described in Subsection (3)(b)(i) shall be conducted under Section 58-1-109 and Title 63G, Chapter 4, Administrative Procedures Act.

(4)(a) Every licensee who accepts the privilege of being licensed under this chapter gives consent to:

- (i) submitting to an immediate mental or physical examination, at the licensee's expense and by a division-approved practitioner selected by the licensee when directed in writing by the division and a majority of the board to do so; and
- (ii) the admissibility of the reports of the examining practitioner's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.

(b) The examination may be ordered by the division, with the consent of a majority of the board, only upon a finding of reasonable cause to believe:

- (i) the licensee has a mental illness, is incapacitated, or otherwise unable to practice with reasonable skill and safety; and
- (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

3225 section may request the division and the board to consider, at reasonable intervals,
3226 evidence presented by the licensee, under procedures the division makes in accordance
3227 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding change in
3228 the licensee's condition, to determine whether:

- 3229 (a) the licensee is able to safely and competently engage in the practice under the
3230 licensee's license; and
3231 (b) the licensee is qualified to have the licensee's license to practice under this chapter
3232 partially or completely restored.

3233 (7) The division may not refuse, revoke, suspend, or restrict an applicant or licensee's
3234 license under this chapter solely because the applicant or licensee seeks or participates in
3235 mental health or substance abuse treatment.

3236 (8) Section 63G-2-206 may not be construed as limiting the authority of the division to
3237 report current significant investigative information to the coordinated licensure
3238 information system for transmission to party states as required of the division by the
3239 Counseling Compact in Section 58-60a-103 or the Social Work Licensure Compact in
3240 Section 58-60b-103.

3241 Section 52. Section **58-60-117** is amended to read:

3242 **58-60-117 (Effective 07/01/26). Externship licenses.**

- 3243 (1) The division shall issue a temporary license under [Part 2, Social Worker Licensing Act,]
3244 Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health
3245 Counselor Licensing Act, of this chapter to a [person who] person that:
- 3246 (a) submits an application for licensure under [Part 2, Social Worker Licensing Act,]
3247 Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental
3248 Health Counselor Licensing Act;
3249 (b) pays a fee [determined by the department under] the division determines in
3250 accordance with Section 63J-1-504;
3251 (c) holds an earned doctoral degree or master's degree in a discipline that is a
3252 prerequisite for practice as a mental health therapist;
3253 (d) has a deficiency, as [defined by division rule] the division defines by rule the
3254 division makes in accordance with Title 63G, Chapter 3, Utah Administrative
3255 Rulemaking Act, in course work;
3256 (e) provides mental health therapy as an employee of a public or private organization,
3257 which provides mental health therapy, while under the supervision of a person
3258 licensed under this chapter; and

3259 (f) has no disciplinary action pending or in effect against the applicant in connection
3260 with the practice of mental health therapy, in any jurisdiction.

3261 (2) A temporary license issued under this section shall expire upon the earlier of:

3262 (a) issuance of the license applied for; or
3263 (b) unless the deadline is extended for good cause as ~~[determined by the division]~~ the
3264 division determines, three years from the date the temporary license was issued.

3265 (3) The temporary license issued under this section is an externship license.

3266 Section 53. Section **58-60-207** is amended to read:

3267 **58-60-207 (Effective 07/01/26). Scope of practice -- Limitations.**

3268 (1) A clinical social worker may engage in all acts and practices defined as the practice of
3269 clinical social work without supervision, in private and independent practice, or as an
3270 employee of another person, limited only by the licensee's education, training, and
3271 competence.

3272 (2) To the extent an individual is professionally prepared by the education and training
3273 track completed while earning a master's or doctor of social work degree, a licensed
3274 certified social worker may engage in all acts and practices defined as the practice of
3275 certified social work consistent with the licensee's education, clinical training,
3276 experience, and competence:

3277 (a) under supervision of an individual described in Subsection 58-60-205(2)(d)(ii) and as
3278 an employee of another person when engaged in the practice of mental health therapy;

3279 (b) without supervision and in private and independent practice or as an employee of
3280 another person, if not engaged in the practice of mental health therapy;

3281 (c) including engaging in the private, independent, unsupervised practice of social work
3282 as a self-employed individual, in partnership with other mental health therapists, as a
3283 professional corporation, or in any other capacity or business entity, so long as ~~[he]~~
3284 the individual does not practice unsupervised psychotherapy; and

3285 (d) supervising social service workers as ~~[provided by division rule]~~ the division
3286 provides by rule the division makes in accordance with Title 63G, Chapter 3, Utah
3287 Administrative Rulemaking Act.

3288 Section 54. Section **58-60-405** is amended to read:

3289 **58-60-405 (Effective 07/01/26). Qualifications for licensure.**

3290 (1) An applicant for licensure as a clinical mental health counselor shall:

3291 (a) submit an application on a form the division approves;

3292 (b) pay a fee determined by the department under Section 63J-1-504;

- 3293 (c) produce certified transcripts evidencing completion of:
- 3294 (i) a master's or doctorate degree conferred to the applicant in:
- 3295 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor
- 3296 education and supervision from a program accredited by the Council for
- 3297 Accreditation of Counseling and Related Educational Programs; or
- 3298 (B) clinical mental health counseling or an equivalent field from a program
- 3299 affiliated with an institution that has accreditation that is recognized by the
- 3300 Council for Higher Education Accreditation; and
- 3301 (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related
- 3302 to an educational program described in Subsection (1)(c)(i);
- 3303 (d) if required under federal law for any licensee as a clinical mental health counselor to
- 3304 qualify as an eligible professional under CMS rules for Medicare payment, document
- 3305 completion of:
- 3306 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued
- 3307 under Subsection (1)(e); or
- 3308 (ii) not less than two years of clinical supervision;
- 3309 (e) document successful completion of not less than 1,200 direct client care hours:
- 3310 (i) obtained after completion of the education requirements under Subsection (1)(c);
- 3311 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical
- 3312 supervision hours under the supervision of a clinical supervisor;
- 3313 (iii) not less than 25 of which are direct observation hours; and
- 3314 (iv) not more than 25 of which are group supervision hours concurrently with more
- 3315 than one other applicant for licensure;
- 3316 (f) document successful completion of not less than two hours of training in suicide
- 3317 prevention obtained after completion of the education requirements under Subsection
- 3318 (1)(c) via a course that the division designates as approved;
- 3319 (g)(i) pass the examination requirement the division establishes by rule under Section
- 3320 58-1-203; or
- 3321 (ii) satisfy the following requirements:
- 3322 (A) document at least one examination attempt that did not result in a passing
- 3323 score;
- 3324 (B) document successful completion of not less than 500 additional direct client
- 3325 care hours, not less than 25 of which are direct clinical supervision hours, and
- 3326 not less than five of which are direct observation hours by a clinical supervisor;

- 3327 (C) submit to the division a recommendation letter from the applicant's direct
3328 clinical supervisor; and
3329 (D) submit to the division a recommendation letter from another licensed mental
3330 health therapist who has directly observed the applicant's direct client care
3331 hours and who is not the applicant's direct clinical supervisor; and
3332 (h)(i) consent to, and complete, a criminal background check, described in Section
3333 58-1-301.5;
3334 (ii) meet any other standard related to the criminal background check described in
3335 Subsection (1)(h)(i), that the division establishes by rule in accordance with Title
3336 63G, Chapter 3, Utah Administrative Rulemaking Act; and
3337 (iii) disclose any criminal history the division requests on a form the division
3338 approves.
- 3339 (2) An applicant for licensure as an associate clinical mental health counselor shall comply
3340 with the provisions of Subsections (1)(a) through [e] (1)(c) and [h] (1)(h).
- 3341 (3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement
3342 described in Subsection (1)(c) if the applicant submits documentation verifying:
- 3343 (a) satisfactory completion of a doctoral or master's degree from an educational program
3344 in rehabilitation counseling accredited by the Council for Accreditation of
3345 Counseling and Related Educational Programs;
- 3346 (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit hours
3347 of coursework related to an educational program described in Subsection (1)(c)(i);
3348 and
- 3349 (c) that the applicant received a passing score ~~that is valid and in good standing on:~~ on
3350 the National Counselor Examination.
3351 ~~[i] the National Counselor Examination; and]~~
3352 ~~[ii] the National Clinical Mental Health Counseling Examination.]~~
- 3353 Section 55. Section **58-60-502** is amended to read:
- 3354 **58-60-502 (Effective 07/01/26). Definitions.**
- 3355 ~~[In addition to the definitions in Sections 58-1-102 and 58-60-102, as]~~ As used in this
3356 part:
- 3357 (1)(a) "Counseling" means a collaborative process that facilitates the client's progress
3358 toward mutually determined treatment goals and objectives.
- 3359 (b) "Counseling" includes:
- 3360 (i) methods that are sensitive to an individual client's characteristics, to the influence

3361 of significant others, and to the client's cultural and social context; and
3362 (ii) an understanding, appreciation, and ability to appropriately use the contributions
3363 of various addiction counseling models as the counseling models apply to
3364 modalities of care for individuals, groups, families, couples, and significant others.

3365 (2) "Direct supervision" means:

- 3366 (a) a minimum of one hour of supervision by a supervisor of the substance use disorder
3367 counselor for every 40 hours of client care provided by the substance use disorder
3368 counselor, which supervision may include group supervision;
3369 (b) the supervision is conducted in a face-to-face manner, unless ~~otherwise approved on~~
3370 ~~a case-by-case basis by the division in collaboration with the board~~ the division
3371 otherwise approves in collaboration with the board; and
3372 (c) a supervisor is available for consultation with the counselor at all times.

3373 (3) "General supervision" shall be defined by division rule the division makes in
3374 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3375 (4) "Group supervision" means more than one counselor licensed under this part meets with
3376 the supervisor at the same time.

3377 (5) "Individual supervision" means only one counselor licensed under this part meets with
3378 the supervisor at a given time.

3379 (6) "Practice as an advanced substance use disorder counselor" means:

- 3380 (a) providing the services described in Subsections (9)(a) and (b);
3381 (b) screening and assessing of individuals, including identifying substance use disorder
3382 symptoms and behaviors and co-occurring mental health issues;
3383 (c) treatment planning for substance use disorders, including initial planning, reviewing
3384 and updating treatment plans for substance use disorders, ongoing intervention,
3385 continuity of care, discharge planning, planning for relapse prevention, and long term
3386 recovery support;
3387 (d) supervising a substance use disorder counselor in accordance with Subsection
3388 58-60-508(2); and
3389 (e) conducting supportive counseling and psychosocial education for substance use
3390 disorders and co-occurring mental health disorders, including:
3391 (i) providing individual and group support;
3392 (ii) providing individual and group psychosocial education; and
3393 (iii) providing manualized therapeutic interventions if:
3394 (A) conducted under the supervision of a mental health therapist;

- 3395 (B) for the treatment of mild to moderate behavioral health symptoms or
3396 disorders, as ~~diagnosed by~~ a mental health therapist diagnoses; and
3397 (C) consistent with the client's treatment plan ~~approved by a~~ that a mental health
3398 therapist approves.

3399 (7) "Practice as a master addiction counselor" means the practice of mental health therapy
3400 by means of observation, description, evaluation, interpretation, intervention, and
3401 treatment to effect modification of human behavior[~~by~~]:

- 3402 (a) by the application of generally recognized substance use disorder counseling and
3403 addiction counseling principles, methods, and procedures for the purpose of
3404 preventing, treating, or eliminating mental or emotional illness or dysfunction,
3405 symptoms of any of these, or maladaptive behavior; and
3406 (b) under the supervision of an advanced substance use disorder counselor or a
3407 substance use disorder counselor.

3408 (8) "Practice as an associate master addiction counselor" means the same as the practice as
3409 a master addiction counselor, except while under the supervision of a clinical supervisor.

3410 (9)(a) "Practice as a substance use disorder counselor" means providing services as an
3411 employee of a substance use disorder agency under the general supervision of a
3412 licensed mental health therapist to individuals or groups of persons, whether in
3413 person or remotely, for conditions of substance use disorders consistent with the
3414 education and training of a substance use disorder counselor required under this part,
3415 and the standards and ethics of the profession as ~~approved by the division~~ the
3416 division approves in collaboration with the board.

3417 (b) "Practice as a substance use disorder counselor" includes:

- 3418 (i) administering the screening process by which a client is determined to need
3419 substance use disorder services, which may include screening, brief intervention,
3420 and treatment referral;
- 3421 (ii) conducting the administrative intake procedures for admission to a program;
- 3422 (iii) conducting orientation of a client, including:
3423 (A) describing the general nature and goals of the program;
3424 (B) explaining rules governing client conduct and infractions that can lead to
3425 disciplinary action or discharge from the program;
3426 (C) explaining hours during which services are available in a nonresidential
3427 program;
3428 (D) treatment costs to be borne by the client, if any; and

- 3429 (E) describing the client's rights as a program participant;
- 3430 (iv) conducting assessment procedures by which a substance use disorder counselor
- 3431 gathers information related to an individual's strengths, weaknesses, needs, and
- 3432 substance use disorder symptoms for the development of the treatment plan;
- 3433 (v) participating in the process of treatment planning, including recommending
- 3434 specific interventions to support existing treatment goals and objectives developed
- 3435 by the substance use disorder counselor, the mental health therapist, and the client
- 3436 to:
- 3437 (A) identify and rank problems needing resolution;
- 3438 (B) establish agreed upon immediate and long term goals; and
- 3439 (C) decide on a treatment process and the resources to be utilized;
- 3440 (vi) monitoring compliance with treatment plan progress;
- 3441 (vii) providing substance use disorder counseling services to alcohol and drug use
- 3442 disorder clients and significant people in the client's life as part of a
- 3443 comprehensive treatment plan, including:
- 3444 (A) leading specific task-oriented groups, didactic groups, and group discussions;
- 3445 (B) cofacilitating group therapy with a licensed mental health therapist; and
- 3446 (C) engaging in one-on-one interventions and interactions coordinated by a mental
- 3447 health therapist;
- 3448 (viii) performing case management activities that bring services, agencies, resources,
- 3449 or people together within a planned framework of action toward the achievement
- 3450 of established goals, including, when appropriate, liaison activities and collateral
- 3451 contacts;
- 3452 (ix) providing substance use disorder crisis intervention services;
- 3453 (x) providing client education to individuals and groups concerning alcohol and other
- 3454 substance use disorders, including identification and description of available
- 3455 treatment services and resources;
- 3456 (xi) identifying the needs of the client that cannot be met by the substance use
- 3457 disorder counselor or substance use disorder agency and referring the client to
- 3458 appropriate services and community resources;
- 3459 (xii) developing and providing effective reporting and recordkeeping procedures and
- 3460 services, which include charting the results of the assessment and treatment plan,
- 3461 writing reports, progress notes, discharge summaries, and other client-related data;
- 3462 and

3463 (xiii) consulting with other professionals in regard to client treatment and services to
3464 assure comprehensive quality care for the client.

- 3465 (c) "Practice as a substance use disorder counselor" does not include:
3466 (i) the diagnosing of mental illness, including substance use disorders, as defined in
3467 Section 58-60-102;
3468 (ii) engaging in the practice of mental health therapy as defined in Section 58-60-102;
3469 or
3470 (iii) the performance of a substance use disorder diagnosis, other mental illness
3471 diagnosis, or psychological testing.

3472 (10) "Program" means a substance use disorder agency that provides substance use disorder
3473 services, including recovery support services.

3474 (11) "Recovery support services" means services provided to an individual who is identified
3475 as having need of substance use disorder preventive or treatment services, either before,
3476 during, or after an episode of care that meets the level of care standards [established by
3477 division rule] the division makes by rule in accordance with Title 63G, Chapter 3, Utah
3478 Administrative Rulemaking Act.

3479 (12) "Substance use disorder agency" means a public or private agency, health care facility,
3480 or health care practice that:

- 3481 (a) provides substance use disorder services, recovery support services, primary health
3482 care services, or substance use disorder preventive services; and
3483 (b) employs qualified mental health therapists in sufficient number to:
3484 (i) evaluate the condition of clients being treated by each counselor licensed under
3485 this part and employed by the substance use disorder agency; and
3486 (ii) ensure that appropriate substance use disorder services are being given.

3487 (13) "Substance use disorder education program" means a formal program of substance use
3488 disorder education offered by an accredited institution of higher education that meets
3489 standards [established by division rule] the division makes by rule in accordance with
3490 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3491 Section 56. Section **58-60-506** is amended to read:

3492 **58-60-506 (Effective 07/01/26). Qualifications for licensure.**

- 3493 (1) Subject to Subsection (2), an applicant for licensure as master addiction counselor based
3494 on education, training, and experience shall:
3495 (a) submit an application on a form the division approves;
3496 (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 with Section 58-1-203, verifying the satisfactory completion of:
 - (i) a doctoral or master's degree in:
 - (A) substance use disorders or addiction counseling and treatment; or
 - (B) a counseling subject [approved by the division] the division approves in collaboration with the board, which may include social work, mental health counseling, marriage and family therapy, psychology, or medicine;
 - (ii) an associate's degree or higher, or 18 credit hours, in substance use disorder or addiction counseling and treatment from a regionally accredited institution of higher education;
 - (e) if required under federal law for any licensee as a master addiction 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)(g); or
 - (ii) not less than two years of clinical supervision;
 - (f) document successful completion of not less than 1,200 direct client care hours:
 - (i) obtained after completion of the education requirements under Subsection (1)(d)(ii);
 - (ii) subject to Subsection (1)(f)(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;
 - (g) if the applicant for licensure produces a transcript described in Subsection (1)(d)(ii), evidence completion of an additional 200 hours of direct client care hours in substance use disorder or addiction treatment;
 - (h)(i) pass the examination requirement the division [establishes] makes by rule [under] in accordance with Section 58-1-203; or

- 3531 (ii) satisfy the following requirements:
- 3532 (A) document at least one examination attempt that did not result in a passing
3533 score;
- 3534 (B) document successful completion of not less than 500 additional direct client
3535 care hours, not less than 25 of which are direct clinical supervision hours, and
3536 not less than five of which are direct observation hours by a clinical supervisor;
- 3537 (C) submit to the division a recommendation letter from the applicant's direct
3538 clinical supervisor; and
- 3539 (D) submit to the division a recommendation letter from another licensed mental
3540 health therapist who has directly observed the applicant's direct client care
3541 hours and who is not the applicant's direct clinical supervisor; and
- 3542 (i)(i) consent to, and complete, a criminal background check, described in Section
3543 58-1-301.5;
- 3544 (ii) meet any other standard related to the criminal background check described in
3545 Subsection (1)(i)(i), that the division [establishes] makes by rule in accordance
3546 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 3547 (iii) disclose any criminal history the division requests on a form the division
3548 approves.
- 3549 (2) In lieu of the requirements under Subsections (1)(d) through (i), an applicant for
3550 licensure as master addiction counselor may document current certification in good
3551 standing as:
- 3552 (a) a master addiction counselor by the National Certification Commission for Addiction
3553 Professionals;
- 3554 (b) a master addiction counselor by the National Board for Certified Counselors; or
- 3555 (c) an equivalent certification as under Subsections (2)(a) and (b), [as determined in rule
3556 made by the division in collaboration with the board] the division determines by rule
3557 the division makes in collaboration with the board, and in accordance with Title 63G,
3558 Chapter 3, Utah Administrative Rulemaking Act.
- 3559 (3) An applicant for licensure as an associate master addiction counselor shall satisfy the
3560 requirements under Subsections (1)(a) through [(e)] (1)(c) and [(f)] (1)(i).
- 3561 (4) Subject to Subsection (5), an applicant for licensure as an advanced substance use
3562 disorder counselor shall:
- 3563 (a) submit an application on a form the division approves;
- 3564 (b) pay a fee [determined by the department under] the division determines in accordance

with Section 63J-1-504;[and]

- (c) document successful completion of at least two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (4)(d) via a course that the division designates as approved; and

[{e}] (d)(i) produce certified transcripts verifying satisfactory completion of:

(A) a bachelor's degree or higher, from a regionally accredited institution of 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 [{(4)(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.

An applicant for licensure as an advanced substance use disorder counselor may satisfy the requirements of Subsection [{(4)(e)(i)} (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 requires by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

- 3599 (ii) verify the completion of prerequisite courses [established by division rules] the
3600 division requires by rule in accordance with Title 63G, Chapter 3, Utah
3601 Administrative Rulemaking Act; and
3602 (b) documentation of the applicant's completion of a substance use disorder education
3603 program that includes:
3604 (i) completion of at least 200 hours of substance use disorder related education;
3605 (ii) included in the 200 hours described in Subsection (6)(b)(i), a minimum of two
3606 hours of training in suicide prevention via a course that the division designates as
3607 approved; and
3608 (iii) completion of a supervised practicum[of at least 200 hours].

3609 Section 57. Section **58-60-508** is amended to read:

3610 **58-60-508 (Effective 07/01/26). Substance use disorder counselor supervisor's**
3611 **qualifications -- Functions.**

- 3612 (1) A mental health therapist supervisor of a substance use disorder counselor shall:
3613 (a) be qualified by education or experience to treat substance use disorders;
3614 (b) be currently working in the substance use disorder treatment field;
3615 (c) review substance use disorder counselor assessment procedures and
3616 recommendations;
3617 (d) provide substance use disorder diagnosis and other mental health diagnoses in
3618 accordance with Subsection 58-60-102(7);
3619 (e) supervise the development of a treatment plan;
3620 (f) approve the treatment plan; and
3621 (g) provide direct supervision for not more than six persons, unless granted an exception
3622 in writing from the board and the division.
- 3623 (2) A licensed advanced substance use disorder counselor may act as the supervisor of a [
3624 ~~certified~~] licensed substance use disorder counselor[, ~~certified substance use disorder~~
3625 ~~intern, certified advanced substance use disorder counselor, or certified~~
3626 ~~advanced substance use disorder counselor intern~~] if the licensed advanced substance
3627 use disorder counselor:
3628 (a) has at least two years of experience as a licensed advanced substance use disorder
3629 counselor;
3630 (b) is currently working in the substance use disorder field; and
3631 (c) provides direct supervision for no more than six individuals, unless granted an
3632 exception in writing from the board and the division.

3633 Section 58. Section **58-60-601** is amended to read:

3634 **58-60-601 (Effective 07/01/26). Definitions.**

3635 As used in this part:

3636 (1) "Health care facility" means the same as that term is defined in Section 26B-2-201.

3637 (2) "Human services program" means the same as that term is defined in Section 26B-2-101.

3638 (3) "Practice of mental health therapy" means the same as that term is defined in Section
3639 58-60-102.

3640 (4) "Practice as a behavioral health coach" means, subject to Subsection (5), providing
3641 services as an employee of a substance use disorder or mental health agency, and
3642 working under the general supervision of a mental health therapist and includes:

3643 (a) providing services under the definition of practice as a behavioral health technician
3644 in Subsection (6);

3645 (b) conducting administrative and care coordination activities, including:

3646 (i) providing targeted case management;

3647 (ii) providing care navigation services, including:

3648 (A) connecting individuals to behavioral health resources and social services; and

3649 (B) facilitating communication with other behavioral health providers;

3650 (iii) providing referrals and crisis referrals, including:

3651 (A) engaging in warm handoffs with other behavioral health providers; and

3652 (B) adhering to a standardized protocol in responding to a crisis or risk of crisis
3653 within a behavioral health facility, program, or other entity;

3654 (iv) providing additional support to other behavioral health providers, facilities,
3655 programs, and entities, including:

3656 (A) conducting administrative activities; and

3657 (B) extending non-clinical behavioral health support; and

3658 (v) providing discharge, post-treatment referral, and non-clinical after-care services;

3659 (c) conducting patient assessment, monitoring, and planning activities, including:

3660 (i) conducting non-clinical psychosocial assessments and screenings;

3661 (ii) conducting collaborative planning, care planning, and goal setting;

3662 (iii) gathering information to inform a mental health therapist's:

3663 (A) diagnostic evaluations;

3664 (B) initial treatment plans; and

3665 (C) treatment plan reviews and updates;

3666 (iv) monitoring client progress and tracking outcomes to inform a mental health

- 3667 therapist's:
- 3668 (A) diagnostic evaluations; and
- 3669 (B) treatment plan reviews and updates;
- 3670 (v) assisting in drafting initial treatment plans by gathering information on a client's
- 3671 history and demographics, only:
- 3672 (A) in the treatment of clients with mild to moderate behavioral health symptoms
- 3673 or disorders, as assessed or diagnosed by a mental health therapist, and as [
- 3674 ~~defined by the division in rule] the division defines by rule the division makes~~
- 3675 ~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;~~
- 3676 (B) with completion of the treatment plan by a mental health therapist after
- 3677 assessing the client before treatment begins; and
- 3678 (C) at the discretion of and with prior documented authorization from a licensed
- 3679 health care facility, or from a licensed human services program; and
- 3680 (vi) assisting in the information gathering process of reviewing and updating
- 3681 treatment goals, only:
- 3682 (A) in the treatment of clients with mild to moderate behavioral health symptoms
- 3683 or disorders, as assessed or diagnosed by a mental health therapist;
- 3684 (B) with completion of the treatment plan from a mental health therapist after
- 3685 assessing the client before subsequent treatment begins; and
- 3686 (C) at the discretion of and with prior documented authorization from a licensed
- 3687 health facility or a licensed human service program; and
- 3688 (d) conducting intervention and treatment activities, including:
- 3689 (i) providing psychosocial education groups related to behavioral health literacy,
- 3690 wellness education and promotion, goal setting, life skills, and coping skills;
- 3691 (ii) providing other interventions to enhance client social skills, emotional
- 3692 well-being, and overall functioning, including:
- 3693 (A) supportive consultations;
- 3694 (B) habilitation services; and
- 3695 (C) activity-based programs;
- 3696 (iii) providing evidence-based, manualized interventions, only:
- 3697 (A) under the supervision of a mental health therapist;
- 3698 (B) in the treatment of mild to moderate behavioral health symptoms or disorders,
- 3699 as assessed or diagnosed by a mental health therapist, and as the division
- 3700 ~~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
 - (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 mental health therapy.

(6)(a) "Practice as a behavioral health technician" means working under the general supervision of a mental health therapist and includes:

(i) supporting administrative and care coordination activities, including:

- (A) maintaining accurate and confidential client records, progress notes, and incident reports, in compliance with applicable legal and ethical standards; and
- (B) assisting in discharge, referral, and after-care documentation, coordination, and administration;

(ii) supporting patient non-clinical assessment, monitoring, and care planning activities, including:

- (A) collecting intake and non-clinical psychosocial assessment information;
- (B) gathering information to support diagnostic and treatment planning activities conducted by a mental health therapist; and

(C) observing, documenting, and reporting on client behaviors, treatment interventions, progress, and outcomes to a mental health therapist;

(iii) supporting intervention and treatment activities, including:

(A) supporting licensed professionals in implementing interventions designed to address behavioral health issues;

(B) facilitating psychoeducational groups or activities, development skills or activities, or social support groups or activities to enhance client social skill emotional well-being, and overall functioning;

(C) providing education and support to clients and their families on behavioral health issues, treatment options, and community resources;

(D) implementing behavioral management strategies including de-escalation techniques and crisis intervention as needed; and

(E) implementing crisis intervention strategies in accordance with established protocols, and ensuring the safety and well-being of clients during emergencies.

- 3735 (b) "Practice as a behavioral health technician" does not include:
3736 (i) engaging in the practice of mental health therapy; or
3737 (ii) serving as a designated examiner.
- 3738 (7) Notwithstanding any other provision of this part, no behavioral health coach is
3739 authorized to practice outside of or beyond [his or her] the behavioral health coach's area
3740 of training, experience, or competence.
- 3741 (8) Notwithstanding any other provision of this part, no behavioral health technician is
3742 authorized to practice outside of or beyond [his or her] the behavioral health technician's
3743 area of training, experience, or competence.

3744 Section 59. Section **58-61-102** is amended to read:

3745 **58-61-102 (Effective 07/01/26). Definitions.**

3746 [In addition to the definitions in Section 58-1-102, as] As used in this chapter:

- 3747 (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.
- 3748 (2) "Client" or "patient" means an individual who [e]consults or is examined or interviewed
3749 by] a psychologist, acting in [his] a professional capacity, consults, examines, or
3750 interviews.
- 3751 (3) "Confidential communication" means information, including information obtained by
3752 the psychologist's examination of the client or patient, which is:
- 3753 (a)(i) transmitted between the client or patient and a psychologist in the course of that
3754 relationship; or
3755 (ii) transmitted among the client or patient, the psychologist, and individuals who are
3756 participating in the diagnosis or treatment under the direction of the psychologist,
3757 including members of the client's or patient's family; and
- 3758 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
3759 psychologist, and by a means not intended to be disclosed to third persons other than
3760 those individuals:
3761 (i) present to further the interest of the client or patient in the consultation,
3762 examination, or interview;
3763 (ii) reasonably necessary for the transmission of the communications; or
3764 (iii) participating in the diagnosis and treatment of the client or patient under the
3765 direction of the psychologist.
- 3766 (4) "Hypnosis" means, regarding individuals exempted from licensure under this chapter, a
3767 process by which one individual induces or assists another individual into a hypnotic
3768 state without the use of drugs or other substances and for the purpose of increasing

- 3769 motivation or to assist the individual to alter lifestyles or habits.
- 3770 (5) "Individual" means a natural person.
- 3771 (6) "Mental health therapist" means an individual licensed under this title as a:
- 3772 (a) physician and surgeon, or osteopathic physician engaged in the practice of mental
- 3773 health therapy;
- 3774 (b) an advanced practice registered nurse, specializing in psychiatric mental health
- 3775 nursing;
- 3776 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health
- 3777 nursing;
- 3778 (d) psychologist qualified to engage in the practice of mental health therapy;
- 3779 (e) a certified psychology resident qualifying to engage in the practice of mental health
- 3780 therapy;
- 3781 (f) clinical social worker;
- 3782 (g) certified social worker;
- 3783 (h) marriage and family therapist;
- 3784 (i) an associate marriage and family therapist;
- 3785 (j) a clinical mental health counselor; or
- 3786 (k) an associate clinical mental health counselor.
- 3787 (7) "Mental illness" means a mental or emotional condition defined in an approved
- 3788 diagnostic and statistical manual for mental disorders generally recognized in the
- 3789 professions of mental health therapy listed under Subsection (6).
- 3790 (8) "Practice of mental health therapy" means the treatment or prevention of mental illness,
- 3791 whether in person or remotely, including:
- 3792 (a) conducting a professional evaluation of an individual's condition of mental health,
- 3793 mental illness, or emotional disorder;
- 3794 (b) establishing a diagnosis in accordance with established written standards generally
- 3795 recognized in the professions of mental health therapy listed under Subsection (6);
- 3796 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
- 3797 emotional disorder; and
- 3798 (d) engaging in the conduct of professional intervention, including psychotherapy by the
- 3799 application of established methods and procedures generally recognized in the
- 3800 professions of mental health therapy listed under Subsection (6).
- 3801 (9)(a) "Practice of psychology" includes:
- 3802 (i) the practice of mental health therapy by means of observation, description,

3803 evaluation, interpretation, intervention, and treatment to effect modification of
3804 human behavior by the application of generally recognized professional
3805 psychological principles, methods, and procedures for the purpose of preventing,
3806 treating, or eliminating mental or emotional illness or dysfunction, the symptoms
3807 of any of these, or maladaptive behavior;

- 3808 (ii) the observation, description, evaluation, interpretation, or modification of human
3809 behavior by the application of generally recognized professional principles,
3810 methods, or procedures requiring the education, training, and clinical experience
3811 of a psychologist, for the purpose of assessing, diagnosing, preventing, or
3812 eliminating symptomatic, maladaptive, or undesired behavior and of enhancing
3813 interpersonal relationships, work and life adjustment, personal effectiveness,
3814 behavioral health, and mental health;
- 3815 (iii) psychological testing and the evaluation or assessment of personal characteristics
3816 such as intelligence, personality, abilities, interests, aptitudes, and
3817 neuropsychological functioning;
- 3818 (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy,
3819 hypnosis, and behavior analysis and therapy;
- 3820 (v) diagnosis and treatment of mental and emotional disorders of disability,
3821 alcoholism and substance abuse, disorders of habit or conduct, and the
3822 psychological aspects of physical illness, accident, injury, or disability; and
3823 (vi) psychoeducational evaluation, therapy, remediation, and consultation.

3824 (b) An individual practicing psychology may provide services to individuals, couples,
3825 families, groups of individuals, members of the public, and individuals or groups
3826 within organizations or institutions.

3827 (10) "Remotely" means communicating via [Internet] internet, telephone, or other electronic
3828 means that facilitate real-time audio or visual interaction between individuals when they
3829 are not physically present in the same room at the same time.

3830 (11) "Unlawful conduct" [is as] means the same as that term is defined in Sections 58-1-501
3831 and 58-61-501.

3832 (12) "Unprofessional conduct" [is as] means the same as that term is defined in Sections
3833 58-1-501 and 58-61-502, and [may be further defined by division rule] as the division
3834 defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah
3835 Administrative Rulemaking Act.

3836 Section 60. Section **58-61-301** is amended to read:

58-61-301 (Effective 07/01/26). Licensure required -- Certifications.

- (1)(a) A license is required to engage in the practice of psychology, except as specifically provided in Section 58-1-307.
- (b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be certified under this chapter as a psychology resident in order to engage in a residency program of supervised clinical training necessary to meet licensing requirements as a psychologist under this chapter.
- (2) The division shall issue to an individual who qualifies under this chapter:
- (a) a license in the classification of:
- (i) psychologist;
- (ii) certified psychology resident; [and] or
- (iii) licensed school psychological practitioner; [and] or
- (b) a certification in the classification of:
- (i) certified prescribing psychologist; [and] or
- (ii) provisional prescribing psychologist.

Section 61. Section **58-61-307** is amended to read:

58-61-307 (Effective 07/01/26). Exemptions from licensure.

- (1) Except as modified in Section 58-61-301, the exemptions from licensure in Section 58-1-307 apply to this chapter.
- (2) In addition to the exemptions from licensure in Section 58-1-307, the following when practicing within the scope of the license held, may engage in acts included within the definition of practice as a psychologist, subject to the stated circumstances and limitations, without being licensed under this chapter:
- (a) a physician and surgeon or osteopathic physician licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;
- (b) a registered psychiatric mental health nurse specialist licensed under Chapter 31b, Nurse Practice Act;
- (c) a recognized member of the clergy while functioning in [his] a ministerial capacity as long as [he] the individual does not represent [himself as] that the individual is a psychologist or use the title of psychologist;
- (d) an individual who is offering expert testimony in any proceeding before a court, administrative hearing, deposition upon the order of any court or other body having power to order the deposition, or proceedings before any master, referee, or alternative dispute resolution provider;

- 3871 (e) an individual engaged in performing hypnosis who is not licensed under this title in a
3872 profession which includes hypnosis in its scope of practice, and who:
3873 (i)(A) induces a hypnotic state in a client for the purpose of increasing motivation
3874 or altering lifestyles or habits, such as eating or smoking, through hypnosis;
3875 (B) consults with a client to determine current motivation and behavior patterns;
3876 (C) prepares the client to enter hypnotic states by explaining how hypnosis works
3877 and what the client will experience;
3878 (D) tests clients to determine degrees of suggestibility;
3879 (E) applies hypnotic techniques based on interpretation of consultation results and
3880 analysis of client's motivation and behavior patterns; and
3881 (F) trains clients in self-hypnosis conditioning;
3882 (ii) may not:
3883 (A) engage in the practice of mental health therapy;
3884 (B) represent himself using the title of a license classification in Subsection
3885 58-60-102(5); or
3886 (C) use hypnosis with or treat a medical, psychological, or dental condition
3887 defined in generally recognized diagnostic and statistical manuals of medical,
3888 psychological, or dental disorders;
- 3889 (f) an individual's exemption from licensure under Subsection 58-1-307(1)(b) terminates
3890 when the student's training is no longer supervised by qualified faculty or staff and
3891 the activities are no longer a defined part of the degree program;
- 3892 (g) an individual holding an earned doctoral degree in psychology who is employed by
3893 an accredited institution of higher education and who conducts research and teaches
3894 in that individual's professional field, but only if the individual does not engage in
3895 providing delivery or supervision of professional services regulated under this
3896 chapter to individuals or groups regardless of whether there is compensation for the
3897 services;
- 3898 (h) any individual who was employed as a psychologist by a state, county, or municipal
3899 agency or other political subdivision of the state prior to July 1, 1981, and who
3900 subsequently has maintained employment as a psychologist in the same state, county,
3901 or municipal agency or other political subdivision while engaged in the performance
3902 of [his] the individual's official duties for that agency or political subdivision;
- 3903 (i) an individual licensed as a school psychologist under Section 53E-6-201:
3904 (i) may ~~represent himself as and~~ use the terms "school psychologist" or "licensed

3905 school psychologist"; and

3906 (ii) [is restricted in his practice to employment] may only practice within settings
3907 authorized by the State Board of Education;

3908 (j) an individual providing advice or counsel to another individual in a setting of [their
3909 association as friends] friendship, or relatives and in a nonprofessional and
3910 noncommercial relationship, if there is no compensation paid for the advice or
3911 counsel; and

3912 (k) an individual who is licensed, in good standing, to practice mental health therapy in a
3913 state or territory of the United States outside of Utah may provide short term
3914 transitional mental health therapy remotely to a client in Utah only if:

- 3915 (i) the individual is present in the state or territory where the individual is licensed to
3916 practice mental health therapy;
3917 (ii) the client relocates to Utah;
3918 (iii) the client is a client of the individual immediately before the client relocates to
3919 Utah;
3920 (iv) the individual provides the short term transitional mental health therapy to the
3921 client only during the 45 day period beginning on the day on which the client
3922 relocates to Utah;
3923 (v) within 10 days after the day on which the client relocates to Utah, the individual
3924 provides written notice to the division of the individual's intent to provide short
3925 term transitional mental health therapy remotely to the client; and
3926 (vi) the individual does not engage in unlawful conduct or unprofessional conduct.

3927 Section 62. Section **58-61-401** is amended to read:

3928 **58-61-401 (Effective 07/01/26). Grounds for denial of licensure or certification --**

3929 **Disciplinary proceedings.**

3930 [(1) Subject to Subsection (2), the division's grounds for refusing to issue a license to an
3931 applicant, for refusing to renew the license of a licensee, for revoking, suspending,
3932 restricting, or placing on probation the license of a licensee, for issuing a public or
3933 private reprimand to a licensee, and for issuing a cease and desist order are under
3934 Section 58-1-401.]

3935 [(2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or
3936 licensee's license under this chapter solely because the applicant or licensee seeks or
3937 participates in mental health or substance abuse treatment.]

3938 (1) As used in this section:

3939 (a) "License" includes a certification issued under this chapter.

3940 (b) "Licensed" includes a person certified under this chapter.

3941 (c) "Licensee" includes a certificate holder under this chapter.

3942 (2) Subject to Subsection (7), the division may take an action described in Section 58-1-401
3943 and in accordance with that section, including refusing to issue or renew a license, or
3944 revoking, suspending, restricting, or placing a license on probation, issuing a public or
3945 private reprimand, or issuing a cease and desist order.

3946 (3)(a)(i) Subject to Subsection (7), if a court with jurisdiction determines a licensee is
3947 incapacitated as defined in Section 75-1-20, or that the licensee has a mental
3948 illness as defined in Section 26B-5-301, and is unable to safely engage in practice
3949 under this chapter, the director shall immediately suspend the license of the
3950 licensee upon the entry of the judgment of the court, without further proceedings
3951 under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether
3952 an appeal from the court's ruling is pending.

3953 (ii) The director shall promptly notify the licensee in writing of a suspension under
3954 Subsection (3)(a)(i).

3955 (b)(i) If the division and a majority of the board find reasonable cause to believe that
3956 a licensee cannot practice under this chapter with reasonable skill and safety to
3957 protect a patient due to illness, excessive use of drugs or alcohol, or another
3958 mental or physical condition, and a court has not determined that the licensee is
3959 incapacitated or has a mental illness, the board shall:

3960 (A) recommend that the director file a petition with the division; and
3961 (B) ensure service of the petition on the licensee together with a notice of hearing
3962 limited to the licensee's capacity to competently and safely practice under this
3963 chapter.

3964 (ii) Except as provided in Subsection (4), the hearing described in Subsection (3)(b)(i)
3965 shall be conducted under Section 58-1-109 and Title 63G, Chapter 4,
3966 Administrative Procedures Act.

3967 (4)(a) Every licensee who accepts the privilege of being licensed under this chapter
3968 gives consent to:

3969 (i) submitting to an immediate mental or physical examination, at the licensee's
3970 expense and by a division-approved practitioner selected by the licensee when
3971 directed in writing by the division and a majority of the board to do so; and
3972 (ii) the admissibility of the reports of the examining practitioner's testimony or

examination, and waives all objections on the ground the reports constitute a privileged communication.

- (b) The examination may be ordered by the division, with the consent of a majority of the board, only upon a finding of reasonable cause to believe:

(i) the licensee has a mental illness, is incapacitated, or otherwise unable to practice with reasonable skill and safety; and

(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.

(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.

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.

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.

4007 (8) Section 63G-2-206 may not be construed as limiting the authority of the division to
4008 report current significant investigative information to the coordinated licensure
4009 information system for transmission to party states as required of the division by Article
4010 IX of the Psychology Interjurisdictional Compact in Section 58-61b-102.

4011 Section 63. Section **58-61-501** is amended to read:

4012 **58-61-501 (Effective 07/01/26). Unlawful conduct.**

4013 As used in this chapter, "unlawful conduct" includes:

- 4014 (1) practice of psychology unless licensed as a psychologist or certified psychology resident
4015 under this chapter or exempted from licensure under this title;
- 4016 (2) practice of mental health therapy by a licensed psychologist who has not acceptably
4017 documented to the division [his] the licensed psychologist's completion of the supervised
4018 training in psychotherapy required under Subsection 58-61-304(1)(e); or
- 4019 (3) representing oneself as or using the title of psychologist, or certified psychology
4020 resident unless currently licensed under this chapter.

4021 Section 64. Section **58-63-302** is amended to read:

4022 **58-63-302 (Effective 07/01/26). Qualifications for licensure.**

- 4023 (1) Each applicant for licensure as an armored car company or a contract security company
4024 shall:
- 4025 (a) submit an application in a form the division approves;
- 4026 (b) pay a fee [determined by the department under] the division determines in accordance
4027 with Section 63J-1-504;
- 4028 (c) have a qualifying agent who:
- 4029 (i) meets with the division and the board and demonstrates that the applicant and the
4030 qualifying agent meet the requirements of this section;
- 4031 (ii) is a resident of the state;
- 4032 (iii) is responsible management personnel or a company owner of the applicant;
- 4033 (iv) exercises material day-to-day authority in the conduct of the applicant's business
4034 by making substantive technical and administrative decisions and whose primary
4035 employment is with the applicant;
- 4036 (v) is not concurrently acting as a qualifying agent or employee of another armored
4037 car company or contract security company and is not engaged in any other
4038 employment on a regular basis;
- 4039 (vi) is not involved in any activity that would conflict with the qualifying agent's
4040 duties and responsibilities under this chapter to ensure that the qualifying agent's

4041 and the applicant's performance under this chapter does not jeopardize the health
4042 or safety of the general public;

- 4043 (vii) is not an employee of a government agency;
4044 (viii) passes an examination component [established by rule by the division in
4045 collaboration with the board] the division requires by rule the division makes in
4046 collaboration with the board, and in accordance with Title 63G, Chapter 3, Utah
4047 Administrative Rulemaking Act; and

- 4048 (ix)(A) demonstrates 6,000 hours of compensated experience as a manager,
4049 supervisor, or administrator of an armored car company or a contract security
4050 company; or
4051 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division
4052 in collaboration with the board with a federal, United States military, state,
4053 county, or municipal law enforcement agency;

- 4054 (d) require that each company officer, company owner, company proprietor, company
4055 trustee, and responsible management personnel with direct responsibility for
4056 managing operations of the applicant within the state:
4057 (i) provide name, address, date of birth, social security number, and fingerprints; and
4058 (ii)(A) consent to, and complete, a criminal background check, described in
4059 Section 58-1-301.5;
4060 (B) meet any other standard related to the criminal background check described in
4061 Subsection (1)(d)(ii)(A), that the division [establishes] makes by rule in
4062 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
4063 and
4064 (C) disclose any criminal history the division requests on a form the division
4065 approves;

- 4066 (e) have company officers, company owners, company proprietors, company trustees,
4067 and responsible management personnel who have not been convicted of:
4068 (i) a felony; or
4069 (ii) a crime that when considered with the duties and responsibilities of a contract
4070 security company or an armored car company by the division and the board
4071 indicates that the best interests of the public are not served by granting the
4072 applicant a license;

- 4073 (f) document that none of the individuals described in Subsection (1)(e):
4074 (i) have been declared by a court [of competent] with jurisdiction incompetent by

4075 reason of mental defect or disease and not been restored; or
4076 (ii) ~~[currently suffer from habitual drunkenness or from drug addiction or dependence]~~
4077 ~~are currently unable to perform the duties required under this title due to a mental~~
4078 ~~or physical illness or condition, or engagement in any of the behaviors listed in~~
4079 ~~Subsection 58-1-501(2)(a)(v);~~

4080 (g) file and maintain with the division evidence of:

- 4081 (i) comprehensive general liability insurance in a form ~~[and in amounts established~~
4082 ~~by rule by the division in collaboration with the board and in accordance with~~
4083 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act] in accordance with~~
4084 ~~Subsection 58-63-102(13)(b);~~
- 4085 (ii) workers' compensation insurance that covers employees of the applicant in
4086 accordance with applicable Utah law;
- 4087 (iii) registration with the Division of Corporations and Commercial Code; and
- 4088 (iv) registration as required by applicable law with the:
- 4089 (A) Unemployment Insurance Division in the Department of Workforce Services,
4090 for purposes of Title 35A, Chapter 4, Employment Security Act;
- 4091 (B) State Tax Commission; and
- 4092 (C) Internal Revenue Service; and

4093 (h) meet with the division ~~[and board if requested by the division or board]~~ or board as
4094 the division or board may request.

4095 (2) Each applicant for licensure as an armed private security officer:

- 4096 (a) shall submit an application in a form the division approves;
- 4097 (b) shall pay a fee ~~[determined by the department under]~~ the division determines in
4098 accordance with Section 63J-1-504;
- 4099 (c) may not have been convicted of:
- 4100 (i) a felony; or
- 4101 (ii) a crime that when considered with the duties and responsibilities of an armed
4102 private security officer by the division and the board indicates that the best
4103 interests of the public are not served by granting the applicant a license;
- 4104 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C.
4105 Sec. 922(g);
- 4106 (e) may not have been declared incompetent by a court ~~[of competent]~~ with jurisdiction
4107 by reason of mental defect or disease and not been restored;
- 4108 (f) ~~[may not be currently suffering from habitual drunkenness or from drug addiction or~~

4109 dependee] may not be currently unable to perform the duties required under this
4110 title due to a mental or physical illness or condition, or engagement in any of the
4111 behaviors listed in Subsection 58-1-501(2)(a)(v);

- 4112 (g) shall successfully complete basic education and training requirements established by
4113 rule by the division in collaboration with the board and in accordance with Title 63G,
4114 Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of
4115 eight hours of classroom or online curriculum;
- 4116 (h) shall successfully complete firearms training requirements [established by rule by]
4117 the division makes in collaboration with the board and in accordance with Title 63G,
4118 Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of
4119 12 hours of training;
- 4120 (i) shall pass the examination requirement [established by rule by]the division makes in
4121 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
4122 Administrative Rulemaking Act;
- 4123 (j) shall:
- 4124 (i) consent to, and complete, a criminal background check, described in Section
4125 58-1-301.5;
- 4126 (ii) meet any other standard related to the criminal background check described in
4127 Subsection (1)(j)(i), that the division [establishes] makes by rule in accordance
4128 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 4129 (iii) disclose any criminal history the division requests on a form the division
4130 approves; and
- 4131 (k) shall meet with the division [and board if requested by the division or the board] or
4132 board as the division or board may request.
- 4133 (3) Each applicant for licensure as an unarmed private security officer:
- 4134 (a) shall submit an application in a form the division approves;
- 4135 (b) shall pay a fee [determined by the department under] the division determines in
4136 accordance with Section 63J-1-504;
- 4137 (c) may not have been convicted of:
- 4138 (i) a felony; or
- 4139 (ii) a crime that when considered with the duties and responsibilities of an unarmed
4140 private security officer by the division and the board indicates that the best
4141 interests of the public are not served by granting the applicant a license;
- 4142 (d) may not have been declared incompetent by a court [of competent] with jurisdiction

4143 by reason of mental defect or disease and not been restored;

4144 (e) ~~[may not be currently suffering from habitual drunkenness or from drug addiction or~~
4145 ~~dependenee]~~ may not be currently unable to perform the duties required under this
4146 title due to a mental or physical illness or condition, or engagement in any of the
4147 behaviors listed in Subsection 58-1-501(2)(a)(v);

4148 (f) shall successfully complete basic education and training requirements ~~[established by~~
4149 ~~rule by]~~ the division makes by rule in collaboration with the board and in accordance
4150 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall include
4151 a minimum of eight hours of classroom or online curriculum;

4152 (g) shall pass the examination requirement ~~[established by rule by]~~ the division makes
4153 by rule in collaboration with the board and in accordance with Title 63G, Chapter 3,
4154 Utah Administrative Rulemaking Act;

4155 (h) shall:

4156 (i) consent to, and complete, a criminal background check, described in Section
4157 58-1-301.5;

4158 (ii) meet any other standard related to the criminal background check described in
4159 Subsection (1)(h)(i), that the division ~~[establishes]~~ makes by rule in accordance
4160 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4161 (iii) disclose any criminal history the division requests on a form the division
4162 approves; and

4163 (i) shall meet with the division ~~[and board if requested by the division or board]~~ or board
4164 as the division or board may request.

4165 (4) Each applicant for licensure as an armored car security officer:

4166 (a) shall submit an application in a form the division approves;

4167 (b) shall pay a fee ~~[determined by the department under]~~ the division determines in
4168 accordance with Section 63J-1-504;

4169 (c) may not have been convicted of:

4170 (i) a felony; or

4171 (ii) a crime that when considered with the duties and responsibilities of an armored
4172 car security officer by the division and the board indicates that the best interests of
4173 the public are not served by granting the applicant a license;

4174 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C.
4175 Sec. 922(g);

4176 (e) may not have been declared incompetent by a court ~~[of competent]~~ with jurisdiction

- 4177 by reason of mental defect or disease and not been restored;
- 4178 (f) ~~[may not be currently suffering from habitual drunkenness or from drug addiction or~~
4179 ~~dependenee] may not be currently unable to perform the duties required under this~~
4180 ~~title due to a mental or physical illness or condition, or engagement in any of the~~
4181 ~~behaviors listed in Subsection 58-1-501(2)(a)(v);~~
- 4182 (g) shall successfully complete basic education and training requirements ~~[established by~~
4183 ~~rule by]~~ the division makes by rule in collaboration with the board and in accordance
4184 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 4185 (h) shall successfully complete firearms training requirements ~~[established by rule by]~~
4186 the division makes by rule in collaboration with the board and in accordance with
4187 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 4188 (i) shall pass the examination requirements ~~[established by rule by]~~ the division make by
4189 rule in collaboration with the board and in accordance with Title 63G, Chapter 3,
4190 Utah Administrative Rulemaking Act;
- 4191 (j) shall:
4192 (i) consent to, and complete, a criminal background check, described in Section
4193 58-1-301.5;
4194 (ii) meet any other standard related to the criminal background check described in
4195 Subsection (4)(j)(i), that the division ~~[establishes]~~ makes by rule in accordance
4196 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
4197 (iii) disclose any criminal history the division requests on a form the division
4198 approves; and
4199 (k) shall meet with the division and board if requested by the division or the board.
- 4200 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4201 division may make a rule establishing when the division shall request a Federal Bureau
4202 of Investigation records' review for an applicant who is applying for licensure or
4203 licensure renewal under this chapter.
- 4204 Section 65. Section **58-64-302** is amended to read:
- 4205 **58-64-302 (Effective 07/01/26). Qualifications for licensure.**
- 4206 (1) An applicant for licensure as a deception detection examiner:
4207 (a) shall submit an application in a form the division approves;
4208 (b) shall pay a fee ~~[determined by the department under]~~ the division determines in
4209 accordance with Section 63J-1-504;
4210 (c) may not have been convicted of a felony or any other crime that when considered

4211 with the duties and responsibilities of a deception detection examiner is considered
4212 by the division to indicate that the best interests of the public will not be served by
4213 granting the applicant a license;

- 4214 (d) may not have been declared by any court [of competent] with jurisdiction
4215 incompetent by reason of mental defect or disease and not been restored;
4216 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
4217 dependenee] may not be currently unable to perform the duties required under this
4218 title due to a mental or physical illness or condition, or engagement in any of the
4219 behaviors listed in Subsection 58-1-501(2)(a)(v);

- 4220 (f) shall have completed one of the following:

4221 (i) have earned a bachelor's degree from a four-year university or college meeting
4222 standards the division [establishes] makes by rule made in accordance with Title
4223 63G, Chapter 3, Utah Administrative Rulemaking Act;

4224 (ii) have completed not less than 8,000 hours of investigation experience [approved
4225 by the division] that the division approves; or

4226 (iii) have completed a combination of university or college education and
4227 investigation experience, as [defined by rule made by the] the division defines by
4228 rule the division makes in accordance with Title 63G, Chapter 3, Utah
4229 Administrative Rulemaking Act, as being equivalent to the requirements under
4230 Subsection (1)(f)(i) or (1)(f)(ii);

- 4231 (g) shall have successfully completed a training program in detection deception meeting
4232 criteria the division [establishes] makes by rule made in accordance with Title 63G,
4233 Chapter 3, Utah Administrative Rulemaking Act;

- 4234 (h) shall:

4235 (i) consent to, and complete, a criminal background check, described in Section
4236 58-1-301.5;

4237 (ii) meet any other standard related to the criminal background check described in
4238 Subsection (1)(h)(i), that the division [establishes] makes by rule in accordance
4239 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4240 (iii) disclose any criminal history the division requests on a form the division
4241 approves; and

- 4242 (i) shall have performed satisfactorily as a licensed deception detection intern for a
4243 period of not less than one year and shall have satisfactorily conducted not less than
4244 100 deception detection examinations under the supervision of a licensed deception

4245 detection examiner.

- 4246 (2) An applicant for licensure as a deception detection intern:
- 4247 (a) shall submit an application in a form the division approves;
- 4248 (b) shall pay a fee [determined by the department under] the division determines in
4249 accordance with Section 63J-1-504;
- 4250 (c) may not have been convicted of a felony or any other crime that when considered
4251 with the duties and responsibilities of a deception detection intern is considered by
4252 the division to indicate that the best interests of the public will not be served by
4253 granting the applicant a license;
- 4254 (d) may not have been declared by any court [of competent] with jurisdiction
4255 incompetent by reason of mental defect or disease and not been restored;
- 4256 (e) [may not be currently suffering from habitual drunkenness or from drug addiction or
4257 dependence] may not be currently unable to perform the duties required under this
4258 title due to a mental or physical illness or condition, or engagement in any of the
4259 behaviors listed in Subsection 58-1-501(2)(a)(v);
- 4260 (f) shall have completed one of the following:
- 4261 (i) have earned a bachelor's degree from a four-year university or college meeting
4262 standards the division [establishes-] makes by rule made in accordance with Title
4263 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 4264 (ii) have completed not less than 8,000 hours of investigation experience [approved
4265 by the division] that the division approves; or
- 4266 (iii) have completed a combination of university or college education and
4267 investigation experience, as [defined by rule-]the division defines by rule the
4268 division makes in accordance with Title 63G, Chapter 3, Utah Administrative
4269 Rulemaking Act, as being equivalent to the requirements under Subsection (2)(f)(i)
4270 or (2)(f)(ii);
- 4271 (g) shall have successfully completed a training program in detection deception meeting
4272 criteria [established by rule-]the division makes by rule in accordance with Title 63G,
4273 Chapter 3, Utah Administrative Rulemaking Act;
- 4274 (h) shall:
- 4275 (i) consent to, and complete, a criminal background check, described in Section
4276 58-1-301.5;
- 4277 (ii) meet any other standard related to the criminal background check described in
4278 Subsection (2)(h)(i), that the division [establishes-] makes by rule in accordance

4279 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4280 (iii) disclose any criminal history the division requests on a form the division
4281 approves; and

- 4282 (i) shall provide the division with an intern supervision agreement in a form the division
4283 approves under which:
- 4284 (i) a licensed deception detection examiner agrees to supervise the intern; and
4285 (ii) the applicant agrees to be supervised by that licensed deception detection
4286 examiner.

4287 (3) An applicant for licensure as a deception detection examination administrator:

- 4288 (a) shall submit an application in a form the division approves;
- 4289 (b) shall pay a fee [determined by the department under] the division determines in
4290 accordance with Section 63J-1-504;
- 4291 (c) may not have been convicted of a felony or any other crime that when considered
4292 with the duties and responsibilities of a deception detection examination
4293 administrator is considered by the division to indicate that the best interests of the
4294 public will not be served by granting the applicant a license;
- 4295 (d) may not have been declared by a court [of competent] with jurisdiction incompetent
4296 by reason of mental defect or disease and not been restored;
- 4297 (e) [may not be currently suffering from habitual drunkenness or from drug addiction or
4298 dependence] may not be currently unable to perform the duties required under this
4299 title due to a mental or physical illness or condition, or engagement in any of the
4300 behaviors listed in Subsection 58-1-501(2)(a)(v);
- 4301 (f) shall have earned an associate degree from a state-accredited university or college or
4302 have an equivalent number of years' work experience;
- 4303 (g) shall:
- 4304 (i) consent to, and complete, a criminal background check, described in Section
4305 58-1-301.5;
- 4306 (ii) meet any other standard related to the criminal background check described in
4307 Subsection (3)(g)(i), that the division [establishes] makes by rule in accordance
4308 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 4309 (iii) disclose any criminal history the division requests on a form the division
4310 approves; and
- 4311 (h) shall have successfully completed a training program and have obtained certification
4312 in deception detection examination administration provided by the manufacturer of a

4313 scientific or technology-based software application solution that the director approves.

4314 Section 66. Section **58-67-502** is amended to read:

4315 **58-67-502 (Effective 07/01/26). Unprofessional conduct.**

- 4316 (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:
- 4317 (a) using or employing the services of any individual to assist a licensee in any manner
4318 not in accordance with the generally recognized practices, standards, or ethics of the
4319 profession, state law, or division rule;
- 4320 (b) making a material misrepresentation regarding the qualifications for licensure under
4321 Section 58-67-302.7 or 58-67-302.8;
- 4322 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
4323 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88,
4324 Part 2, Dispensing Practice, if applicable;
- 4325 (d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
4326 Medical Cannabis;
- 4327 (e) performing or inducing an abortion in violation of the requirements of Section
4328 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under
4329 this chapter is found guilty of a crime in connection with the violation;
- 4330 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 4331 (i) a wrongful or negligent act or omission of an individual licensed under this
4332 chapter or an individual under the direction or control of an individual licensed
4333 under this chapter; or
- 4334 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
- 4335 (g) performing, or causing to be performed, upon an individual who is less than 18 years
4336 old:
- 4337 (i) a primary sex characteristic surgical procedure; or
- 4338 (ii) a secondary sex characteristic surgical procedure; or
- 4339 (h) designating a child as do not resuscitate without parental consent.
- 4340 (2) "Unprofessional conduct" does not include:
- 4341 (a) in compliance with Section 58-85-103:
- 4342 (i) obtaining an investigational drug or investigational device;
- 4343 (ii) administering the investigational drug to an eligible patient; or
- 4344 (iii) treating an eligible patient with the investigational drug or investigational device;
4345 or
- 4346 (b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical

4347 Cannabis:

- 4348 (i) when acting as a recommending medical provider, as that term is defined in
4349 Section 26B-4-201, recommending the use of medical cannabis; or
4350 (ii) when registered as a pharmacy medical provider, as that term is defined in
4351 Section 26B-4-201, providing pharmacy medical provider services in a medical
4352 cannabis pharmacy.

4353 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in
4354 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
4355 define unprofessional conduct for a physician described in Subsection (2)(b).

4356 Section 67. Section **58-68-802** is amended to read:

4357 **58-68-802 (Effective 07/01/26). Form of practice.**

4358 (1) An osteopathic physician and surgeon licensed under this chapter may engage in
4359 practice as an osteopathic physician and surgeon or in the practice of osteopathic
4360 medicine only as an individual licensee, but as an individual licensee, [he] an osteopathic
4361 physician and surgeon licensed under this chapter may be:

- 4362 (a) an individual operating as a business proprietor;
4363 (b) an employee of another person;
4364 (c) a partner in a lawfully organized partnership;
4365 (d) a lawfully formed professional corporation;
4366 (e) a lawfully organized limited liability company;
4367 (f) a lawfully organized business corporation; or
4368 (g) any other form of organization ~~[recognized by the state and not prohibited by~~
4369 ~~division rule made in collaboration with the board]~~ the state recognizes and that the
4370 division does not prohibit by rule made in collaboration with the board.

4371 (2) Regardless of the form in which a licensee engages in the practice of osteopathic
4372 medicine, the licensee may only permit the practice of medicine in that form of business
4373 practice to be conducted by an individual:

- 4374 (a) licensed in Utah as an osteopathic physician and surgeon under Section 58-68-301 or
4375 as a physician and surgeon under Section 58-67-301; and
4376 (b) who is able to lawfully and competently engage in the practice of medicine to direct
4377 or interfere in the licensee's practice of medicine.

4378 Section 68. Section **58-69-502** is amended to read:

4379 **58-69-502 (Effective 07/01/26). Unprofessional conduct.**

4380 (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

- 4381 (a) sharing professional fees with an unlicensed person or paying any person for sending
4382 or referring a patient;
- 4383 (b) making an unsubstantiated claim of superiority in training or skill as a dentist or
4384 dental hygienist or in the performance of professional services;
- 4385 (c) refusing authorized agents of the division or state or local health authorities access to
4386 the facilities related to the practice of dentistry or dental hygiene during normal
4387 business hours for the purpose of inspection;
- 4388 (d) failing to maintain facilities, instruments, equipment, supplies, appliances, or other
4389 property or conditions related to the practice of dentistry in a sanitary condition
4390 consistent with the standards and ethics of the professions of dentistry or dental
4391 hygiene; [or]
- 4392 (e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
4393 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88,
4394 Part 2, Dispensing Practice, if applicable; or
- 4395 [(e)] (f) falsely making an entry in, or altering, a medical record with the intent to
4396 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 (d) or Subsection 58-1-501(1).
- 4401 (2) For purposes of Subsection (1)(b), an unsubstantiated claim of superiority:
- 4402 (a) includes for the practice of dentistry:
- 4403 (i) advertising or otherwise holding oneself out to the public as practicing a dental
4404 specialty in which the dentist has not successfully completed the education
4405 specified for the dental specialty as [defined by] the American Dental
4406 Association defines; and
- 4407 (ii) using the following words in advertising "Endodontist," "Orthodontist," "Oral and
4408 Maxillofacial Surgeon," "Specialist," "Board Certified," "Diplomat," "Practice
4409 Limited to," "Pediatric Dentist," "Periodontist," or "Limited to Specialty of" when
4410 the dentist has not successfully completed the education specified for the dental
4411 specialty as [defined by] the American Dental Association defines; and
- 4412 (b) does not include a dentist who advertises as being qualified in a recognized specialty
4413 area of dental practice so long as each such advertisement, regardless of form,
4414 contains a prominent disclaimer that the dentist is licensed as a general dentist or that

4415 the specialty services will be provided by a general dentist.

4416 Section 69. Section **58-70a-503** is amended to read:

4417 **58-70a-503 (Effective 07/01/26). Unprofessional conduct.**

4418 (1) "Unprofessional conduct" includes:

- 4419 (a) violation of a patient confidence to any [person who] person that does not have a
4420 legal right and a professional need to know the information concerning the patient;
- 4421 (b) knowingly prescribing, selling, giving away, or directly or indirectly administering,
4422 or offering to prescribe, sell, furnish, give away, or administer any prescription drug
4423 except for a legitimate medical purpose upon a proper diagnosis indicating use of that
4424 drug in the amounts prescribed or provided;
- 4425 (c) prescribing prescription drugs for oneself or administering prescription drugs to
4426 oneself, except those that have been legally prescribed for the physician assistant by a
4427 licensed practitioner and that are used in accordance with the prescription order for
4428 the condition diagnosed;
- 4429 (d) in a practice that has physician assistant ownership interests, failure to allow a
4430 physician the independent final decision making authority on treatment decisions for
4431 the physician's patient;
- 4432 (e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
4433 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88,
4434 Part 2, Dispensing Practice, if applicable;
- 4435 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
 - 4436 (i) a wrongful or negligent act or omission of an individual licensed under this
4437 chapter or an individual under the direction or control of an individual licensed
4438 under this chapter; or
 - 4439 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
- 4440 (g) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
4441 Medical Cannabis; or
- 4442 (h) designating a child as do not resuscitate without parental consent.

4443 (2)(a) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter
4444 4, Part 2, Cannabinoid Research and Medical Cannabis, when acting as a
4445 recommending medical provider, as that term is defined in Section 26B-4-201,
4446 recommending the use of medical cannabis.

4447 (b) Notwithstanding Subsection (2)(a), the division, in consultation with the board and in
4448 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall

4449 define unprofessional conduct for a physician assistant described in Subsection (2)(a).

4450 Section 70. Section **58-72-302** is amended to read:

4451 **58-72-302 (Effective 07/01/26). Qualifications for licensure.**

4452 An applicant for licensure as a licensed acupuncturist shall:

- 4453 (1) submit an application in a form [prescribed by the division] the division approves;
- 4454 (2) pay a fee [determined by the department under] the division determines in accordance
with Section 63J-1-504;
- 4455 (3) meet the requirements for current active certification in acupuncture under guidelines
4456 established by the [National Commission for the Certification of Acupuncture and
4457 Oriental Medicine (NCCAOM)] National Certification Board for Acupuncture and
4458 Herbal Medicine (NCBAHM) as demonstrated through a current certificate or other
4459 appropriate documentation;
- 4460 (4) pass the examination [required by the division by rule] the division requires by
4461 rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
4462 Rulemaking Act;
- 4463 (5) establish procedures, as [defined by rule] the division defines by rule the division
4464 makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4465 which shall enable patients to give informed consent to treatment; and
- 4466 (6) meet with the board, if requested, for the purpose of evaluating the applicant's
4467 qualifications for licensure.

4468 Section 71. Section **58-73-102** is amended to read:

4469 **58-73-102 (Effective 07/01/26). Definitions.**

- 4470 (1) "Adjustment of the articulation of the spinal column" means performance by a
4471 chiropractic physician by the use of passive movements directed toward the goal of
4472 restoring joints to their proper physiological relationship of motion and related function,
4473 releasing adhesions, or stimulating joint receptors using one or more of the following
4474 techniques:
 - 4475 (a) impulse adjusting or the use of sudden, high velocity, short amplitude thrust of a
4476 nature that the patient cannot prevent the motion, commencing where the motion
4477 encounters the elastic barrier of resistance and ends at the limit of anatomical
4478 integrity;
 - 4479 (b) instrument adjusting, utilizing instruments specifically designed to deliver sudden,
4480 high velocity, short amplitude thrust;
 - 4481 (c) light force adjusting utilizing sustained joint traction or applied directional pressure,

or both, which may be combined with passive motion to restore joint mobility; and

- (d) long distance lever adjusting utilizing forces delivered at some distance from the dysfunctional site and aimed at transmission through connected structures to accomplish joint mobility.

"Board" means the Chiropractic Physician Licensing Board created in Section 58-73-201.

"Chiropractic assistant" means an individual who performs activities related to the practice of chiropractic under the supervision of a licensed chiropractic physician in accordance with division rule established in collaboration with the board.

"Chiropractic physician" means an individual who has been licensed under this chapter to practice chiropractic.

"Diagnosis of the articulation of the spinal column" means to examine the articulations of the spinal column of another human to determine the source, nature, kind, or extent of a disease, vertebral subluxation, or other physical condition, and to make a determination of the source, nature, kind, or extent of a disease or other physical condition.

"Elastic barrier" means the point at which the patient cannot move a joint by [his] the patient's own means and through which movement is obtained or caused by a practitioner's skillful treatment using the practitioner's hands in a manipulation of a joint by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the motion.

"Incisive surgery" means any procedure having the power or quality of cutting of a patient for the purpose of treating disease, injury, or deformity, and includes the use of laser.

"Manipulate the articulation of the spinal column" means use by a practitioner of a skillful treatment using the practitioner's hands in a manipulation of a joint as follows:

 - (a) by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the motion;
 - (b) the movement of the joint is by force beyond its active limit of motion;
 - (c) the manipulation commences where mobilization ends and specifically begins when the elastic barrier of resistance is encountered and ends at the limit of anatomical integrity; and
 - (d) the manipulation is directed to the goal of restoring joints to their proper physiological relationship of motion and related function, releasing adhesions, or stimulating joint receptors.

- 4517 (9) "Practice of chiropractic" means a practice of a branch of the healing arts:
- 4518 (a) the purpose of which is to restore or maintain human health, in which patient care or
4519 first aid, hygienic, nutritional, or rehabilitative procedures are administered;
- 4520 (b) which places emphasis upon specific vertebral adjustment, manipulation, and
4521 treatment of the articulation and adjacent tissues of the spinal column,
4522 musculoskeletal structure of the body, and nervous system;
- 4523 (c) that involves examining, diagnosing, treating, correcting, or prescribing treatment for
4524 any human disease, ailment, injury, infirmity, deformity, pain, or other condition, or
4525 the attempt to do so, in accordance with Section 58-73-601;
- 4526 (d) that involves diagnosing, prescribing treatment, or making a determination of
4527 treatment necessity for another person's condition by means of:
4528 (i) a physical examination of the person; or
4529 (ii) a determination based upon or derived from information supplied directly or
4530 indirectly by a third person; and
- 4531 (e) that includes the practice described in this Subsection (9) on an animal subject to:
4532 (i) Subsection 58-28-307(12);
4533 (ii) the provisions of this chapter; and
4534 (iii) division rule.

- 4535 (10) "Therapeutically position the articulation of the spinal column" means to adjust or
4536 manipulate the articulation of the spinal column.

4537 Section 72. Section **58-73-302** is amended to read:

4538 **58-73-302 (Effective 07/01/26). Qualifications for licensure.**

- 4539 (1) Each applicant for licensure as a chiropractic physician, other than an applicant applying
4540 for a license based on licensure as a chiropractor or chiropractic physician in another
4541 jurisdiction, shall:
- 4542 (a) submit an application in a form the division approves;
- 4543 (b) pay a fee ~~[determined by the department under]~~ the division determines in accordance
4544 with Section 63J-1-504;
- 4545 (c) demonstrate satisfactory completion of at least two years of general study in a
4546 college or university;
- 4547 (d) demonstrate having earned a degree of doctor of chiropractic from a chiropractic
4548 college or university that at the time the degree was conferred was accredited by the
4549 Council on Chiropractic Education, Inc., or an equivalent chiropractic accrediting
4550 body recognized by the United States Department of Education and by the division

- 4551 rule made in collaboration with the board;
- 4552 (e) demonstrate successful completion of:
- 4553 (i) the National Chiropractic Boards:
- 4554 (A) Parts I and II;
- 4555 (B) Written Clinical Competency Examination; and
- 4556 (C) Physiotherapy;
- 4557 (ii) the Utah Chiropractic Law and Rules Examination; and
- 4558 (iii) a practical examination [approved by the division] the division approves in
- 4559 collaboration with the board;
- 4560 (f) meet with the board, if requested, for the purpose of reviewing the applicant's
- 4561 qualifications for licensure; and
- 4562 (g)(i) consent to, and complete, a criminal background check, described in Section
- 4563 58-1-301.5;
- 4564 (ii) meet any other standard related to the criminal background check described in
- 4565 Subsection (1)(g)(i), that the division [establishes-] makes by rule in accordance
- 4566 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 4567 (iii) disclose any criminal history the division requests on a form the division
- 4568 approves.
- 4569 (2) Each applicant for licensure as a chiropractic physician based on licensure as a
- 4570 chiropractor or chiropractic physician in another jurisdiction shall:
- 4571 (a) submit an application in the form the division approves;
- 4572 (b) pay a fee [determined by the department under] the division determines in accordance
- 4573 with Section 63J-1-504;
- 4574 (c) demonstrate having obtained licensure as a chiropractor or chiropractic physician in
- 4575 another state under education requirements which were equivalent to the education
- 4576 requirements in this state to obtain a chiropractor or chiropractic physician license at
- 4577 the time the applicant obtained the license in the other state;
- 4578 (d) demonstrate successful completion of[:] the Utah Chiropractic Law and Rules
- 4579 Examination;
- 4580 [(:) ~~the Utah Chiropractic Law and Rules Examination; and]~~
- 4581 [(:) ~~the Special Purposes Examination for Chiropractic (SPEC) of the National Board~~
- 4582 ~~of Chiropractic Examiners;~~]
- 4583 (e) have been actively engaged in the practice of chiropractic for not less than two years
- 4584 immediately preceding application for licensure in Utah;

- 4585 (f) meet with the board, if requested, for the purpose of reviewing the applicant's
4586 qualifications for licensure; and
4587 (g)(i) consent to, and complete, a criminal background check, described in Section
4588 58-1-301.5;
4589 (ii) meet any other standard related to the criminal background check described in
4590 Subsection (2)(g)(i), that the division [establishes-] makes by rule in accordance
4591 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
4592 (iii) disclose any criminal history the division requests on a form the division
4593 provides.

4594 Section 73. Section **58-73-401** is amended to read:

4595 **58-73-401 (Effective 07/01/26). Grounds for denial of license -- Disciplinary
4596 proceedings -- Limitation on division actions.**

- 4597 (1) Grounds for the following are in accordance with Section 58-1-401:
4598 (a) refusing to issue a license to an applicant;
4599 (b) refusing to renew the license of a licensee;
4600 (c) revoking, suspending, restricting, or placing on probation the license of a licensee;
4601 (d) issuing a public or private reprimand to a licensee; and
4602 (e) issuing a cease and desist order.
4603 (2) If a court [of competent] with jurisdiction determines a chiropractic physician is
4604 incompetent, mentally incompetent, incapable, or has a mental illness, the director shall
4605 suspend the license of that chiropractic physician, even if an appeal is pending.
4606 (3)(a) If [it appears to the board] the board believes there is reasonable cause to believe a
4607 chiropractic physician who has not been judicially determined to be incompetent,
4608 mentally incompetent, incapable, or to have a mental illness, is unable to practice
4609 chiropractic with reasonable skill and safety [to patients by reason of illness,
4610 drunkenness, excessive use of drugs, narcotics, chemicals, or any other substance] due
4611 to a mental or physical illness or condition, or engagement in any of the behaviors
4612 listed in Subsection 58-1-501(2)(a)(v), or as a result of any mental or physical
4613 condition, a petition shall be served upon that chiropractic physician for a hearing on
4614 the sole issue of the capacity of the chiropractic physician to conduct properly the
4615 practice of the chiropractic physician.
4616 (b) Every chiropractic physician licensed by this state is considered to have:
4617 (i) agreed to submit to a mental or physical examination upon receipt of a written
4618 direction given by the division with the approval of the board; and

- 4619 (ii) waived all objections to the admissibility of the examining chiropractic
4620 physician's or other practitioner's testimony or examination reports on the ground
4621 they constitute a privileged communication.
- 4622 (c) Failure of a chiropractic physician to submit to an examination under Subsection
4623 (3)(b) when directed by the division, unless the failure was due to circumstances
4624 beyond [his-] the chiropractic physician's control, constitutes grounds for immediate
4625 suspension of the chiropractic physician's license and an order of suspension of the
4626 license may be entered by the division without the taking of testimony or the
4627 presentation of evidence.
- 4628 (d) A chiropractic physician whose license is suspended under this section shall, at
4629 reasonable intervals, be afforded the opportunity to demonstrate the chiropractic
4630 physician can resume the competent practice of chiropractic with reasonable skill and
4631 safety to patients.
- 4632 (e) Neither the proceedings of the board nor the action taken by [it under-] the board in
4633 accordance with this section may be used against a chiropractic physician in any
4634 other proceedings.
- 4635 (4) The terms of revocation, suspension, or probation under this chapter may include:
- 4636 (a) revoking the license to practice either permanently or with a stated date before which
4637 the individual may not apply for licensure;
- 4638 (b) suspending, limiting, or restricting the license to practice chiropractic for up to five
4639 years, including limiting the practice of the person to, or excluding from the person's
4640 practice, one or more specific branches of medicine, including any limitation on
4641 practice within the specified branches;
- 4642 (c) requiring the license holder to submit to care, counseling, or treatment by physicians
4643 approved by or designated by the board, as a condition for licensure;
- 4644 (d) requiring the license holder to participate in a program of education prescribed by the
4645 board;
- 4646 (e) requiring the license holder to practice under the direction of a physician designated
4647 by the board for a specified period of time; or
- 4648 (f) other appropriate terms and conditions [determined by the division] the division
4649 determines in collaboration with the board to be necessary to protect the public
4650 health, safety, or welfare.

4651 Section 74. Section **58-73-501** is amended to read:

4652 **58-73-501 (Effective 07/01/26). Unprofessional conduct.**

4653 [Unprofessional conduct is as defined in Section 58-1-501, as defined by division rule,
-4654 and also includes] A person engages in unprofessional conduct if the person:
4655 (1) [engaging] engages in practice as a chiropractic physician after electing to place [his] the
4656 person's license on inactive status, without having established with the board that [he] the
4657 person has initiated or completed continuing education necessary to reinstate active
4658 status of [his] the person's license;
4659 (2) [failing] fails to complete required continuing professional education;
4660 (3) [violating] violates any of the scope of practice standards set forth in Section 58-73-601;
4661 (4) [failing] fails to maintain patient records in sufficient detail to clearly substantiate a
4662 diagnosis, all treatment rendered to the patient in accordance with the recognized
4663 standard of chiropractic care, and fees charged for professional services;
4664 (5) [refusing] refuses to divulge to the division on demand the means, methods, device, or
4665 instrumentality used in the treatment of a disease, injury, ailment, or infirmity, unless
4666 that information is protected by the physician-patient privilege of Utah and the patient
4667 has not waived that privilege;
4668 (6) [refusing] refuses the division or the division's employees access to [his] the person's
4669 office, instruments, laboratory equipment, appliances, or supplies at reasonable times for
4670 purposes of inspection;
4671 (7) fraudulently [representing] represents that curable disease, sickness, or injury can be
4672 cured in a stated time, or knowingly making any false statement in connection with the
4673 practice of chiropractic;
4674 (8) [offering, undertaking, or agreeing] offers, undertakes, or agrees to cure or treat a
4675 disease, injury, ailment, or infirmity by a secret means, method, device, or
4676 instrumentality;
4677 (9) willfully and intentionally [making] makes any false statement or entry in any
4678 chiropractic office records or other chiropractic records or reports;
4679 (10) knowingly [engaging] engages in billing practices which are abusive and represent
4680 charges which are fraudulent or grossly excessive for services rendered;
4681 (11) [performing, procuring, or agreeing] performs, procures, or agrees to procure or
4682 perform, or [advising, aiding in or abetting, or offering or attempting to procure or aid or
4683 abet] advises, aids and abets, offers, or attempts to aid and abet in the procuring of a
4684 criminal abortion;
4685 (12) willfully [betraying or disclosing] betrays or discloses a professional confidence or
4686 violation of a privileged communication, except:

- 4687 (a) as required by law; or
4688 (b) to assist the division by fully and freely exchanging information concerning
4689 applicants or licensees with the licensing or disciplinary boards of other states or
4690 foreign countries, the Utah chiropractic associations, their component societies, or
4691 chiropractic societies of other states, countries, districts, territories, or foreign
4692 countries;
- 4693 (13) directly or indirectly ~~[giving or receiving]~~ gives or receives any fee, commission,
4694 rebate, or other compensation for professional services not actually rendered or
4695 supervised, but this subsection does not preclude the legal relationships within lawful
4696 professional partnerships, corporations, or associations;
- 4697 (14) knowingly ~~[failing]~~ fails to transfer a copy of pertinent and necessary medical records
4698 or a summary of them to another physician when requested to do so by the subject
4699 patient or ~~[his-]~~ the patient's designated representative;
- 4700 (15) ~~[making]~~ makes a false entry in, or altering, a medical record with the intent to conceal:
4701 (a) a wrongful or negligent act or omission of an individual licensed under this chapter
4702 or an individual under the direction or control of an individual licensed under this
4703 chapter; or
4704 (b) conduct described in Subsections (1) through (14) or Subsection 58-1-501(1);
- 4705 (16) ~~[sharing]~~ shares professional fees with a ~~[person who]~~ person that is not licensed under
4706 this chapter; and
4707 (17) ~~[paying]~~ pays a person for a patient referral.

4708 Section 75. Section **58-73-601** is amended to read:

4709 **58-73-601 (Effective 07/01/26). Scope of practice for a chiropractic physician.**

- 4710 (1) A chiropractic physician licensed under this chapter may engage in the practice of
4711 chiropractic as defined in Section 58-73-102 in accordance with the following standards.
- 4712 (2) A chiropractic physician may:
- 4713 (a) examine, diagnose, and treat only within the scope of chiropractic as described in this
4714 Subsection (2);
- 4715 (b)(i) use x-ray for diagnostic purposes only; and
4716 (ii) order, for diagnostic purposes only:
4717 (A) ultrasound;
4718 (B) magnetic resonance imaging; and
4719 (C) computerized tomography;
- 4720 (c) administer:

- 4721 (i) physical agents, including light, heat, cold, water, air, sound, compression,
4722 electricity, and electromagnetic radiation except gamma radiation; and
4723 (ii) physical activities and devices, including:
4724 (A) exercise with and without devices;
4725 (B) joint mobilization;
4726 (C) mechanical stimulation;
4727 (D) postural drainage;
4728 (E) traction;
4729 (F) positioning;
4730 (G) wound debridement, cleansing, and dressing changes;
4731 (H) splinting;
4732 (I) training in locomotion and other functional activities with and without
4733 assistance devices; and
4734 (J) correction of posture, body mechanics, and gait;
4735 (d) administer the following topically applied medicinal agents, including steroids,
4736 anesthetics, coolants, and analgesics for wound care and for musculoskeletal
4737 treatment, including their use by iontophoresis or phonophoresis;
4738 (e) treat pain incident to major or minor surgery, cancer, obstetrics, or x-ray therapy;
4739 (f) utilize immobilizing appliances, casts, and supports for support purposes, but may
4740 not set displaced bone fractures;
4741 (g) inform the patient of possible side effects of medication and recommend referral to
4742 the prescribing practitioner;
4743 (h) provide instruction in the use of physical measures, activities, and devices for
4744 preventive and therapeutic purposes;
4745 (i) provide consulting, educational, and other advisory services for the purposes of
4746 reducing the incidence and severity of physical disability, movement dysfunctions,
4747 bodily malfunction, and pain;
4748 (j) treat a human being to assess, prevent, correct, alleviate, and limit physical disability,
4749 movement dysfunction, bodily malfunction, and pain resulting from disorders,
4750 congenital and aging conditions, injury, and disease; and
4751 (k) administer, interpret, and evaluate tests.
4752 (3) A chiropractic physician may not:
4753 (a) perform incisive surgery;
4754 (b) administer drugs or medicines for which an authorized prescription is required by

- 4755 law except as provided in Subsection (2)(d);
4756 (c) treat cancer;
4757 (d) practice obstetrics;
4758 (e) prescribe or administer x-ray therapy; or
4759 (f) set displaced fractures.
- 4760 (4) A chiropractic physician shall assume responsibility for [his-] the chiropractic physician's
4761 examinations, diagnoses, and treatment.
- 4762 (5) Nothing in this section authorizes a chiropractic physician to prescribe, possess for
4763 dispensing, dispense, purchase without a prescription written by a licensed and
4764 authorized practitioner, or administer, except under Subsection (2)(d), a drug requiring a
4765 prescription to dispense, under Title 58, Chapter 37, Utah Controlled Substances Act, or
4766 Title 58, Chapter 17b, Pharmacy Practice Act.
- 4767 (6) Only primary health care providers licensed under this title as osteopathic physicians,
4768 physicians and surgeons, naturopaths, and chiropractic physicians, may diagnose, adjust,
4769 manipulate, or therapeutically position the articulation of the spinal column to the extent
4770 permitted by their scopes of practice.

4771 Section 76. Section **58-74-302** is amended to read:

4772 **58-74-302 (Effective 07/01/26). Qualifications for state certification.**

- 4773 (1) Each applicant for state certification as a state certified court reporter under this chapter
4774 shall:
4775 [(a) ~~be at least 18 years of age;~~]
4776 [(b) ~~be a citizen of the United States;~~]
4777 [(c) (a) submit an application in a form ~~[prescribed by the division]~~ the division approves;
4778 [(d) (b) pay a fee ~~[determined by the department under]~~ the division determines in
4779 accordance with Section 63J-1-504;]
4780 [(e) (c) possess a high degree of skill and ability in the art of court reporting; and
4781 [(f) (d) submit evidence that the applicant has completed and passed the Registered
4782 Professional Reporter Examination of the National Court Reporters Association or
4783 the Certified Verbatim Reporter Examination of the National Verbatim Reporters
4784 Association.]
- 4785 (2) A person granted a certificate to practice as a state certified court reporter may use the
4786 abbreviation "C.C.R." or "C.V.R." as long as the person's certificate is current and valid.

4787 Section 77. Section **58-76-603** is amended to read:

4788 **58-76-603 (Effective 07/01/26). Seal -- Authorized use.**

- 4789 A professional geologist may only affix the licensee's seal to a geologic map,
4790 cross-section, sketch, drawing, plan, or report if the geologic map, cross-section, sketch,
4791 drawing, plan, or report:
4792 (1) was personally prepared by the licensee;
4793 (2) was prepared by an employee, subordinate, associate, or drafter under the supervision of
4794 a licensee, provided the licensee or a principal affixing [his-] the seal assumes
4795 responsibility;
4796 (3) was prepared by a licensed professional geologist in this state or any other state
4797 provided:
4798 (a) the licensee in this state affixing the seal performs a thorough review of all work for
4799 compliance with all applicable laws and rules and the standards of the profession; and
4800 (b) makes any necessary corrections before submitting the final plan, specification, or
4801 report:
4802 (i) to a public authority; or
4803 (ii) to a client who has contracted with a professional geologist for the geologic map,
4804 cross-section, or report to be complete and final;
4805 (4) was prepared in part by a licensed professional geologist in this state or any other state
4806 provided:
4807 (a) the licensee in this state clearly identifies that portion of the geologic map,
4808 cross-section, or report for which the licensee is responsible;
4809 (b) the licensee in this state affixing the seal performs a thorough review of that portion
4810 of the geologic map, cross-section, or report for which the licensee is responsible for
4811 compliance with the standards of the profession; and
4812 (c) makes any necessary corrections before submitting the final geologic map,
4813 cross-section, or report for which the licensee is responsible:
4814 (i) to a public authority; or
4815 (ii) to a client who has contracted with a professional geologist for the geologic map,
4816 cross-section, or report to be complete and final;
4817 (5) was prepared by a person exempt from licensure as a professional geologist provided
4818 that:
4819 (a) the licensee in this state affixing the seal performs a thorough review for compliance
4820 with all applicable laws and rules and the standards of the profession; and
4821 (b) makes any necessary corrections before submitting the final geologic map,
4822 cross-section, or report:

- 4823 (i) to a public authority; or
4824 (ii) to a client who has contracted with a professional geologist for the geologic map,
4825 cross-section, or report to be complete and final; or
4826 (6) meets any additional requirements [established by rule by]the division makes by
4827 rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
4828 in collaboration with the board.

4829 Section 78. Section **58-81-103** is amended to read:

4830 **58-81-103 (Effective 07/01/26). Eligibility for volunteer health care practitioner**
4831 **license -- Delegation of service agreement.**

- 4832 (1) A health care practitioner is eligible to apply to the division and board for a volunteer
4833 health care practitioner license if the health care practitioner:
4834 (a) certifies to the division and board that the applicant will be engaged exclusively in
4835 volunteer health care services; and
4836 (b) completes an application for a volunteer health care practitioner license, which
4837 includes documentation:
4838 (i) of professional education, exams passed, and graduation;
4839 (ii) of practice history;
4840 (iii) of a qualified location for which the health care practitioner will be practicing;
4841 (iv) identifying the supervising health care practitioner and the supervising health
4842 care practitioner's delegation of service agreement with the volunteer practitioner;
4843 and
4844 (v) that the applicant has:
4845 (A) previously been issued an unrestricted license to practice in Utah, another
4846 state of the United States, or a district or territory of the United States;
4847 (B) never been the subject of any significant disciplinary action in any
4848 jurisdiction; and
4849 (C) is in good health and does not have a condition which would impair the health
4850 care practitioner's ability to practice with reasonable skill and safety to patients.
4851 (2) A health care provider who has agreed to be a supervising professional for a volunteer
4852 at a qualified location shall:
4853 (a) enter into a delegation of service agreement with the volunteer health care
4854 practitioner;
4855 (b) agree to provide the level of supervision required in Subsection 58-81-102(6);
4856 (c) determine with the volunteer whether the volunteer's scope of practice or ability to

- 4857 prescribe controlled substances will be limited by the delegation of service agreement;
- 4858 (d) include in the delegation of service agreement that the volunteer may not prescribe a
- 4859 controlled substance to [himself] the volunteer, the volunteer's family, or a staff
- 4860 member of the qualified location; and
- 4861 (e) forward the delegation of service agreement to the division.

4862 Section 79. Section **58-87-202** is amended to read:

4863 **58-87-202 (Effective 07/01/26). Registration as an athlete agent -- Form --**

4864 **Requirements.**

- 4865 (1) An applicant for registration shall submit an application for registration as an athlete
- 4866 agent to the division in a form [prescribed by the division] the division approves. An
- 4867 application filed under this section is a public record under Title 63G, Chapter 2,
- 4868 Government Records Access and Management Act. The applicant [must] shall be an
- 4869 individual, and the application [must] shall be signed by the applicant under penalty of
- 4870 perjury. Except as otherwise provided in Subsections (2) and (3), the application [must]
- 4871 shall contain at least the following:
- 4872 (a) the name and date and place of birth of the applicant and the following contact
- 4873 information for the applicant:
- 4874 (i) the address of the applicant's principal place of business;
- 4875 (ii) work and mobile telephone numbers; and
- 4876 (iii) any means of communicating electronically, including a facsimile number, email
- 4877 address, and personal and business or employer websites;
- 4878 (b) the name of the applicant's business or employer, if applicable, including for each
- 4879 business or employer, its mailing address, telephone number, organization form, and
- 4880 the nature of the business;
- 4881 (c) each social-media account with which the applicant or the applicant's business or
- 4882 employer is affiliated;
- 4883 (d) each business or occupation in which the applicant engaged within five years before
- 4884 the date of the application, including self-employment and employment by others,
- 4885 and any professional or occupational license, registration, or certification held by the
- 4886 applicant during that time;
- 4887 (e) a description of the applicant's:
- 4888 (i) formal training as an athlete agent;
- 4889 (ii) practical experience as an athlete agent; and
- 4890 (iii) educational background relating to the applicant's activities as an athlete agent;

- 4891 (f) the name of each student athlete for whom the applicant acted as an athlete agent
4892 within five years before the date of the application or, if the student athlete is a
4893 minor, the name of the parent or guardian of the minor, together with the athlete's
4894 sport and last-known team;
- 4895 (g) the name and address of each person that:
- 4896 (i) is a partner, member, officer, manager, associate, or profit sharer or directly or
4897 indirectly holds an equity interest of 5% or greater of the athlete agent's business [
4898 ~~if it~~] that is not a corporation; and
- 4899 (ii) is an officer or director of a corporation employing the athlete agent or a
4900 shareholder having an interest of 5% or greater in the corporation;
- 4901 (h) a description of the status of any application by the applicant, or any person named
4902 under Subsection (1)(g), for a state or federal business, professional, or occupational
4903 license, other than as an athlete agent, from a state or federal agency, including any
4904 denial, refusal to renew, suspension, withdrawal, or termination of the license and
4905 any reprimand or censure related to the license;
- 4906 (i) whether the applicant, or any person named under Subsection (1)(g), has pleaded
4907 guilty or no contest to, has been convicted of, or has charges pending for, [a] ~~crime~~
4908 ~~that would involve moral turpitude or be a felony if committed in this state~~ any crime
4909 ~~that would be considered a felony in this state or any other crime that, when~~
4910 ~~considered with the functions and duties of the profession, bears a substantial~~
4911 ~~relationship to the applicant's ability to safely or competently perform as an athlete~~
4912 ~~agent~~ and, if so, identification of:
- 4913 (i) the crime;
- 4914 (ii) the law-enforcement agency involved; and
- 4915 (iii) if applicable, the date of the conviction and the fine or penalty imposed;
- 4916 (j) whether, within 15 years before the date of application, the applicant, or any person
4917 named under Subsection (1)(g), has been a defendant or respondent in a civil
4918 proceeding, including a proceeding seeking an adjudication of incompetence and, if
4919 so, the date and a full explanation of each proceeding;
- 4920 (k) whether the applicant, or any person named under Subsection (1)(g), has an
4921 unsatisfied judgment or a judgment of continuing effect, including alimony or a
4922 domestic order in the nature of child support, which is not current at the date of the
4923 application;
- 4924 (l) whether, within 10 years before the date of application, the applicant, or any person

- 4925 named under Subsection (1)(g), was adjudicated bankrupt or was an owner of a
4926 business that was adjudicated bankrupt;
- 4927 (m) whether there has been any administrative or judicial determination that the
4928 applicant, or any person named under Subsection (1)(g), made a false, misleading,
4929 deceptive, or fraudulent representation;
- 4930 (n) each instance in which conduct of the applicant, or any person named under
4931 Subsection (1)(g), resulted in the imposition of a sanction, suspension, or declaration
4932 of ineligibility to participate in an interscholastic, intercollegiate, or professional
4933 athletic event on a student athlete or a sanction on an educational institution;
- 4934 (o) each sanction, suspension, or disciplinary action taken against the applicant, or any
4935 person named under Subsection (1)(g), arising out of occupational or professional
4936 conduct;
- 4937 (p) whether there has been a denial of an application for, suspension or revocation of,
4938 refusal to renew, or abandonment of, the registration of the applicant, or any person
4939 named under Subsection (1)(g), as an athlete agent in any state;
- 4940 (q) each state in which the applicant currently is registered as an athlete agent or has
4941 applied to be registered as an athlete agent;
- 4942 (r) if the applicant is certified or registered by a professional league or players
4943 association:

4944 (i) the name of the league or association;
4945 (ii) the date of certification or registration, and the date of expiration of the
4946 certification or registration, if any; and
4947 (iii) if applicable, the date of any denial of an application for, suspension or
4948 revocation of, refusal to renew, withdrawal of, or termination of, the certification
4949 or registration or any reprimand or censure related to the certification or
4950 registration; and

4951 (s) any additional information [required by] the division requires.

4952 (2) Instead of proceeding under Subsection (1), an individual registered as an athlete agent
4953 in another state may apply for registration as an athlete agent in this state by submitting
4954 to the division:

4955 (a) a copy of the application for registration in the other state;
4956 (b) a statement that identifies any material change in the information on the application
4957 or verifies there is no material change in the information, signed under penalty of
4958 perjury; and

- 4959 (c) a copy of the certificate of registration from the other state.
- 4960 (3) The division shall issue a certificate of registration to an individual who applies for
- 4961 registration under Subsection (2) if the division determines:
- 4962 (a) the application and registration requirements of the other state are substantially
- 4963 similar to or more restrictive than this chapter; and
- 4964 (b) the registration has not been revoked or suspended and no action involving the
- 4965 individual's conduct as an athlete agent is pending against the individual or the
- 4966 individual's registration in any state.
- 4967 (4) For purposes of implementing Subsection (3), the division shall:
- 4968 (a) cooperate with national organizations concerned with athlete agent issues and
- 4969 agencies in other states that register athlete agents to develop a common registration
- 4970 form and determine which states have laws that are substantially similar to or more
- 4971 restrictive than this chapter; and
- 4972 (b) exchange information, including information related to actions taken against
- 4973 registered athlete agents or their registrations, with those organizations and agencies.

4974 Section 80. Section **58-87-203** is amended to read:

4975 **58-87-203 (Effective 07/01/26). Certificate of registration -- Issuance or denial --**

4976 **Renewal.**

- 4977 (1) Except as otherwise provided in Subsection (2), the division shall issue a certificate of
- 4978 registration to an applicant for registration who complies with Subsection 58-87-202(1).
- 4979 (2) The division may refuse to issue a certificate of registration to an applicant for
- 4980 registration under Subsection 58-87-202(1) if the division determines that the applicant
- 4981 has engaged in conduct that significantly adversely reflects on the applicant's fitness to
- 4982 act as an athlete agent. In making the determination, the division may consider whether
- 4983 the applicant has:
- 4984 (a) pleaded guilty or no contest to, has been convicted of, or has charges pending for, [a
- 4985 ~~crime that would involve moral turpitude or be a felony if committed in this state~~] any
- 4986 ~~crime that would be considered a felony in this state or any other crime that, when~~
- 4987 ~~considered with the functions and duties of the profession, bears a substantial~~
- 4988 ~~relationship to the applicant's ability to safely or competently perform as an athlete~~
- 4989 ~~agent;~~
- 4990 (b) made a materially false, misleading, deceptive, or fraudulent representation in the
- 4991 application or as an athlete agent;
- 4992 (c) engaged in conduct that would disqualify the applicant from serving in a fiduciary

capacity;

- (d) engaged in conduct [prohibited by] Section 58-87-401 prohibits;
 - (e) had a registration as an athlete agent suspended, revoked, or denied in any state;
 - (f) been refused renewal of registration as an athlete agent in any state;
 - (g) engaged in conduct resulting in imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution; or
 - (h) engaged in conduct that adversely reflects on the applicant's credibility, honesty, or integrity.

- (3) In making a determination under Subsection (2), the division shall consider:

 - how recently the conduct occurred;
 - the nature of the conduct and the context in which [it] the conduct occurred; and
 - other relevant conduct of the applicant.

(4) An athlete agent registered under Subsection (1) may apply to renew the registration by submitting an application for renewal in a form ~~[prescribed by the division]~~ the division approves. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

(5) An athlete agent registered under Subsection 58-87-202(2) may renew the registration by proceeding under Subsection (4) or, if the registration in the other state has been renewed, by submitting to the division copies of the application for renewal in the other state and the renewed registration from the other state. The division shall renew the registration if the division determines:

 - the registration requirements of the other state are substantially similar to or more restrictive than this chapter; and
 - the renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

(6) A certificate of registration or a renewal of a registration is valid for two years.

Section 81. Section **58-88-201** is amended to read:

58-88-201 (Effective 07/01/26). Definitions.

As used in this part:

- (1)(a) "Dispense" means the delivery by a prescriber of a prescription drug or device to a patient, including the packaging, labeling, and security necessary to prepare and

5027 safeguard the drug or device for supplying to a patient.

5028 (b) "Dispense" does not include:

- 5029 (i) prescribing or administering a drug or device; or
- 5030 (ii) delivering to a patient a sample packaged for individual use by a licensed
- 5031 manufacturer or re-packager of a drug or device.

5032 (2) "Dispensing practitioner" means an individual who:

5033 (a) is currently licensed as:

- 5034 (i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;
- 5035 (ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic
- 5036 Medical Practice Act;
- 5037 (iii) an advanced practice registered nurse under Subsection 58-31b-301(2)(d);
- 5038 (iv) a physician assistant under Chapter 70a, Utah Physician Assistant Act; ~~or~~
- 5039 (v) a dentist under Chapter 69, Dentist and Dental Hygienist Practice Act; or
- 5040 (vi) an optometrist under Chapter 16a, Utah Optometry Practice Act;

5041 (b) is authorized by state law to prescribe and administer drugs in the course of

5042 professional practice; and

5043 (c) practices at a licensed dispensing practice.

5044 (3) "Drug" means the same as that term is defined in Section 58-17b-102.

5045 (4) "Health care practice" means:

- 5046 (a) a health care facility as defined in Section 26B-2-201; or
- 5047 (b) the offices of one or more private prescribers, whether for individual or group
- 5048 practice.

5049 (5) "Licensed dispensing practice" means a health care practice that is licensed as a

5050 dispensing practice under Section 58-88-202.

5051 Section 82. Section **58-88-204** is amended to read:

5052 **58-88-204 (Effective 07/01/26). Administrative inspections of a dispensing**

5053 **practice -- Penalties.**

5054 (1) The division shall conduct audits and inspections of licensed dispensing practices in

5055 accordance with standards ~~established by the division by rule~~ the division makes

5056 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5057 (2) Penalties for a violation of this part, including fines and citations, shall be issued by the

5058 division under:

- 5059 (a) Section 58-1-502; and
- 5060 (b) the dispensing practitioner's respective licensing chapter.

5061 Section 83. **Repealer.**
5062 This bill repeals:
5063 Section **58-49-5, Certification of persons currently qualified.**
5064 Section **58-49-6, Certification of persons qualified in other jurisdictions.**
5065 Section **58-60-511, Experience requirement -- Transition of licensing and experience.**
5066 Section 84. **Effective Date.**
5067 This bill takes effect on July 1, 2026.